

1262--B

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sens. C. JOHNSON, ADDABBO, FOLEY, GRIFFO, HASSELL-THOMPSON, ONORATO, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the licensing of orientation and mobility specialists and rehabilitation therapists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new article 167 to
2 read as follows:

3 ARTICLE 167

4 VISION REHABILITATION SERVICES

5 SECTION 8800. INTRODUCTION.

6 8801. DEFINITIONS.

7 8802. USE OF THE TITLES "LICENSED ORIENTATION AND MOBILITY
8 SPECIALISTS" AND "VISION REHABILITATION THERAPISTS".

9 8803. STATE BOARD FOR VISION REHABILITATION SERVICES.

10 8804. REQUIREMENTS FOR A LICENSE.

11 8805. LIMITED PERMITS.

12 8806. EXEMPT PERSONS.

13 8807. SPECIAL PROVISIONS.

14 8808. SEPARABILITY.

15 S 8800. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF VISION
16 REHABILITATION SERVICES, AND PROVIDES FOR THE LICENSING OF LICENSED
17 ORIENTATION AND MOBILITY SPECIALISTS AND VISION REHABILITATION THERA-
18 PISTS. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE
19 ONE HUNDRED THIRTY OF THIS TITLE SHALL APPLY TO THIS ARTICLE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD03083-08-0

1 S 8801. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS
2 SHALL HAVE THE FOLLOWING MEANINGS:

3 1. THE PRACTICE OF "ORIENTATION AND MOBILITY TRAINING" SHALL MEAN:
4 (A) THE ASSESSMENT OF INDIVIDUAL NEEDS OF PERSONS WHO ARE VISUALLY
5 IMPAIRED FOR SKILLS TRAINING IN METHODS OF SAFE MOVEMENT AND IN STRATE-
6 GIES TO GATHER REQUIRED ENVIRONMENTAL AND SPATIAL INFORMATION; (B) THE
7 DEVELOPMENT OF APPROPRIATE INTEGRATED SERVICE PLANS TAILORED TO MEET
8 SUCH INDIVIDUAL NEEDS AS IDENTIFIED IN SUCH ASSESSMENT PROCESS; (C) THE
9 PROVISION OF TRAINING IN, AND UTILIZATION OF (I) EQUIPMENT AND ADAPTIVE
10 DEVICES INTENDED AND DESIGNED FOR USE BY PERSONS WHO ARE VISUALLY
11 IMPAIRED, AND (II) SPECIALIZED TECHNIQUES ADAPTED FOR PERSONS WHO ARE
12 VISUALLY IMPAIRED, INCLUDING BUT NOT LIMITED TO ORIENTATION; SENSORY
13 DEVELOPMENT; SYSTEMS OF SAFE MOVEMENT, INCLUDING LONG CANE TECHNIQUES;
14 RESOURCE IDENTIFICATION AND, AS APPROPRIATE, PROFESSIONAL REFERRALS;
15 AND, IN APPLIED SETTINGS, REINFORCING INSTRUCTION FOR THE USE OF OPTICAL
16 DEVICES AS PRESCRIBED BY OPTOMETRISTS AND OPHTHALMOLOGISTS; AND (D) THE
17 EVALUATION OF CLIENTS RECEIVING SUCH SPECIALIZED TRAINING.

18 2. THE PRACTICE OF "VISION REHABILITATION THERAPY" SHALL MEAN: (A) THE
19 ASSESSMENT OF INDIVIDUAL NEEDS OF PERSONS WHO ARE VISUALLY IMPAIRED FOR
20 SKILLS TRAINING IN INDEPENDENT LIVING AND COMMUNICATIONS; (B) THE DEVEL-
21 OPMENT OF APPROPRIATE INTEGRATED SERVICE PLANS TAILORED TO MEET SUCH
22 INDIVIDUAL NEEDS AS IDENTIFIED IN SUCH ASSESSMENT PROCESS; (C) THE
23 PROVISION OF TRAINING IN, AND UTILIZATION OF (I) EQUIPMENT AND ADAPTIVE
24 DEVICES INTENDED AND DESIGNED FOR USE BY PERSONS WHO ARE VISUALLY
25 IMPAIRED, INCLUDING, IN APPLIED SETTINGS, REINFORCING INSTRUCTION FOR
26 THE USE OF OPTICAL DEVICES AS PRESCRIBED BY OPTOMETRISTS OR OPHTHALMOLO-
27 GISTS, AND (II) SPECIALIZED TECHNIQUES ADAPTED FOR PERSONS WHO ARE VISU-
28 ALLY IMPAIRED, INCLUDING BUT NOT LIMITED TO BRAILLE AND OTHER COMMUNI-
29 CATION SKILLS; ADAPTED COMPUTER TECHNOLOGY; PERSONAL MANAGEMENT SKILLS;
30 HOME MANAGEMENT SKILLS; PROBLEM SOLVING SKILLS; RESOURCE MANAGEMENT AND,
31 AS APPROPRIATE, PROFESSIONAL REFERRALS; AND (D) THE EVALUATION OF
32 PERSONS RECEIVING SUCH SPECIALIZED TRAINING.

33 3. THE PRACTICE OF "VISION REHABILITATION SERVICES" SHALL MEAN PROVID-
34 ING ASSESSMENT AND EVALUATION OF, AND TRAINING FOR, PERSONS WHO ARE
35 VISUALLY IMPAIRED WHEN SUCH ASSESSMENT, EVALUATION AND TRAINING INCORPO-
36 RATES THE FULL RANGE OF SPECIALIZED SKILLS AND TASKS SUBSUMED IN THE TWO
37 PROFESSIONS DEFINED IN THIS SECTION AS: (A) ORIENTATION AND MOBILITY
38 TRAINING AND (B) VISION REHABILITATION THERAPY. SUCH SERVICES SHALL BE
39 RENDERED ON THE PRESCRIPTION OR REFERRAL WHICH MAY BE DIRECTIVE AS TO
40 TREATMENT BY A LICENSED PHYSICIAN OR OPTOMETRIST, PROVIDED HOWEVER THAT
41 NO SUCH TREATMENT DIRECTIVE AND LOW VISION EXAMINATION SHALL BE REQUIRED
42 WHEN THE PERSON BEING REFERRED HAS BEEN DIAGNOSED WITHIN THE PREVIOUS
43 TWELVE MONTHS AS VISUALLY IMPAIRED, BLIND OR LEGALLY BLIND AS THOSE
44 TERMS ARE DEFINED IN SUBDIVISION FIVE OF THIS SECTION AND SUCH SERVICES
45 ARE BEING RENDERED CONSISTENT WITH THAT DIAGNOSIS, PRESCRIPTION OR
46 REFERRAL. VISION REHABILITATION THERAPISTS AND ORIENTATION AND MOBILITY
47 SPECIALISTS MAY NOT PRESCRIBE OPTICAL LOW VISION DEVICES.

48 4. "APPLIED SETTINGS" MEANS THOSE LOCATIONS WHERE PERSONS WHO ARE
49 VISUALLY IMPAIRED ENGAGE IN DAY-TO-DAY ACTIVITIES UTILIZING THE TOOLS
50 SUPPLIED AND TECHNIQUES TAUGHT BY THE LICENSED PRACTITIONERS DEFINED IN
51 THIS ARTICLE.

52 5. "VISUALLY IMPAIRED" MEANS A PERSON WHO IS TOTALLY BLIND, LEGALLY
53 BLIND OR PARTIALLY SIGHTED. A PERSON WHO IS BLIND IS ONE WHO HAS NO
54 USEABLE VISION. A PERSON WHO IS LEGALLY BLIND IS ONE WHO SATISFIES THE
55 DEFINITION SET FORTH IN SUBDIVISION B OF SECTION THREE OF CHAPTER FOUR
56 HUNDRED FIFTEEN OF THE LAWS OF NINETEEN HUNDRED THIRTEEN. A PERSON WHO

1 IS PARTIALLY SIGHTED IS ONE WHO HAS FUNCTIONAL VISION IMPAIRMENT THAT
2 CONSTITUTES A SIGNIFICANT LIMITATION OF VISUAL CAPABILITY RESULTING FROM
3 DISEASE, TRAUMA, OR CONGENITAL CONDITION, THAT CANNOT BE FULLY AMELIO-
4 RATED BY STANDARD REFRACTIVE CORRECTION, MEDICATION, OR SURGERY, AND
5 THAT IS MANIFESTED BY ONE OR MORE OF THE FOLLOWING: INSUFFICIENT VISUAL
6 RESOLUTION, INADEQUATE FIELD OF VISION OR REDUCED PEAK CONTRAST SENSI-
7 TIVITY.

8 S 8802. USE OF THE TITLES "LICENSED ORIENTATION AND MOBILITY SPECIAL-
9 ISTS" AND "VISION REHABILITATION THERAPISTS". 1. PRACTICE OF ORIE-
10 NTATION AND MOBILITY TRAINING AND USE OF THE TITLE "LICENSED ORIENTATION
11 AND MOBILITY SPECIALISTS". ONLY A PERSON LICENSED OR OTHERWISE AUTHOR-
12 IZED UNDER THIS ARTICLE SHALL PRACTICE ORIENTATION AND MOBILITY TRAINING
13 OR USE THE TITLE "LICENSED ORIENTATION AND MOBILITY SPECIALISTS" IN
14 CONNECTION WITH HIS OR HER NAME OR WITH ANY TRADE NAME IN THE CONDUCT OF
15 HIS OR HER PROFESSION.

16 2. PRACTICE OF VISION REHABILITATION THERAPY AND USE OF THE TITLE
17 "VISION REHABILITATION THERAPIST". ONLY A PERSON LICENSED OR OTHERWISE
18 AUTHORIZED UNDER THIS ARTICLE SHALL PRACTICE VISION REHABILITATION THER-
19 APY OR USE THE TITLE "VISION REHABILITATION THERAPIST" IN CONNECTION
20 WITH HIS OR HER NAME OR WITH ANY TRADE NAME IN THE CONDUCT OF HIS OR HER
21 PROFESSION.

22 S 8803. STATE BOARD FOR VISION REHABILITATION SERVICES. A STATE BOARD
23 FOR VISION REHABILITATION SERVICES SHALL BE APPOINTED BY THE BOARD OF
24 REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF
25 ASSISTING THE BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF PROFES-
26 SIONAL LICENSING AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION
27 SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE. THE BOARD SHALL CONSIST OF NOT
28 LESS THAN THIRTEEN INDIVIDUALS, FOUR OF WHOM SHALL BE LICENSED ORIE-
29 NTATION AND MOBILITY SPECIALISTS, FOUR OF WHOM SHALL BE LICENSED VISION
30 REHABILITATION THERAPISTS, ONE OPHTHALMOLOGIST SPECIALIZING IN LOW
31 VISION TREATMENT, ONE OPTOMETRIST SPECIALIZING IN LOW VISION TREATMENT
32 AND THREE OF WHOM SHALL BE REPRESENTATIVES OF THE PUBLIC AT LARGE.
33 MEMBERS OF THE INITIAL BOARD NEED NOT BE LICENSED PRIOR TO THEIR
34 APPOINTMENT TO THE BOARD. OF THE MEMBERS FIRST APPOINTED, THREE SHALL BE
35 APPOINTED FOR A THREE YEAR TERM, FOUR SHALL BE APPOINTED FOR A FOUR YEAR
36 TERM, AND FOUR SHALL BE APPOINTED FOR A FIVE YEAR TERM. THEREAFTER ALL
37 MEMBERS SHALL SERVE FOR FIVE YEAR TERMS. IN THE EVENT THAT MORE THAN
38 THIRTEEN MEMBERS ARE APPOINTED, A MAJORITY OF THE ADDITIONAL MEMBERS
39 SHALL BE LICENSED ORIENTATION AND MOBILITY SPECIALISTS AND LICENSED
40 VISION REHABILITATION THERAPISTS. THE MEMBERS OF THE BOARD SHALL SELECT
41 ONE OF THEMSELVES AS CHAIR TO SERVE FOR A ONE YEAR TERM. AN EXECUTIVE
42 SECRETARY SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON THE RECOMMEN-
43 DATION OF THE COMMISSIONER.

44 S 8804. REQUIREMENTS FOR A LICENSE. 1. TO QUALIFY FOR A LICENSE AS AN
45 ORIENTATION AND MOBILITY SPECIALIST, AN APPLICANT SHALL FULFILL THE
46 FOLLOWING REQUIREMENTS:

47 (A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

48 (B) EDUCATION/EXPERIENCE: (I) HAVE SATISFACTORILY COMPLETED AN
49 APPROVED ORIENTATION AND MOBILITY CURRICULUM IN A BACCALAUREATE OR
50 MASTERS PROGRAM, OR A CERTIFICATE PROGRAM SATISFACTORY TO THE DEPARTMENT
51 WHICH IS SUBSTANTIALLY EQUIVALENT TO A BACCALAUREATE DEGREE PROGRAM, IN
52 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS; AND

53 (II) HAVE A MINIMUM OF THREE MONTHS OF SUPERVISED ORIENTATION AND
54 MOBILITY EXPERIENCE WHICH SUPERVISION AND EXPERIENCE SHALL BE SATISFAC-
55 TORY TO THE STATE BOARD FOR VISION REHABILITATION SERVICES AND IN
56 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

(C) EXAMINATION: PASS THE ACADEMY FOR CERTIFICATION OF VISION REHABILITATION AND EDUCATION PROFESSIONALS EXAMINATION OR ITS EQUIVALENT EXAMINATION SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

(D) AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

(E) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT;

(F) REGISTRATION: ALL LICENSED ORIENTATION AND MOBILITY SPECIALISTS SHALL REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATION;

(G) MANDATORY CONTINUING COMPETENCY: (I)(A) EACH LICENSED ORIENTATION AND MOBILITY SPECIALIST REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS PRESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, EXCEPT AS PROVIDED IN CLAUSES (B) AND (C) OF THIS SUBPARAGRAPH. ORIENTATION AND MOBILITY SPECIALISTS WHO DO NOT SATISFY THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE AUTHORIZED TO PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT AN ORIENTATION AND MOBILITY SPECIALIST MAY PRACTICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH.

(B) ORIENTATION AND MOBILITY SPECIALISTS SHALL BE EXEMPT FROM THE MANDATORY CONTINUING COMPETENCY REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH THEY ARE FIRST LICENSED. ADJUSTMENT TO THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH OF THE LICENSEE WHERE CERTIFIED BY AN APPROPRIATE HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.

(C) A LICENSED ORIENTATION AND MOBILITY SPECIALIST NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING COMPETENCY REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO PRACTICE OF THE PROFESSION OF ORIENTATION AND MOBILITY SPECIALIST DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY CONTINUING COMPETENCY REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

(II) DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGISTRATION AS AN ORIENTATION AND MOBILITY SPECIALIST SHALL COMPLETE A MINIMUM OF TWENTY-FOUR HOURS OF ACCEPTABLE LEARNING ACTIVITIES WHICH CONTRIBUTE TO CONTINUING COMPETENCE, AS SPECIFIED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH, PROVIDED FURTHER THAT AT LEAST SIXTEEN HOURS SHALL BE IN RECOGNIZED AREAS OF STUDY PERTINENT TO THE PROFESSIONAL SCOPE OF A LICENSED ORIENTATION AND MOBILITY SPECIALIST. ANY ORIENTATION AND MOBILITY SPECIALIST WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR AFTER JANUARY FIRST, TWO THOUSAND TWELVE, SHALL COMPLETE CONTINUING COMPETENCY HOURS ON A PRORATED BASIS AT THE RATE OF ONE-HALF HOUR PER MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND TWELVE UP TO THE FIRST REGISTRATION DATE. THEREAFTER, A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED FOR IN SUBPARAGRAPH (III) OF THIS PARAGRAPH.

1 CONTINUING COMPETENCY HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANS-
2 FERRED TO A SUBSEQUENT TRIENNIUM.

3 (III) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL
4 REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING COMPETENCY
5 REQUIREMENTS ESTABLISHED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BUT WHO
6 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL LEARNING
7 ACTIVITIES WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDI-
8 TIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE
9 FOR THE TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGIS-
10 TRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE
11 YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR
12 FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED
13 CONTINUING COMPETENCY LEARNING ACTIVITIES AND WHO PRACTICES WITHOUT SUCH
14 REGISTRATION, MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO
15 SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

16 (IV) AS USED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, "ACCEPTABLE
17 LEARNING ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO THE
18 PROFESSIONAL PRACTICE OF AN ORIENTATION AND MOBILITY SPECIALIST AND
19 WHICH MEET THE STANDARDS PRESCRIBED IN THE REGULATIONS OF THE COMMIS-
20 SIONER. SUCH LEARNING ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO,
21 COLLEGIATE LEVEL CREDIT AND NON-CREDIT COURSES, SELF-STUDY ACTIVITIES,
22 INDEPENDENT STUDY, FORMAL MENTORING ACTIVITIES, PUBLICATIONS IN PROFES-
23 SIONAL JOURNALS, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL
24 SESSIONS; SUCH LEARNING ACTIVITIES MAY BE OFFERED AND SPONSORED BY
25 NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS AND OTHER ORGANIZA-
26 TIONS OR PARTIES ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER ORGANIZED
27 EDUCATIONAL AND TECHNICAL LEARNING ACTIVITIES ACCEPTABLE TO THE DEPART-
28 MENT. RECOGNIZED AREAS OF STUDY SHALL INCLUDE BUT NOT BE LIMITED TO:
29 KNOWLEDGE AND SKILLS TRAINING IN ORIENTATION, MOBILITY, NAVIGATION,
30 INDEPENDENT LIVING, COMMUNICATIONS AND USE OF PRESCRIBED AND, ADAPTIVE
31 OPTICAL DEVICES; UTILIZATION OF SPECIALIZED TECHNIQUES AND EQUIPMENT
32 INTENDED FOR USE BY PERSONS WHO ARE VISUALLY IMPAIRED; THE MEDICAL
33 ASPECTS OF VISION LOSS AND ITS FUNCTIONAL IMPACT ON PERSONS WHO ARE
34 VISUALLY IMPAIRED; AND SUCH OTHER TECHNICAL SUBJECT MATTER AREAS APPRO-
35 PRIATELY RELATED TO THE PRACTICE OF VISION REHABILITATION SERVICES AS
36 MAY BE SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSION-
37 ER'S REGULATIONS. THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO
38 CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE
39 COMPLETION OF CONTINUING COMPETENCY LEARNING ACTIVITIES IN SPECIFIC
40 SUBJECTS TO FULFILL THIS MANDATORY CONTINUING COMPETENCY REQUIREMENT.
41 LEARNING ACTIVITIES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPART-
42 MENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

43 (V) ORIENTATION AND MOBILITY SPECIALISTS SHALL MAINTAIN ADEQUATE
44 DOCUMENTATION OF COMPLETION OF ACCEPTABLE CONTINUING COMPETENCY LEARNING
45 ACTIVITIES AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE
46 DEPARTMENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF
47 THE DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY
48 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

49 (VI) THE MANDATORY CONTINUING COMPETENCY FEE SHALL BE FIFTY DOLLARS,
50 SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRA-
51 TION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION
52 FEE REQUIRED BY PARAGRAPH (H) OF THIS SUBDIVISION.

53 (H) FEES: PAY A FEE OF ONE HUNDRED SEVENTY-FIVE DOLLARS FOR AN INITIAL
54 LICENSE AND A FEE OF ONE HUNDRED FIFTY-FIVE DOLLARS FOR EACH TRIENNIAL
55 REGISTRATION PERIOD.

1 2. TO QUALIFY FOR A LICENSE AS A VISION REHABILITATION THERAPIST AN
2 APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

3 (A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

4 (B) EDUCATION/EXPERIENCE: (I) HAVE SATISFACTORILY COMPLETED AN
5 APPROVED VISION REHABILITATION THERAPIST CURRICULUM IN A BACCALAUREATE
6 OR MASTERS PROGRAM, OR A CERTIFICATE PROGRAM SATISFACTORY TO THE DEPART-
7 MENT WHICH IS SUBSTANTIALLY EQUIVALENT TO A BACCALAUREATE DEGREE
8 PROGRAM, IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS; AND

9 (II) HAVE A MINIMUM OF THREE MONTHS OF SUPERVISED VISION REHABILI-
10 TATION THERAPIST EXPERIENCE WHICH SUPERVISION AND EXPERIENCE SHALL BE
11 SATISFACTORY TO THE STATE BOARD FOR VISION REHABILITATION SERVICES AND
12 IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

13 (C) EXAMINATION: PASS THE ACADEMY FOR CERTIFICATION OF VISION REHABIL-
14 ITATION AND EDUCATION PROFESSIONALS EXAMINATION OR ITS EQUIVALENT EXAM-
15 INATION SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSION-
16 ER'S REGULATIONS;

17 (D) AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

18 (E) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
19 MENT;

20 (F) REGISTRATION: ALL LICENSED VISION REHABILITATION THERAPISTS SHALL
21 REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE COMMIS-
22 SIONER'S REGULATIONS;

23 (G) MANDATORY CONTINUING COMPETENCY: (I) (A) EACH LICENSED VISION
24 REHABILITATION THERAPIST REQUIRED UNDER THIS ARTICLE TO REGISTER TRIEN-
25 NIALY WITH THE DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH
26 THE PROVISIONS OF THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS
27 PRESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, EXCEPT AS PROVIDED IN
28 CLAUSES (B) AND (C) OF THIS PARAGRAPH. VISION REHABILITATION THERAPISTS
29 WHO DO NOT SATISFY THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS
30 SHALL NOT BE AUTHORIZED TO PRACTICE UNTIL THEY HAVE MET SUCH REQUIRE-
31 MENTS, AND THEY HAVE BEEN ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT
32 A VISION REHABILITATION THERAPIST MAY PRACTICE WITHOUT HAVING MET SUCH
33 REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION PURSUANT
34 TO SUBPARAGRAPH (III) OF THIS PARAGRAPH.

35 (B) VISION REHABILITATION THERAPISTS SHALL BE EXEMPT FROM THE MANDATO-
36 RY CONTINUING COMPETENCY REQUIREMENT FOR THE TRIENNIAL REGISTRATION
37 PERIOD DURING WHICH THEY ARE FIRST LICENSED. ADJUSTMENT TO THE MANDATO-
38 RY CONTINUING COMPETENCY REQUIREMENTS MAY BE GRANTED BY THE DEPARTMENT
39 FOR REASONS OF HEALTH OF THE LICENSEE WHERE CERTIFIED BY AN APPROPRIATE
40 HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES
41 OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPART-
42 MENT WHICH MAY PREVENT COMPLIANCE.

43 (C) A LICENSED VISION REHABILITATION THERAPIST NOT ENGAGED IN PRAC-
44 TICE, AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATO-
45 RY CONTINUING COMPETENCY REQUIREMENT UPON THE FILING OF A STATEMENT WITH
46 THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO PRAC-
47 TICE OF VISION REHABILITATION THERAPY DURING THE TRIENNIAL REGISTRATION
48 PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION
49 AND SHALL MEET SUCH MANDATORY CONTINUING COMPETENCY REQUIREMENTS AS
50 SHALL BE PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

51 (II) DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
52 TRATION AS A VISION REHABILITATION THERAPIST SHALL COMPLETE A MINIMUM OF
53 TWENTY-FOUR HOURS OF ACCEPTABLE LEARNING ACTIVITIES WHICH CONTRIBUTE TO
54 CONTINUING COMPETENCE, AS SPECIFIED IN SUBPARAGRAPH (IV) OF THIS PARA-
55 GRAPH, PROVIDED FURTHER THAT AT LEAST SIXTEEN HOURS SHALL BE IN RECOG-
56 NIZED AREAS OF STUDY PERTINENT TO THE PROFESSIONAL SCOPE OF A LICENSED

1 VISION REHABILITATION THERAPIST. ANY VISION REHABILITATION THERAPIST
2 WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS
3 SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR
4 AFTER JANUARY FIRST, TWO THOUSAND TWELVE, SHALL COMPLETE CONTINUING
5 COMPETENCY HOURS ON A PRORATED BASIS AT THE RATE OF ONE-HALF HOUR PER
6 MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND TWELVE UP TO
7 THE FIRST REGISTRATION DATE. THEREAFTER, A LICENSEE WHO HAS NOT SATIS-
8 FIED THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE
9 ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL
10 NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS
11 ISSUED AS PROVIDED FOR IN SUBPARAGRAPH (III) OF THIS PARAGRAPH. CONTIN-
12 UING COMPETENCY HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED
13 TO A SUBSEQUENT TRIENNIUM.

14 (III) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL
15 REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING COMPETENCY
16 REQUIREMENTS ESTABLISHED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BUT WHO
17 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL LEARNING
18 ACTIVITIES WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDI-
19 TIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE
20 FOR THE TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGIS-
21 TRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE
22 YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR
23 FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED
24 CONTINUING COMPETENCY LEARNING ACTIVITIES AND WHO PRACTICES WITHOUT SUCH
25 REGISTRATION, MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO
26 SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

27 (IV) AS USED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, "ACCEPTABLE
28 LEARNING ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO THE
29 PROFESSIONAL PRACTICE OF A VISION REHABILITATION THERAPIST AND WHICH
30 MEET THE STANDARDS PRESCRIBED IN THE REGULATIONS OF THE COMMISSIONER.
31 SUCH LEARNING ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLEGI-
32 ATE LEVEL CREDIT AND NON-CREDIT COURSES, SELF-STUDY ACTIVITIES, INDE-
33 PENDENT STUDY, FORMAL MENTORING ACTIVITIES, PUBLICATIONS IN PROFESSIONAL
34 JOURNALS, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL SESSIONS; SUCH
35 LEARNING ACTIVITIES MAY BE OFFERED AND SPONSORED BY NATIONAL, STATE AND
36 LOCAL PROFESSIONAL ASSOCIATIONS AND OTHER ORGANIZATIONS OR PARTIES
37 ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER ORGANIZED EDUCATIONAL AND
38 TECHNICAL LEARNING ACTIVITIES ACCEPTABLE TO THE DEPARTMENT. RECOGNIZED
39 AREAS OF STUDY SHALL INCLUDE BUT NOT BE LIMITED TO: KNOWLEDGE AND SKILLS
40 TRAINING IN MOBILITY, NAVIGATION, INDEPENDENT LIVING, COMMUNICATIONS AND
41 ORIENTATION, USE OF PRESCRIBED AND, ADAPTIVE OPTICAL DEVICES; UTILIZA-
42 TION OF SPECIALIZED TECHNIQUES AND EQUIPMENT INTENDED FOR USE BY PERSONS
43 WHO ARE VISUALLY IMPAIRED; THE MEDICAL ASPECTS OF VISION LOSS AND ITS
44 FUNCTIONAL IMPACT ON PERSONS WHO ARE VISUALLY IMPAIRED; AND SUCH OTHER
45 TECHNICAL SUBJECT MATTER AREAS APPROPRIATELY RELATED TO THE PRACTICE OF
46 VISION REHABILITATION SERVICES AS MAY BE SATISFACTORY TO THE BOARD AND
47 IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS. THE DEPARTMENT MAY,
48 IN ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE
49 OF THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING COMPETENCY LEARNING
50 ACTIVITIES IN SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING
51 COMPETENCY REQUIREMENT. LEARNING ACTIVITIES MUST BE TAKEN FROM A SPON-
52 SOR APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE
53 COMMISSIONER.

54 (V) VISION REHABILITATION THERAPISTS SHALL MAINTAIN ADEQUATE DOCUMEN-
55 TATION OF COMPLETION OF ACCEPTABLE CONTINUING COMPETENCY LEARNING ACTIV-
56 ITIES AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPART-

MENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF THE DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

(VI) THE MANDATORY CONTINUING COMPETENCY FEE SHALL BE FIFTY DOLLARS, SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION FEE REQUIRED BY PARAGRAPH (H) OF THIS SUBDIVISION.

(H) FEES: PAY A FEE OF ONE HUNDRED SEVENTY-FIVE DOLLARS FOR AN INITIAL LICENSE AND A FEE OF ONE HUNDRED FIFTY-FIVE DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

S 8805. LIMITED PERMITS. PERMITS LIMITED AS TO ELIGIBILITY, PRACTICE AND DURATION SHALL BE ISSUED BY THE DEPARTMENT TO ELIGIBLE APPLICANTS AS FOLLOWS:

1. ELIGIBILITY. A PERSON WHO FULFILLS ALL REQUIREMENTS FOR AN ORIENTATION AND MOBILITY SPECIALIST OR VISION REHABILITATION THERAPIST, EXCEPT THAT RELATING TO THE EXAMINATION, SHALL BE ELIGIBLE FOR A LIMITED PERMIT.

2. LIMIT OF PRACTICE. ALL PRACTICE UNDER A LIMITED PERMIT SHALL BE UNDER THE DIRECT SUPERVISION OF A LICENSED ORIENTATION AND MOBILITY SPECIALIST OR A VISION REHABILITATION THERAPIST.

3. DURATION. A LIMITED PERMIT SHALL EXPIRE ONE YEAR FROM THE DATE OF ISSUANCE OR UPON NOTICE TO THE PERMITTEE BY THE DEPARTMENT THAT THE APPLICATION FOR LICENSURE HAS BEEN DENIED, OR UPON NOTICE TO THE PERMITTEE OF FAILURE ON THE PROFESSIONAL LICENSING EXAMINATION, WHICHEVER FIRST OCCURS.

4. FEES. THE FEE FOR EACH LIMITED PERMIT SHALL BE SEVENTY DOLLARS.

S 8806. EXEMPT PERSONS. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT OR PREVENT THE FOLLOWING, PROVIDED THAT NO TITLE, SIGN, CARD OR DEVICE SHALL BE USED IN SUCH MANNER AS TO TEND TO CONVEY THE IMPRESSION THAT THE PERSON RENDERING SUCH SERVICE IS A LICENSED ORIENTATION AND MOBILITY SPECIALIST OR VISION REHABILITATION THERAPIST:

1. THE PRACTICE OF ORIENTATION AND MOBILITY TRAINING OR VISION REHABILITATION THERAPY AS AN INTEGRAL PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN APPROVED EDUCATIONAL OR TRAINING PROGRAMS IN (A) ORIENTATION AND MOBILITY TRAINING OR (B) VISION REHABILITATION THERAPY.

2. THE PERFORMANCE OF ANY OF THE DUTIES, TASKS AND RESPONSIBILITIES INCLUDED IN THE DEFINITION OF ORIENTATION AND MOBILITY TRAINING BY ANY OTHER DULY LICENSED, CERTIFIED OR REGISTERED HEALTH CARE PROVIDER, PROVIDED THAT SUCH DUTIES, TASKS AND RESPONSIBILITIES ARE WITHIN THE SCOPE OF HIS OR HER PRACTICE AS DEFINED IN THE ARTICLE PURSUANT TO WHICH SUCH PERSON IS LICENSED, CERTIFIED OR REGISTERED; PROVIDED, HOWEVER, THAT SUCH PRACTITIONERS MAY NOT HOLD THEMSELVES OUT UNDER THE TITLE "LICENSED ORIENTATION AND MOBILITY SPECIALIST" OR AS PERFORMING LICENSED ORIENTATION AND MOBILITY TRAINING.

3. THE PERFORMANCE OF ANY OF THE DUTIES, TASKS AND RESPONSIBILITIES INCLUDED IN THE DEFINITION OF VISION REHABILITATION THERAPY BY ANY OTHER DULY LICENSED, CERTIFIED OR REGISTERED HEALTH CARE PROVIDER, PROVIDED THAT SUCH DUTIES, TASKS AND RESPONSIBILITIES ARE WITHIN THE SCOPE OF HIS OR HER PRACTICE AS DEFINED IN THE ARTICLE PURSUANT TO WHICH SUCH PERSON IS LICENSED, CERTIFIED OR REGISTERED; PROVIDED, HOWEVER, THAT SUCH PRACTITIONERS MAY NOT HOLD THEMSELVES OUT UNDER THE TITLE "LICENSED VISION REHABILITATION THERAPIST" OR AS PERFORMING LICENSED VISION REHABILITATION THERAPY.

4. THE PRACTICE, CONDUCT, ACTIVITIES, SERVICES OR USE OF ANY TITLE BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE MEDICINE WITHIN THE STATE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THIS TITLE OR BY

1 ANY PERSON REGISTERED TO PERFORM SERVICES AS A PHYSICIAN ASSISTANT
2 PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE-B OF THIS TITLE.

3 5. THE PRACTICE OF ORIENTATION AND MOBILITY TRAINING OR VISION REHA-
4 BILITATION THERAPY BY ANY LEGALLY QUALIFIED PRACTITIONER OF ORIENTATION
5 AND MOBILITY TRAINING OR VISION REHABILITATION THERAPY OF ANY OTHER
6 STATE OR TERRITORY WHO IS SERVING IN THE ARMED FORCES OR THE PUBLIC
7 HEALTH SERVICE OF THE UNITED STATES WHILE ENGAGED IN THE PERFORMANCE OF
8 HIS OR HER DUTIES.

9 6. THE INSTRUCTION IN THE USE OF A DOG GUIDE.

10 S 8807. SPECIAL PROVISIONS. A PERSON SHALL BE LICENSED WITHOUT EXAM-
11 INATION PROVIDED THAT, WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THIS
12 ARTICLE, SUCH PERSON:

13 1. FILES AN APPLICATION AND PAYS THE APPROPRIATE FEES TO THE DEPART-
14 MENT;

15 2. (A) HOLDS A BACHELOR'S DEGREE OR HIGHER, OR EQUIVALENT AS DETER-
16 MINED BY THE DEPARTMENT, WITH A SPECIALIZATION IN ORIENTATION AND MOBIL-
17 ITY TRAINING; OR (B) HOLDS A BACHELOR'S DEGREE OR HIGHER, OR EQUIVALENT
18 AS DETERMINED BY THE DEPARTMENT, WITH A SPECIALIZATION IN VISION REHA-
19 BILITATION THERAPY; OR (C) HOLDS A BACHELOR'S DEGREE OR HIGHER, OR
20 EQUIVALENT AS DETERMINED BY THE DEPARTMENT IN A REHABILITATION FIELD OR
21 IN SPECIAL EDUCATION AND (I) HAS COMPLETED ALL ADDITIONALLY REQUIRED
22 ELEMENTS OF THE ORIENTATION AND MOBILITY TRAINING OR VISION REHABILI-
23 TATION THERAPY CURRICULUM SATISFACTORY TO THE BOARD AND IN ACCORDANCE
24 WITH THE COMMISSIONER'S REGULATIONS; OR (II) HAS BEEN CERTIFIED IN
25 ORIENTATION AND MOBILITY TRAINING OR VISION REHABILITATION THERAPY BY
26 THE ACADEMY FOR CERTIFICATION OF VISION REHABILITATION AND EDUCATION
27 PROFESSIONALS OR AN EQUIVALENT NATIONAL CREDENTIALING BODY ACCEPTABLE TO
28 THE DEPARTMENT; AND

29 3. SUBMITS EVIDENCE OF A MINIMUM OF THREE YEARS EXPERIENCE OR EMPLOY-
30 MENT IN THE PRACTICE OF ORIENTATION AND MOBILITY TRAINING OR VISION
31 REHABILITATION THERAPY SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH
32 THE COMMISSIONER'S REGULATIONS, WHETHER SUCH EXPERIENCE OR EMPLOYMENT
33 OCCURS WITHIN OR WITHOUT THIS STATE.

34 S 8808. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF,
35 SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID,
36 SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OF
37 ANY OTHER SECTION OR PART THEREOF.

38 S 2. This act shall take effect July 1, 2012. The commissioner of
39 education and the board of regents are authorized to promulgate such
40 rules and regulations and take any other measures as may be necessary
41 for the timely implementation of this act on or before its effective
42 date, including but not limited to the appointment of the state board
43 for vision rehabilitation services, the acceptance and processing of
44 applications for licensure, and the issuance of licenses.