

LEGISLATIVE BILL 323

Approved by the Governor May 25, 1989

Introduced by Landis, 46

AN ACT relating to optometrists; to amend section 71-1,135, Reissue Revised Statutes of Nebraska, 1943, and section 71-101, Revised Statutes Supplement, 1988, as amended by section 4, Legislative Bill 344, Ninety-first Legislature, First Session, 1989; to state findings and declare legislative intent; to change examination requirements as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

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

Section 1. The Legislature finds and declares:

(1) That the scope of teaching and practice of optometry has changed and that it is in the public interest that any person seeking initial licensure as an optometrist and having graduated from an accredited optometry school after the effective date of this act, in addition to any other requirements of the Uniform Licensing Law, demonstrate adequate knowledge and training in all areas of the practice of optometry as defined in section 71-1.133 and satisfactorily complete the educational requirements set forth in section 71-1.135.02; and

(2) That it is in the public interest that no optometrist licensed pursuant to the Uniform Licensing Law use topical ocular pharmaceutical agents for diagnostic or therapeutic purposes unless he or she has taken the examination prescribed in section 71-1.135 after the effective date of this act or unless he or she is certified pursuant to section 71-1.135.02.

Sec. 2. That section 71-101, Revised Statutes Supplement, 1988, as amended by section 4, Legislative Bill 344, Ninety-first Legislature, First Session, 1989, be amended to read as follows:

71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to 71-1,294, 71-1325 to 71-1354, and 71-2801 to 71-2822, section 1 of this act, and section 5 of this act shall be known and may be cited as the Uniform Licensing Law.

For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Board of examiners or board shall mean one of the boards appointed by the State Board of Health;

(2) Licensed, when applied to any licensee in any of the professions named in section 71-102, shall mean a person licensed under the Uniform Licensing Law;

(3) Profession or health profession shall mean and refer to any of the several groups named in section 71-102;

(4) Department shall mean the Department of Health;

(5) Whenever the masculine gender is used, it shall be construed to include the feminine, and the singular number shall include the plural when consistent with the intent of the Uniform Licensing Law;

(6) License, licensing, or licensure shall mean permission to engage in a health profession which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet prerequisite qualifications and allows them to perform prescribed health professional tasks and use a particular title;

(7) Certificate, certify, or certification, with respect to professions, shall mean a voluntary process by which a statutory, regulatory entity grants recognition to an individual who has met certain prerequisite qualifications specified by such regulatory entity and who may assume or use certified in the title or designation to perform prescribed health professional tasks. When appropriate, certificate shall also mean a document issued by the department which designates particular credentials for an individual; and

(8) Lapse shall mean the termination of the right or privilege to represent oneself as a licensed or certified person and to practice the profession when a license is required to do so.

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 proof that he or she is a graduate of an accredited school or college of optometry; and (2) pass an examination approved by the Board of Examiners in Optometry. After the effective date of this act, such examination shall cover all subject matter included in the practice of optometry as defined in section 71-1,133 for applicants who have graduated from an accredited optometry school after such

date.

Sec. 4. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 5. That original section 71-1,135, Reissue Revised Statutes of Nebraska, 1943, and section 71-101, Revised Statutes Supplement, 1988, as amended by section 4, Legislative Bill 344, Ninety-first Legislature, First Session, 1989, are repealed.