

March 21, 2013

Senator Kathy Campbell, Chair  
Health and Human Services Committee  
P.O. Box 94604  
Lincoln, NE 68509-4604

RE: LB 526

Dear Senator Campbell and members of the Health and Human Services Committee:

LB 526 proposes changes in the scope of practice of optometry to allow optometrists to perform minor surgical procedures and to use injectable pharmaceutical agents for treatment of anaphylaxis or for treatment of cysts or infected or inflamed glands of the eyelids. The Department of Health and Human Services has reviewed LB 526 and has the following technical concerns:

- Section 5 of the bill establishes that optometrists who were licensed in Nebraska prior to April 30, 1987, would be able to practice optometry in Nebraska after August 1, 2020, without meeting the requirements and obtaining certification for use of diagnostic or therapeutic pharmaceutical agents or to perform injections or minor surgical procedures. This language is concerning since it:
  - (a) fails to specify whether optometrists who were licensed in Nebraska prior to April 30, 1987, would be able to continue practicing without certification until August 1, 2020;
  - (b) lacks reason for the chosen dates; and
  - (c) permits optometrists with varying levels of education to practice, thereby failing to ensure a common educational standard for licensed optometrists.
- Section 7 of the bill pertains to authorization to perform minor surgical procedures. Subsection (1)(b)(i)(B) proposes to allow an optometrist who graduates after December 31, 2012, to perform minor surgical procedures if, by the end of their first license renewal period, they have completed the didactic and clinical education. If such completion is needed to ensure sufficient knowledge and experience to perform minor surgical procedures, it should be required prior to licensure rather than “by the end of the first licensure renewal period” in order to provide for public protection.

The Department expects the subject matter of LB 526 to be the focus of a Credentialing (407) Review to begin shortly. The final recommendations should be ready early in 2014. Thank you for your consideration of the Department's technical concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph M. Acierno". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Joseph M. Acierno, M.D., J.D.  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services