

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 526
Final Reading

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 38-2604 and 38-2614, Reissue Revised Statutes of
3 Nebraska, and section 38-2605, Revised Statutes
4 Cumulative Supplement, 2012; to change provisions
5 relating to use of pharmaceutical agents; and to repeal
6 the original sections.

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

1 Section 1. Section 38-2604, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-2604 (1) Pharmaceutical agents, for diagnostic
4 purposes, means anesthetics, cycloplegics, and mydriatics.

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

15 (3) Pharmaceutical agents, for therapeutic purposes,
16 includes an epinephrine autoinjector for treatment of anaphylaxis and
17 an oral steroid, oral glaucoma agent, or oral immunosuppressive
18 agent.

19 Sec. 2. Section 38-2605, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 38-2605 (1) The practice of optometry means one or a
22 combination of the following:

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

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

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

11 (d) The dispensing and sale of a contact lens, including
12 a cosmetic or plano contact lens or a contact lens containing an
13 ocular pharmaceutical agent which an optometrist is authorized by law
14 to 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
17 rational to the diagnosis or treatment of conditions or diseases of
18 the human eye, ocular adnexa, or visual system; and

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

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

1 Sec. 3. Section 38-2614, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-2614 (1) An optometrist licensed in this state may use
4 topical ocular pharmaceutical agents for therapeutic purposes
5 authorized under subdivision (1)(b) or (c) of section 38-2605 if such
6 person is certified by the department, with the recommendation of the
7 board, as qualified to use ocular pharmaceutical agents for
8 therapeutic purposes, including the treatment of glaucoma.

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

19 Sec. 4. Original sections 38-2604 and 38-2614, Reissue
20 Revised Statutes of Nebraska, and section 38-2605, Revised Statutes
21 Cumulative Supplement, 2012, are repealed.