

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 391

Introduced by Watermeier, 1.

Read first time January 13, 2017

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Optometry Practice Act; to amend
2 sections 38-2604, 38-2605, 38-2614, and 38-2615, Reissue Revised
3 Statutes of Nebraska; to redefine terms; to provide requirements for
4 use of injections and surgical procedures; to provide for
5 applicability; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

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

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

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

14 (3) Pharmaceutical agents, for therapeutic purposes, includes an
15 epinephrine autoinjector for treatment of anaphylaxis, an agent injected
16 into the eyelid for treatment of cysts or infected or inflamed glands of
17 the eyelid, and an oral steroid, oral glaucoma agent, or oral
18 immunosuppressive agent.

19 Sec. 2. Section 38-2605, Reissue Revised Statutes of Nebraska, is
20 amended to read:

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

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

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

30 (c) The prescribing and application of lenses, devices containing
31 lenses, prisms, contact lenses, ophthalmic devices, orthoptics, vision

1 training, pharmaceutical agents, and prosthetic devices to correct,
2 relieve, or treat defects or abnormal conditions of the human eye, ocular
3 adnexa, or visual system;

4 (d) The dispensing and sale of a contact lens, including a cosmetic
5 or plano contact lens or a contact lens containing an ocular
6 pharmaceutical agent which an optometrist is authorized by law to
7 prescribe and which is classified by the federal Food and Drug
8 Administration as a drug;

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

12 (f) The removal of superficial eyelid, conjunctival, and corneal
13 foreign bodies and the performance of minor surgical procedures required
14 for the treatment of cysts or infected or inflamed glands of the eyelid;
15 and -

16 (g) The injection of pharmaceutical agents for purposes allowed
17 pursuant to section 38-2604.

18 (2) The practice of optometry does not include ~~the use of surgery,~~
19 the use of laser surgery~~,~~ or the treatment of infantile/congenital
20 glaucoma, which means the condition is present at birth.

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

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

29 (b) ~~(2)~~ In order to be certified by the department under this
30 ~~subsection (1) of this section,~~ the optometrist shall show (i) ~~(a)~~
31 satisfactory completion of classroom education and clinical training

1 which emphasizes the examination, diagnosis, and treatment of the eye,
2 ocular adnexa, and visual system offered by a school or college approved
3 by the board and passage of an examination approved by the board or (ii)
4 ~~(b)~~ evidence of certification in another state for the use of therapeutic
5 pharmaceutical agents which is deemed by the board as satisfactory
6 validation of such qualifications.

7 (2)(a) An optometrist licensed in this state may administer
8 injections authorized under subdivision (1)(g) of section 38-2605 if (i)
9 evidence provided by the optometrist of certification in another state in
10 the use of injections is deemed by the board as satisfactory evidence of
11 such qualifications, (ii) licensees graduating after 2012 provide
12 evidence of passing the Injection Skills Examination of the profession's
13 national licensing board, or (iii) licensees provide evidence of passing
14 the Injection Skills Examination of the profession's national licensing
15 board or evidence of completion of a minimum of eight hours of
16 transcript-quality education certified by a school or college of
17 optometry accredited by a regional or professional organization which is
18 recognized by the United States Department of Education and approved by
19 the board. Such education shall include didactic and clinical workshop
20 education as provided in this subsection.

21 (b) Didactic education shall include (i) review of the pharmacology
22 of subcutaneous, intramuscular, and intravenous medications for the
23 diagnosis and treatment of diseases and disorders of the eye and ocular
24 adnexa, (ii) review of clinical indications for these medications, (iii)
25 review of systemic side effects of these medications, (iv) review of
26 laboratory testing associated with the use of these medications, (v)
27 techniques of administration of these medications, (vi) review of
28 coordination of care with other providers when utilizing these
29 medications, and (vii) informed consent and medical-legal issues
30 regarding the administration of injectable medications.

31 (c) Clinical workshop education shall be proctored by a person

1 licensed to do these procedures and affiliated with a school or college
2 of optometry accredited by a regional or professional organization which
3 is recognized by the United States Department of Education and approved
4 by the board. Such clinical workshop education shall include (i)
5 technique of subcutaneous, intramuscular, and intravenous injections,
6 (ii) technique of sterilization for asepsis, (iii) federal regulations
7 and blood-borne pathogen disposal, and (iv) competency-based testing.

8 (3)(a) An optometrist licensed in this state may perform minor
9 surgical procedures authorized under subdivision (1)(f) of section
10 38-2605 if (i) evidence provided by the optometrist of certification in
11 another state in the performance of minor surgical procedures is deemed
12 by the board as satisfactory evidence of such qualifications, (ii)
13 licensees graduating after 2012 provide evidence from an accredited
14 school or college of optometry that is deemed by the board as
15 satisfactory evidence of competency in the performance of minor surgical
16 procedures, or (iii) licensees provide evidence of completion of a
17 minimum of sixteen hours of transcript-quality education certified by a
18 school or college of optometry accredited by a regional or professional
19 organization which is recognized by the United States Department of
20 Education and approved by the board. Such education shall include
21 didactic and clinical workshop education as provided in this subsection.

22 (b) Didactic education shall include (i) techniques for infection
23 control, sterilization, and disposal of biohazardous waste, (ii)
24 instruments, equipment, and supplies used to perform in-office minor
25 surgical procedures, (iii) review of hemostasis and wound healing, (iv)
26 review of clinical anatomy of the eyelid and ocular adnexa, (v) review of
27 diagnosis and management of neoplasms of the eyelid and ocular adnexa,
28 (vi) surgical techniques for removal of lesions from the eyelid and
29 ocular adnexa, (vii) techniques to perform chalazion injection, chalazion
30 incision, and curetage, (viii) suturing techniques and perioperative
31 wound management, (ix) specimen preservation and transport for laboratory

1 analysis, (x) operative and postoperative complications of minor surgical
2 procedures of the eyelid and ocular adnexa, (xi) informed consent and
3 medical-legal aspects of minor surgical procedures of the eyelid and
4 ocular adnexa, and (xii) federal regulations pertaining to optometry
5 practices and minor surgical procedures.

6 (c) Clinical workshop education shall be proctored by a person
7 licensed to perform these procedures and affiliated with an institution
8 certified by a school or college of optometry accredited by a regional or
9 professional organization which is recognized by the United States
10 Department of Education and approved by the board. Such clinical workshop
11 education shall include (i) sterile technique considerations, (ii)
12 technique for removal of papillomas and neoplasms of the eyelid and
13 ocular adnexa, (iii) technique for chalazion injection, chalazion
14 incision, and curettage, (iv) biohazard disposal techniques, and (v)
15 competency-based testing.

16 Sec. 4. Section 38-2615, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 38-2615 After January 1, 2000, only an optometrist licensed in this
19 state prior to April 30, 1987, may practice optometry without meeting the
20 requirements and obtaining certification required by section sections
21 38-2613 and subsection (1) of section 38-2614. After August 1, 2020, only
22 an optometrist licensed in this state prior to April 30, 1987, may
23 practice optometry without meeting the requirements and obtaining
24 certification required by subsections (2) and (3) of section 38-2614.

25 Sec. 5. Original sections 38-2604, 38-2605, 38-2614, and 38-2615,
26 Reissue Revised Statutes of Nebraska, are repealed.