

LEGISLATIVE BILL 9

Approved by the Governor February 13, 1979

Introduced by Clark, 47

AN ACT to amend sections 71-1,133 to 71-1,136, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of optometry; to redefine a term; to provide exceptions; to change license requirements; to provide for pharmaceutical agents as prescribed; to change accreditation requirements of schools of optometry; 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 following classes of persons shall be deemed to be engaged in the practice of optometry: (1) Persons who employ any means other than drugs for the measurement of the powers of vision of the human eyes, and adapt lenses for aiding the same; (2) persons who allow the public to use any mechanical device for such purposes; 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;

(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;
or

(3) persons who publicly profess The acts of any person professing to be optometrists an optometrist and to assume assuming the duties incident to that profession.

Sec. 2. That section 71-1,134, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,134. ~~Section 71-1,133 This act shall not be construed to (1) include the following classes:--(1) Merchants, merchants or dealers who sell glasses as merchandise in an established place of business; or who sell contact lenses from a prescription for contact lenses written by an optometrist or a person licensed to practice medicine and surgery and who do not profess to be optometrists or practice optometry as herein defined in section 71-1,133, Reissue Revised Statutes of Nebraska, 1943, ;--and--(2)--licensed--practitioners--of medicine or (2) restrict, expand, or otherwise alter practices or acts governed by other statutes.~~

Sec. 3. That section 71-1,135, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,135. Every applicant for a license to practice optometry shall: ~~(1) present satisfactory evidence of the completion of a four-year course in an accredited high school, or an equivalent thereto--as the term equivalent has been heretofore defined in this act; (2) present (1) Present proof that he or she is a graduate of an accredited school or college of optometry; and (3) (2) pass an examination approved by the Board of Examiners in Optometry. prescribed by the board of examiners in subjects of theoretic--optometry,--theoretic optics,--practical--optics,--anatomy,--physiology--and ophthalmology;~~

Sec. 4. For the purposes of this act, unless the context otherwise requires, pharmaceutical agents shall mean anesthetics, cycloplegics, and mydriatics.

Sec. 5. No optometrist presently licensed in this state shall use pharmaceutical agents in the practice of optometry 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 pharmaceutical agents for diagnostic purposes.

Sec. 6. No course or courses in pharmacology shall be approved by the department upon the recommendation of the Board of Examiners in Optometry unless taught by an institution which is accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation of the United States Office of Education or its successors and the transcript credit for the course

or courses is certified to the board by the institution.

Sec. 7. In issuing a license of renewal, the board shall state whether such person licensed in the practice of optometry has been certified to use pharmaceutical agents for diagnostic purposes.

Sec. 8. That section 71-1,136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,136. No school of optometry shall be approved by the Department of Health as an accredited school unless said school (1) requires for graduation or any degree, the completion of a course of study covering a period of at least three school years of nine months each year of actual continuous attendance; (2) requires for admission at least two years credit from an accredited college or university of this or some other state; (3) publishes in a regularly issued catalog the requirements for graduation and degrees as herein specified; and (4) is accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation of the United States Office of Education, or its successors. ~~the Council on Optometric Education of the American Optometric Association.~~

Sec. 9. That original sections 71-1,133 to 71-1,136, Reissue Revised Statutes of Nebraska, 1943, are repealed.