

SPEAKER NICHOL: Okay, now we are back to the bill itself. The call is raised. Senator Wesely, your light is on.

SENATOR WESELY: Speaker Nichol, members of the Legislature, I would like to rise in opposition to LB 291. It is not with strong opposition. It is not with fervor that I rise but just to point out in a consistent manner some of the concerns that you ought to have about LB 291 which I have. This bill was brought to us last year, went through 407, Technical Review Committee found there was a need for this licensure and proposed it, but the Director of Health looked at it and found, in fact, that there really was not a strong problem, not a strong case for licensure, and let me read a few things to you from Dr. Wright's commentary that I think will point that out. I am basing my position basically on Dr. Wright's affirmation that the public harm has not been found to not doing this. You don't license, you don't credential, you don't get involved in an area unless the public good is benefited. What he is saying is there hasn't been a problem and he doesn't see a problem and so why do we go to licensure when we have not been proven that there is any reason to do that. What he says is there is a stronger case for potential harm through the dispensing of contact lenses than there is for spectacles. "The issue of physical harm to the public as it concerns ophthalmic dispensing can be separated into these two issues, potential harm for dispensing spectacles and potential harm associated with dispensing contact lenses. In my judgment there is virtually no potential for physical harm to the public associated with the dispensing of spectacle lenses. Spectacles are designed to improve vision. The expert on whether vision is improved is the customer. Although the potential harm for dispensing nonsafety glass lenses does exist, there is no difference than any other product liability issue and the FTC does regulate in this area." What he is saying is with glasses there hasn't been much of a problem and he doesn't see that there really is much health risk in it. "The stronger case again is for the potential harm from dispensing contact lenses as this is an invasion procedure which involves complex measurements of the cornea and application of lenses onto the eyeball itself. However, the proponents have not effectively demonstrated that this potential harm is a real problem. In fact, the applicants present a study by the FTC which suggests to me that the actual potential for harm is indeed