

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 527

Introduced by Howard, 9.

Read first time January 23, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Optometry Practice Act; to amend sections
2 38-2601, 38-2604, 38-2610, 38-2614, and 38-2615, Reissue
3 Revised Statutes of Nebraska, and section 38-2605,
4 Revised Statutes Cumulative Supplement, 2012; to redefine
5 terms; to change provisions relating to licensure and
6 certification to use certain pharmaceutical agents; to
7 harmonize provisions; and to repeal the original
8 sections.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2601, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-2601 Sections 38-2601 to 38-2623 and section 7 of this
4 act shall be known and may be cited as the Optometry Practice Act.

5 Sec. 2. Section 38-2604, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 38-2604 (1) Pharmaceutical agents, for diagnostic
8 purposes, means anesthetics, cycloplegics, and mydriatics.

9 (2) Pharmaceutical agents, for therapeutic purposes,
10 means topical ophthalmic pharmaceutical agents which treat eye
11 diseases, infection, inflammation, and superficial abrasions, or oral
12 analgesics, including oral analgesics enumerated in Schedules III and
13 IV of section 28-405 necessary to treat conditions of the eye, ocular
14 adnexa, or visual system, or oral pharmaceutical agents for the
15 treatment of diseases or infections of the eye, ocular adnexa, or
16 visual system, or oral anti-inflammatory agents to treat conditions
17 of the eye, ocular adnexa, or visual system. ~~, excluding steroids and~~
18 ~~immunosuppressive agents.~~

19 (3) Pharmaceutical agents, for therapeutic purposes, also
20 means pharmaceutical agents injected for treatment of anaphylaxis, or
21 pharmaceutical agents injected into the eyelid for treatment of cysts
22 or infected or inflamed glands of the eyelids.

23 Sec. 3. Section 38-2605, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 38-2605 (1) The practice of optometry means one or a

1 combination of the following:

2 (a) The examination of the human eye to diagnose, treat,
3 or refer for consultation or treatment any abnormal condition of the
4 human eye, ocular adnexa, or visual system;

5 (b) The employment of instruments, devices,
6 pharmaceutical agents, and procedures intended for the purpose of
7 investigating, examining, diagnosing, treating, managing, or
8 correcting visual defects or abnormal conditions of the human eye,
9 ocular adnexa, or visual system;

10 (c) The prescribing and application of lenses, devices
11 containing lenses, prisms, contact lenses, ophthalmic devices,
12 orthoptics, vision training, pharmaceutical agents, and prosthetic
13 devices to correct, relieve, or treat defects or abnormal conditions
14 of the human eye, ocular adnexa, or visual system;

15 (d) The dispensing and sale of a contact lens, including
16 a cosmetic or plano contact lens or a contact lens containing an
17 ocular pharmaceutical agent which an optometrist is authorized by law
18 to prescribe and which is classified by the federal Food and Drug
19 Administration as a drug;

20 (e) The ordering of procedures and laboratory tests
21 rational to the diagnosis or treatment of conditions or diseases of
22 the human eye, ocular adnexa, or visual system; ~~and~~

23 (f) The removal of superficial eyelid, conjunctival, and
24 corneal foreign bodies; and -

25 (g) The injection of pharmaceutical agents for purposes

1 allowed pursuant to subsection (3) of section 38-2604.

2 (2) The practice of optometry does not include the use of
3 surgery, or laser surgery, ~~oral therapeutic agents used in the~~
4 ~~treatment of glaucoma, oral steroids, or oral immunosuppressive~~
5 ~~agents~~ or the treatment of infantile/congenital glaucoma, which means
6 the condition is present at birth.

7 Sec. 4. Section 38-2610, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 38-2610 In issuing a license or renewal, the department,
10 with the recommendation of the board, shall state whether such person
11 licensed in the practice of optometry has been certified to use
12 pharmaceutical agents pursuant to section 38-2613, 38-2614, or
13 38-2615 or section 7 of this act and shall determine an appropriate
14 means to further identify those persons who are certified in the
15 diagnostic use of such agents or the therapeutic use of such agents.

16 Sec. 5. Section 38-2614, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 38-2614 (1) An optometrist licensed in this state may use
19 topical ocular pharmaceutical agents for therapeutic purposes
20 authorized under subdivision (1)(b) or (c) of section 38-2605 if such
21 person is certified by the department, with the recommendation of the
22 board, as qualified to use ocular pharmaceutical agents for
23 therapeutic purposes, including the treatment of glaucoma.

24 (2) In order for the board to recommend certification
25 under subsection (1) of this section for a licensee graduating from a

1 school of optometry prior to January 1, 2000, the licensee shall
2 certify that he or she has completed a minimum of four hours of
3 transcript-quality education from an accredited school of optometry
4 pursuant to section 38-2616 related to the prescription of oral
5 steroids, oral antiglaucoma medications, and oral immunosuppressive
6 agents. Such education shall include (a) review of the pharmacology
7 of oral steroids, oral antiglaucoma medications, and oral
8 immunosuppressive agents for the diagnosis and treatment of diseases
9 and disorders of the eye and ocular adnexa, (b) review of clinical
10 indications for such medications, (c) review of systemic side effects
11 of such medications, (d) review of laboratory testing associated with
12 use of such medications, (e) review of coordination of care with
13 other providers when utilizing such medications, and (f) informed
14 consent and medical-legal issues regarding the administration of such
15 medications.

16 ~~(2) Such certification shall require~~ (3) In order to be
17 certified by the department under subsection (1) of this section, the
18 optometrist shall show (a) satisfactory completion of classroom
19 education and clinical training which emphasizes the examination,
20 diagnosis, and treatment of the eye, ocular adnexa, and visual system
21 offered by a school or college approved by the board and passage of
22 an examination approved by the board or (b) evidence ~~provided by the~~
23 ~~optometrist~~ of certification in another state for the use of
24 therapeutic pharmaceutical agents which is deemed by the board as
25 satisfactory validation of such qualifications.

1 Sec. 6. Section 38-2615, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-2615 After ~~January 1, 2000,~~ August 1, 2016, only an
4 optometrist licensed in this state prior to April 30, 1987, may
5 practice optometry without meeting the requirements and obtaining
6 certification required by sections 38-2613 and 38-2614 and section 7
7 of this act.

8 Sec. 7. (1) An optometrist licensed in this state may
9 administer injections authorized under subdivision (1)(g) of section
10 38-2605 if the optometrist provides either (a) evidence of
11 certification in another state in the use of injections and such
12 evidence is deemed by the board as satisfactory evidence of such
13 qualifications or (b)(i) for a licensee graduating from a school of
14 optometry after December 31, 2012, evidence of passing the injection
15 skills examination of the national licensing board for optometrists,
16 or (ii) for a licensee graduating from a school of optometry on or
17 before December 31, 2012, evidence of passing the injection skills
18 examination of the national licensing board for optometrists or
19 evidence of completion of a minimum of eight hours of transcript-
20 quality education from an accredited school of optometry pursuant to
21 section 38-2616.

22 (2)(a) The education referred to in subdivision (1)(b)
23 (ii) of this section shall include didactic and clinical education.

24 (b) Didactic education shall include (i) review of the
25 pharmacology of subcutaneous and intramuscular medications for the

1 diagnosis and treatment of diseases and disorders of the eye and
2 ocular adnexa, (ii) review of clinical indications for such
3 medications, (iii) review of systemic side effects of such
4 medications, (iv) review of laboratory testing associated with the
5 use of such medications, (v) techniques of administration of such
6 medications, (vi) review of coordination of care with other providers
7 when utilizing such medications, and (vii) informed consent and
8 medical-legal issues regarding the administration of injectable
9 medications.

10 (c) Clinical education shall be proctored by a person
11 licensed to administer such injections and affiliated with an
12 accredited school of optometry pursuant to section 38-2616. Such
13 clinical education shall include the technique of subcutaneous and
14 intramuscular injections, the technique of sterilization or asepsis,
15 the federal regulations regarding blood-borne pathogen disposal, and
16 competency-based testing.

17 Sec. 8. Original sections 38-2601, 38-2604, 38-2610,
18 38-2614, and 38-2615, Reissue Revised Statutes of Nebraska, and
19 section 38-2605, Revised Statutes Cumulative Supplement, 2012, are
20 repealed.