

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 828**

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

Read first time January 08, 2020

Committee:

- 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 described in section  
17 38-2604.

18 (2) Except for those procedures described in subdivision (1)(f) of  
19 this section, the The practice of optometry does not include the use of  
20 surgery, the use of laser surgery, or the treatment of infantile/  
21 congenital glaucoma, which means the condition is present at birth.

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

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

30 (b) ~~(2)~~ In order to be certified by the department under this  
31 subsection (1) of this section, the optometrist shall show (i) ~~(a)~~

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

8 (2)(a) An optometrist licensed in this state may administer  
9 injections authorized under subdivision (1)(g) of section 38-2605 if (i)  
10 evidence provided by the optometrist of certification in another state in  
11 the use of injections is deemed by the board as satisfactory evidence of  
12 such certification, (ii) licensees graduating after December 31, 2012,  
13 provide evidence of passing the injection skills examination of the  
14 profession's national licensing board, or (iii) licensees provide  
15 evidence of passing the injection skills examination of the profession's  
16 national licensing board or evidence of completion of a minimum of eight  
17 hours of education certified by a school or college of optometry  
18 accredited by a regional or professional organization which is recognized  
19 by the United States Department of Education and approved by the board.  
20 Such education shall include didactic and clinical workshop education as  
21 provided in this subsection.

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

1       (c) Clinical workshop education shall be proctored by a person  
2 licensed to perform minor surgical procedures required for the treatment  
3 of cysts or infected or inflamed glands of the eyelid and affiliated with  
4 a school or college of optometry accredited by a regional or professional  
5 organization that is recognized by the United States Department of  
6 Education and approved by the board. Such clinical workshop education  
7 shall include (i) the technique of subcutaneous and intramuscular  
8 injections, (ii) the technique of sterilization for asepsis, (iii)  
9 federal regulations and blood-borne pathogen disposal, and (iv)  
10 competency-based testing.

11       (3)(a) An optometrist licensed in this state may perform minor  
12 surgical procedures authorized under subdivision (1)(f) of section  
13 38-2605 if (i) evidence provided by the optometrist of certification in  
14 another state in the performance of minor surgical procedures is deemed  
15 by the board as satisfactory evidence of such certification, (ii)  
16 licensees graduating after December 31, 2012, provide evidence from an  
17 accredited school or college of optometry that is deemed by the board as  
18 satisfactory evidence of competency in the performance of minor surgical  
19 procedures, or (iii) licensees provide evidence of completion of a  
20 minimum of sixteen hours of education certified by a school or college of  
21 optometry accredited by a regional or professional organization which is  
22 recognized by the United States Department of Education and approved by  
23 the board. Such education shall include didactic and clinical workshop  
24 education as provided in this subsection.

25       (b) Didactic education shall include (i) techniques for infection  
26 control, sterilization, and disposal of biohazardous waste, (ii)  
27 instruments, equipment, and supplies used to perform minor surgical  
28 procedures, (iii) review of hemostasis and wound healing, (iv) review of  
29 clinical anatomy of the eyelid and ocular adnexa, (v) review of diagnosis  
30 and management of neoplasms of the eyelid and ocular adnexa, (vi)  
31 surgical techniques for removal of lesions from the eyelid and ocular

1 adnexa, (vii) techniques to perform chalazion injection, chalazion  
2 incision, and curettage, (viii) suturing techniques and perioperative  
3 wound management, (ix) specimen preservation and transport for laboratory  
4 analysis, (x) operative and postoperative complications of minor surgical  
5 procedures of the eyelid and ocular adnexa, (xi) informed consent and  
6 medical and legal aspects of minor surgical procedures of the eyelid and  
7 ocular adnexa, and (xii) federal regulations pertaining to optometry  
8 practices and minor surgical procedures.

9 (c) Clinical workshop education shall be proctored by a person  
10 licensed to perform minor surgical procedures required for the treatment  
11 of cysts or infected or inflamed glands of the eyelid and affiliated with  
12 an institution certified by a school or college of optometry accredited  
13 by a regional or professional organization which is recognized by the  
14 United States Department of Education and approved by the board. Such  
15 clinical workshop education shall include (i) sterile technique  
16 considerations, (ii) technique for chalazion injection, chalazion  
17 incision, and curettage, (iii) biohazard disposal techniques, and (iv)  
18 competency-based testing.

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

21 38-2615 After January 1, 2000, only an optometrist licensed in this  
22 state prior to April 30, 1987, may practice optometry without meeting the  
23 requirements and obtaining certification required by section sections  
24 38-2613 and subsection (1) of section 38-2614. After August 1, 2023, only  
25 an optometrist licensed in this state prior to April 30, 1987, may  
26 practice optometry without meeting the requirements and obtaining  
27 certification required by subsections (2) and (3) of section 38-2614.

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