

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 528

Introduced by Hilkemann, 4; Hansen, B., 16; Howard, 9.

Read first time January 22, 2019

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Optometry Practice Act; to amend
2 sections 38-2601, 38-2604, and 38-2605, Reissue Revised Statutes of
3 Nebraska; to redefine terms; to provide for use of pharmaceutical
4 agents and routes of administration as prescribed; to authorize
5 treatment and procedures as prescribed; to harmonize provisions; and
6 to repeal the original sections.

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

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

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

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

7 38-2604 (1) Pharmaceutical agents, for diagnostic purposes, means
8 anesthetics, cycloplegics, and mydriatics and includes those
9 pharmaceutical agents authorized pursuant to section 4 of this act for
10 diagnostic purposes.

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

20 (b) (3)—Pharmaceutical agents, for therapeutic purposes, includes an
21 epinephrine autoinjector for treatment of anaphylaxis and an oral
22 steroid, oral glaucoma agent, or oral immunosuppressive agent.

23 (c) Pharmaceutical agents, for therapeutic purposes, also includes
24 those pharmaceutical agents authorized pursuant to section 4 of this act
25 for therapeutic purposes.

26 Sec. 3. Section 38-2605, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 38-2605 (1) The practice of optometry means one or a combination of
29 the following:

30 (a) The examination of the human eye to diagnose, treat, or refer
31 for consultation or treatment any abnormal condition of the human eye,

1 ocular adnexa, or visual system;

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

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

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

16 (e) The ordering of procedures and laboratory tests rational to the
17 diagnosis or treatment of conditions or diseases of the human eye, ocular
18 adnexa, or visual system; and

19 (f) The removal of superficial eyelid, conjunctival, and corneal
20 foreign bodies.

21 (2) The practice of optometry does not include ~~the use of surgery,~~
22 ~~the use of laser surgery,~~ or the treatment of infantile/congenital
23 glaucoma, which means the condition is present at birth, the use of
24 surgery, or the use of laser surgery, unless: -

25 (a) The treatment or procedure is taught as part of the curriculum
26 of an accredited school of optometry pursuant to section 38-2616 and
27 competency of a licensed optometrist can be tested by an accredited
28 school of optometry or the National Board of Examiners in Optometry;

29 (b) The treatment or procedure is proposed for approval and
30 authorization by the Board of Optometry with the approval of the State
31 Board of Health; and

1 (c) The treatment or procedure is to be provided at the same
2 standard of care as that provided by a physician licensed in this state
3 to practice medicine and surgery providing the same treatment or
4 performing the same procedure.

5 Sec. 4. In order to authorize a pharmaceutical agent or a route of
6 administration for a pharmaceutical agent which is not authorized under
7 section 38-2604 as of the effective date of this act for use by an
8 optometrist licensed in this state:

9 (1) The use of the pharmaceutical agent or the route of
10 administration, as applicable, must be taught as part of the curriculum
11 of an accredited school of optometry pursuant to section 38-2616 and
12 competency of a licensed optometrist must be capable of being tested by
13 an accredited school of optometry or the National Board of Examiners in
14 Optometry;

15 (2) The use of the pharmaceutical agent or the route of
16 administration, as applicable, must be proposed for approval and
17 authorization by the Board of Optometry with the approval of the State
18 Board of Health; and

19 (3) The use of the pharmaceutical agent or the route of
20 administration, as applicable, must be administered or prescribed for
21 examination or for treatment at the same standard of care as that
22 provided by a physician licensed in this state to practice medicine and
23 surgery administering or prescribing the same pharmaceutical agent.

24 Sec. 5. Original sections 38-2601, 38-2604, and 38-2605, Reissue
25 Revised Statutes of Nebraska, are repealed.