The Honorable Cathy Campbell  
Chair, Health and Human Services Committee  
Nebraska State Legislature  
Room #1402  
P.O. Box 94604  
Lincoln, NE 68509

Dear Chairman Campbell:

On behalf of the American College of Surgeons (ACS), representing over 78,000 members of which over 360 are in Nebraska, I am writing to ask you to oppose LB 316. The proposed bill would significantly expand the scope of practice of optometry into the practice of medicine/surgery, raising considerable patient safety concerns.

The ACS has a strong history of addressing matters relating to patient care and safety, and we are concerned that LB 316 would allow optometrists to practice medicine without the oversight and education requirements imposed on medical doctors. Practicing outside of their scope of practice and without proper supervision by a medical doctor may open Nebraska citizens to unsafe practice environments and procedures.

LB 316 contains provisions that would allow optometrists to use a variety of surgical instruments, including scalpels and lasers. In 2007, in an effort to recognize increased usage of laser surgery, the ACS updated our Statement on surgery using lasers, pulsed light, radiofrequency devices or other techniques (http://208.250.24.72/fellowes_info/statements/st11.html). According to the statement “surgery is performed for the purpose of structurally altering the human body by the incision or destruction of tissues and is part of the practice of medicine. Surgery is also the diagnostic or therapeutic treatment of conditions or disease process by any instruments causing localized alteration or transposition of live human tissue which include lasers and scalpels.” The ACS statement also notes that any procedures that can damage the eye (cornea to retina) should only be performed by a licensed physician.

In the interest of patient safety, the American College of Surgeons believes that the types of procedures proposed by LB 316 should only be performed by a licensed Medical Doctor or Doctor of Osteopathic Medicine who meet appropriate education, training and professional standards. Passage of LB 316 would expand the scope of optometry beyond an optometrists’ training and education to include the practice of medicine and, as defined in the ACS statement, the practice of surgery. As such, the ACS strongly urges the Nebraska Health and Human Services Committee to protect patient safety for Nebraska citizens and oppose LB 316.

Sincerely,

David B. Hoyt, MD, FACS  
Executive Director

February 23, 2011