

LEGISLATIVE BILL 987

Approved by the Governor March 30, 1994

Introduced by Withem, 14; Bohlke, 33

AN ACT relating to postsecondary education; to amend sections 71-1,135.02, 71-1,135.03, 71-1,136, and 85-984, Reissue Revised Statutes of Nebraska, 1943, and sections 85-9,122 and 85-9,145, Revised Statutes Supplement, 1992; to change provisions relating to accrediting organizations; to harmonize provisions; and to repeal the original sections.

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

Section 1. 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 licensed in this state, except an optometrist who has been certified by the department prior to April 30, 1987, or by another state with substantially equivalent requirements for certification as determined by the department upon recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes prior to April 30, 1987, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation or the United States Department of Education and approved by the Department of Health, (b) passes an examination approved by the department, and (c) 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. The department may approve for certification pursuant to subdivision (1)(a) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The department may approve for certification pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation or the United States Department of Education and approved by the Department of Health.

(2) No optometrist licensed in this state on or after April 30, 1987, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours shall be supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye and adnexa offered by a school or college approved by the department, (b) passes an examination approved by the department, (c) 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, and (d) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (2)(a) of this section a therapeutic course or courses of instruction, from an

institution accredited by a regional or professional accrediting organization which is recognized by ~~the Council on Postsecondary Accreditation~~ or the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

- (i) Review of general pharmacology and therapeutics;
- (ii) Review of ocular therapeutic pharmacology;
- (iii) Diagnosis and treatment of diseases of the lid, lacrimal system, conjunctiva, sclera, and episclera;
- (iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;
- (v) Diagnosis and treatment of anterior segment eye diseases;
- (vi) Clinical procedures related to the diagnosis and treatment of the eye and adnexa;
- (vii) Ocular manifestations of systemic disease;
- (viii) Review of systemic disease syndromes;
- (ix) Ocular therapy including management of acute systemic emergencies; and
- (x) Consultation criteria in ocular disease and trauma.

Sec. 2. That section 71-1,135.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,135.03. 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~~ or the United States ~~Office~~ Department of Education ~~or its successors~~ and the transcript credit for the course or courses is certified to the board by the institution.

Sec. 3. 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~~ the school is accredited by a regional or professional accrediting organization which is recognized by ~~the Council on Postsecondary Accreditation~~ or the United States ~~Office~~ Department of Education, ~~or its successors.~~

Sec. 4. That section 85-984, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-984. Eligible postsecondary educational institutions shall mean public or private institutions:

- (1) Located in Nebraska;
- (2) Primarily engaged in instruction of students;
- (3) Satisfying the provisions of Nebraska law relating to the approval, and licensure, ~~and accreditation~~ of schools, colleges, and universities and maintaining accreditation by an accrediting organization recognized by the United States Department of Education; and
- (4) Offering courses of instruction in regularly scheduled classes to regularly enrolled undergraduate students who reside in Nebraska and have received high school diplomas or their equivalent.

Sec. 5. That section 85-9,122, Revised Statutes Supplement, 1992, be amended to read as follows:

85-9,122. Eligible institution shall mean a public or private institution:

- (1) Located in Nebraska;
- (2) Primarily engaged in instruction of students;
- (3) Satisfying the provisions of Nebraska law relating to the approval, and licensure, ~~and accreditation~~ of schools, colleges, and universities and maintaining accreditation by an accrediting organization recognized by the United States Department of Education;
- (4) Offering courses of instruction in regularly scheduled classes to regularly enrolled undergraduate students who reside in Nebraska and have received high school diplomas or their equivalent; and
- (5) Complying with the commission's request for information pursuant to section 85-9,128.

Sec. 6. That section 85-9,145, Revised Statutes Supplement, 1992, be amended to read as follows:

85-9,145. Eligible postsecondary educational institution shall mean a not-for-profit institution not controlled or administered by any state agency or any political subdivision of the state which is:

- (1) Located in Nebraska;
- (2) Primarily engaged in instruction of students;
- (3) Accredited by a member of the Council on Postsecondary Accreditation an accrediting organization recognized by the United States Department of Education; and

(4) Offering courses and programs of instruction leading to an associate or baccalaureate degree to regularly enrolled undergraduate students who reside in Nebraska and have received high school diplomas or their equivalent.

Sec. 7. That original sections 71-1,135.02, 71-1,135.03, 71-1,136, and 85-984, Reissue Revised Statutes of Nebraska, 1943, and sections 85-9,122 and 85-9,145, Revised Statutes Supplement, 1992, are repealed.