

LEGISLATIVE BILL 131

Approved by the Governor March 26, 1986

Introduced by Carsten, 2; Remmers, 1; Sieck, 24;
Higgins, 9; Chronister, 18; Hartnett, 45;
Chizek, 31; Rogers, 41; Vickers, 38;
DeCamp, 40; Labedz, 5

AN ACT relating to optometry; to amend sections 71-1,133, 71-1,135.01, 71-1,135.02, and 71-1,135.04, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to the use of topical ocular pharmaceutical agents; to provide a license requirement; to change provisions on certain license renewals; and to repeal the original sections.

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

Section 1. That section 71-1,133, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,133. For the purpose of this act the Uniform Licensing Law, the practice of optometry is defined as being one or a combination of the following, without the use of surgery:

(1) The examination of the human eye and vision system including measurement of the power of vision by the employment of procedures, instruments, devices, and pharmaceutical agents topically applied, for the purpose of examining, detecting, or diagnosing visual defects or abnormal conditions to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye or lid;

(2) The treatment of the human eye and vision system by prescribing or adapting of spectacle lenses, contact lenses, or other ophthalmic devices, or vision training, except the use of pharmaceutical agents, topically applied shall be for diagnostic purposes only employment of instruments, devices, topical ocular pharmaceutical agents, excluding anti-glaucoma agents, and procedures intended for the purpose of investigating, examining, diagnosing, or correcting visual defects or abnormal conditions of the human eye or lid; or

(3) The acts of any person professing to be an optometrist and assuming the duties incident to that

profession prescribing and application of lenses, devices containing lenses, prisms, contact lenses, ophthalmic devices excluding laser surgery, orthoptics, vision training, topical ocular pharmaceutical agents which treat eye infection, inflammation, and superficial abrasions, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye or lid.

In order to be granted a license to practice optometry in Nebraska, optometrists graduating after 1985 and applying for a license in Nebraska and all optometrists applying for a license under reciprocity shall be certified by the department to use pharmaceutical agents for diagnostic purposes and for therapeutic purposes.

Sec. 2. That section 71-1,135.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,135.01. For the purposes of this act the Uniform Licensing Law, unless the context otherwise requires:

(1) Pharmaceutical agents, for diagnostic purposes, ~~pharmaceutical agents~~ shall mean anesthetics, cycloplegics, and mydriatics; and

(2) Pharmaceutical agents, for therapeutic purposes, shall mean topical ophthalmic pharmaceutical agents.

Sec. 3. That section 71-1,135.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,135.02. (1) No optometrist presently licensed in this state on or after the effective date of this act shall use topical ocular pharmaceutical agents in the practice of optometry for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person submits to the Board of Examiners in Optometry evidence of satisfactory completion of all educational requirements as adopted by the department upon the recommendation of the Board of Examiners in Optometry, and has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents for diagnostic purposes.

(2) No optometrist licensed in this state on or after the effective date of this act shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person submits to the Board of Examiners in Optometry evidence of satisfactory

completion of all educational requirements as adopted by the department upon the recommendation of the Board of Examiners in Optometry which are offered by a school or college approved by the department and has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for therapeutic purposes.

Sec. 4. That section 71-1,135.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,135.04. In issuing a license of renewal, the board shall state whether such person licensed in the practice of optometry has been certified to use topical ocular pharmaceutical agents for diagnostic purposes pursuant to section 71-1,135.02 and shall determine an appropriate means to further identify those persons who are certified in the diagnostic use of such agents as provided in subdivision (2) of section 71-1,133 or therapeutic use of such agents as provided in subdivision (3) of section 71-1,133.

Sec. 5. That original sections 71-1,133, 71-1,135.01, 71-1,135.02, and 71-1,135.04, Reissue Revised Statutes of Nebraska, 1943, are repealed.