S T A T E O F N E W Y O R K

3880--B

2011-2012 Regular Sessions

I N S E N A T E

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Introduced by Sens. GRIFFO, BONACIC, ESPAILLAT, HASSELL-THOMPSON, MARTINS, MAZIARZ, O'MARA, OPPENHEIMER, RITCHIE -- 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:

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

ARTICLE 167

VISION REHABILITATION SERVICES

SECTION 8800. INTRODUCTION.
8801. DEFINITIONS.
8802. USE OF THE TITLES "LICENSED ORIENTATION AND MOBILITY SPECIALISTS" AND "VISION REHABILITATION THERAPISTS".
8803. STATE BOARD FOR VISION REHABILITATION SERVICES.
8804. REQUIREMENTS FOR A LICENSE.
8805. LIMITED PERMITS.
8806. EXEMPT PERSONS.
8807. SPECIAL PROVISIONS.
8808. SEPARABILITY.

S 8800. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF VISION REHABILITATION SERVICES, AND PROVIDES FOR THE LICENSING OF LICENSED ORIENTATION AND MOBILITY SPECIALISTS AND VISION REHABILITATION THERAPISTS. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE 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.

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

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

2. THE PRACTICE OF "VISION REHABILITATION THERAPY" SHALL MEAN: (A) THE ASSESSMENT OF INDIVIDUAL NEEDS OF PERSONS WHO ARE VISUALLY IMPAIRED FOR SKILLS TRAINING IN INDEPENDENT LIVING AND COMMUNICATIONS; (B) THE DEVELOPMENT OF APPROPRIATE INTEGRATED SERVICE PLANS TAILORED TO MEET SUCH INDIVIDUAL NEEDS AS IDENTIFIED IN SUCH ASSESSMENT PROCESS; (C) THE PROVISION OF TRAINING IN, AND UTILIZATION OF (I) EQUIPMENT AND ADAPTIVE DEVICES INTENDED AND DESIGNED FOR USE BY PERSONS WHO ARE VISUALLY IMPAIRED, INCLUDING, IN APPLIED SETTINGS, REINFORCING INSTRUCTION FOR THE USE OF OPTICAL DEVICES AS PRESCRIBED BY OPTOMETRISTS OR OPHTHALMOLOGISTS, AND (II) SPECIALIZED TECHNIQUES ADAPTED FOR PERSONS WHO ARE VISUALLY IMPAIRED, INCLUDING BUT NOT LIMITED TO BRAILLE AND OTHER COMMUNICATION SKILLS; ADAPTED COMPUTER TECHNOLOGY; PERSONAL MANAGEMENT SKILLS; HOME MANAGEMENT SKILLS; PROBLEM SOLVING SKILLS; RESOURCE MANAGEMENT AND, AS APPROPRIATE, PROFESSIONAL REFERRALS; AND (D) THE EVALUATION OF PERSONS RECEIVING SUCH SPECIALIZED TRAINING.

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

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

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

IS PARTIALLY SIGHTED IS ONE WHO HAS FUNCTIONAL VISION IMPAIRMENT THAT CONSTITUTES A SIGNIFICANT LIMITATION OF VISUAL CAPABILITY RESULTING FROM DISEASE, TRAUMA, OR CONGENITAL CONDITION, THAT CANNOT BE FULLY AMELIORATED BY STANDARD REFRACTIVE CORRECTION, MEDICATION, OR SURGERY, AND THAT IS MANIFESTED BY ONE OR MORE OF THE FOLLOWING: INSUFFICIENT VISUAL RESOLUTION, INADEQUATE FIELD OF VISION OR REDUCED PEAK CONTRAST SENSITIVITY.

S 8802. USE OF THE TITLES "LICENSED ORIENTATION AND MOBILITY SPECIALISTS" AND "VISION REHABILITATION THERAPISTS". 1. PRACTICE OF ORIENTATION AND MOBILITY TRAINING AND USE OF THE TITLE "LICENSED ORIENTATION AND MOBILITY SPECIALISTS". ONLY A PERSON LICENSED OR OTHERWISE AUTHORIZED UNDER THIS ARTICLE SHALL PRACTICE ORIENTATION AND MOBILITY TRAINING OR USE THE TITLE "LICENSED ORIENTATION AND MOBILITY SPECIALISTS" IN CONNECTION WITH HIS OR HER NAME OR WITH ANY TRADE NAME IN THE CONDUCT OF HIS OR HER PROFESSION.

2. PRACTICE OF VISION REHABILITATION THERAPY AND USE OF THE TITLE "VISION REHABILITATION THERAPIST". ONLY A PERSON LICENSED OR OTHERWISE AUTHORIZED UNDER THIS ARTICLE SHALL PRACTICE VISION REHABILITATION THERAPY OR USE THE TITLE "VISION REHABILITATION THERAPIST" IN CONNECTION WITH HIS OR HER NAME OR WITH ANY TRADE NAME IN THE CONDUCT OF HIS OR HER PROFESSION.

S 8803. STATE BOARD FOR VISION REHABILITATION SERVICES. A STATE BOARD FOR VISION REHABILITATION SERVICES SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF PROFESSIONAL LICENSING AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE. THE BOARD SHALL CONSIST OF NOT LESS THAN FOURTEEN INDIVIDUALS, FOUR OF WHOM SHALL BE LICENSED ORIENTATION AND MOBILITY SPECIALISTS, FOUR OF WHOM SHALL BE LICENSED VISION REHABILITATION THERAPISTS, ONE OPHTHALMOLOGIST SPECIALIZING IN LOW VISION TREATMENT, ONE OPTOMETRIST SPECIALIZING IN LOW VISION TREATMENT AND FOUR OF WHOM SHALL BE BLIND REPRESENTATIVES OF THE PUBLIC AT LARGE WHOSE NAMES WILL BE PLACED IN NOMINATION FOR THE BOARD FROM ORGANIZATIONS OF THE BLIND OR VISUALLY IMPAIRED. MEMBERS OF THE INITIAL BOARD NEED NOT BE LICENSED PRIOR TO THEIR APPOINTMENT TO THE BOARD. OF THE MEMBERS FIRST APPOINTED, FOUR SHALL BE APPOINTED FOR A THREE YEAR TERM, FIVE SHALL BE APPOINTED FOR A FOUR YEAR TERM, AND FIVE SHALL BE APPOINTED FOR A FIVE YEAR TERM. THEREAFTER ALL MEMBERS SHALL SERVE FOR FIVE YEAR TERMS. IN THE EVENT THAT MORE THAN FOURTEEN MEMBERS ARE APPOINTED, A MAJORITY OF THE ADDITIONAL MEMBERS SHALL BE LICENSED ORIENTATION AND MOBILITY SPECIALISTS AND LICENSED VISION REHABILITATION THERAPISTS. THE MEMBERS OF THE BOARD SHALL SELECT ONE OF THEMSELVES AS CHAIR TO SERVE FOR A ONE YEAR TERM. AN EXECUTIVE SECRETARY SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER.

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

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

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

(II) HAVE A MINIMUM OF THREE MONTHS OF SUPERVISED ORIENTATION AND MOBILITY EXPERIENCE WHICH SUPERVISION AND EXPERIENCE SHALL BE SATISFAC-

TORY TO THE STATE BOARD FOR VISION REHABILITATION SERVICES AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

(C) EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS THAT MAY BE BASED ON AN EXAM UTILIZED BY ANY NATIONALLY RECOGNIZED ACCREDITING OR CERTIFICATION BODY SUCH AS THE ACADEMY FOR CERTIFICATION OF VISION REHABILITATION AND EDUCATION PROFESSIONALS (ACVREP), NATIONAL ORIENTATION AND MOBILITY CERTIFICATE (NOMC) ADMINISTERED BY THE NATIONAL BLINDNESS PROFESSIONAL CERTIFICATION BOARD (NBPCB) OR AN EQUIVALENT EXAM.

(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 FOURTEEN, 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 FOURTEEN 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. CONTINUING COMPETENCY HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO A SUBSEQUENT TRIENNIUM.

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

(IV) AS USED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, "ACCEPTABLE LEARNING ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO THE PROFESSIONAL PRACTICE OF AN ORIENTATION AND MOBILITY SPECIALIST AND WHICH MEET THE STANDARDS PRESCRIBED IN THE REGULATIONS OF THE COMMISSIONER. SUCH LEARNING ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT COURSES, SELF-STUDY ACTIVITIES, INDEPENDENT STUDY, FORMAL MENTORING ACTIVITIES, PUBLICATIONS IN PROFESSIONAL JOURNALS, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL SESSIONS; SUCH LEARNING ACTIVITIES MAY BE OFFERED AND SPONSORED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS AND OTHER ORGANIZATIONS OR PARTIES ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL LEARNING ACTIVITIES ACCEPTABLE TO THE DEPARTMENT. RECOGNIZED AREAS OF STUDY SHALL INCLUDE BUT NOT BE LIMITED TO: KNOWLEDGE AND SKILLS TRAINING IN ORIENTATION, MOBILITY, NAVIGATION, INDEPENDENT LIVING, COMMUNICATIONS AND USE OF PRESCRIBED AND, ADAPTIVE OPTICAL DEVICES; UTILIZATION OF SPECIALIZED TECHNIQUES AND EQUIPMENT INTENDED FOR USE BY PERSONS WHO ARE VISUALLY IMPAIRED; THE MEDICAL ASPECTS OF VISION LOSS AND ITS FUNCTIONAL IMPACT ON PERSONS WHO ARE VISUALLY IMPAIRED; AND SUCH OTHER TECHNICAL SUBJECT MATTER AREAS APPROPRIATELY RELATED TO THE PRACTICE OF VISION REHABILITATION SERVICES AS MAY BE SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS. THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING COMPETENCY LEARNING ACTIVITIES IN SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING COMPETENCY REQUIREMENT. LEARNING ACTIVITIES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

(V) ORIENTATION AND MOBILITY SPECIALISTS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE CONTINUING COMPETENCY LEARNING ACTIVITIES AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT. 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 REGISTRA-

TION 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.

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

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

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

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

(C) EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS THAT MAY BE BASED ON AN EXAM UTILIZED BY ANY NATIONALLY RECOGNIZED ACCREDITING OR CERTIFICATION BODY SUCH AS THE ACADEMY FOR CERTIFICATION OF VISION REHABILITATION AND EDUCATION PROFESSIONALS (ACVREP), NATIONAL ORIENTATION AND MOBILITY CERTIFICATE (NOMC) ADMINISTERED BY THE NATIONAL BLINDNESS PROFESSIONAL CERTIFICATION BOARD (NBPCB) OR AN EQUIVALENT EXAM.

(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 VISION REHABILITATION THERAPISTS SHALL REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

(G) MANDATORY CONTINUING COMPETENCY: (I) (A) EACH LICENSED VISION REHABILITATION THERAPIST 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 PARAGRAPH. VISION REHABILITATION THERAPISTS 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 A VISION REHABILITATION THERAPIST MAY PRACTICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH.

(B) VISION REHABILITATION THERAPISTS 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 VISION REHABILITATION THERAPIST 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 VISION REHABILITATION THERAPY 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 A VISION REHABILITATION THERAPIST 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 VISION REHABILITATION THERAPIST. ANY VISION REHABILITATION THERAPIST 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 FOURTEEN, 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 FOURTEEN 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. CONTINUING COMPETENCY HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO A SUBSEQUENT TRIENNIUM.

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

(IV) AS USED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, "ACCEPTABLE LEARNING ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO THE PROFESSIONAL PRACTICE OF A VISION REHABILITATION THERAPIST AND WHICH MEET THE STANDARDS PRESCRIBED IN THE REGULATIONS OF THE COMMISSIONER. SUCH LEARNING ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT COURSES, SELF-STUDY ACTIVITIES, INDEPENDENT STUDY, FORMAL MENTORING ACTIVITIES, PUBLICATIONS IN PROFESSIONAL JOURNALS, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL SESSIONS; SUCH LEARNING ACTIVITIES MAY BE OFFERED AND SPONSORED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS AND OTHER ORGANIZATIONS OR PARTIES ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL LEARNING ACTIVITIES ACCEPTABLE TO THE DEPARTMENT. RECOGNIZED AREAS OF STUDY SHALL INCLUDE BUT NOT BE LIMITED TO: KNOWLEDGE AND SKILLS TRAINING IN MOBILITY, NAVIGATION, INDEPENDENT LIVING, COMMUNICATIONS AND ORIENTATION, USE OF PRESCRIBED AND, ADAPTIVE OPTICAL DEVICES; UTILIZATION OF SPECIALIZED TECHNIQUES AND EQUIPMENT INTENDED FOR USE BY PERSONS WHO ARE VISUALLY IMPAIRED; THE MEDICAL ASPECTS OF VISION LOSS AND ITS FUNCTIONAL IMPACT ON PERSONS WHO ARE VISUALLY IMPAIRED; AND SUCH OTHER TECHNICAL SUBJECT MATTER AREAS APPROPRIATELY RELATED TO THE PRACTICE OF VISION REHABILITATION SERVICES AS MAY BE SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS. THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE

OF THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING COMPETENCY LEARNING ACTIVITIES IN SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING COMPETENCY REQUIREMENT. LEARNING ACTIVITIES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

(V) VISION REHABILITATION THERAPISTS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE CONTINUING COMPETENCY LEARNING ACTIVITIES AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT. 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 ANY PERSON REGISTERED TO PERFORM SERVICES AS A PHYSICIAN ASSISTANT PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE-B OF THIS TITLE.

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

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

S 8807. SPECIAL PROVISIONS. A PERSON SHALL BE LICENSED WITHOUT EXAMINATION PROVIDED THAT, WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THIS ARTICLE, SUCH PERSON:

1. FILES AN APPLICATION AND PAYS THE APPROPRIATE FEES TO THE DEPARTMENT;

2. (A) HOLDS A BACHELOR'S DEGREE OR HIGHER, OR EQUIVALENT AS DETERMINED BY THE DEPARTMENT, WITH A SPECIALIZATION IN ORIENTATION AND MOBILITY TRAINING; OR (B) HOLDS A BACHELOR'S DEGREE OR HIGHER, OR EQUIVALENT AS DETERMINED BY THE DEPARTMENT, WITH A SPECIALIZATION IN VISION REHABILITATION THERAPY; OR (C) HOLDS A BACHELOR'S DEGREE OR HIGHER, OR EQUIVALENT AS DETERMINED BY THE DEPARTMENT IN A REHABILITATION FIELD OR IN SPECIAL EDUCATION AND (I) HAS COMPLETED ALL ADDITIONALLY REQUIRED ELEMENTS OF THE ORIENTATION AND MOBILITY TRAINING OR VISION REHABILITATION THERAPY CURRICULUM SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS; OR (II) HAS BEEN CERTIFIED IN ORIENTATION AND MOBILITY TRAINING OR VISION REHABILITATION THERAPY BY A NATIONALLY RECOGNIZED ACCREDITING BODY ACCEPTABLE TO THE DEPARTMENT; AND

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

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

S 2. This act shall take effect July 1, 2014. The commissioner of education and the board of regents are authorized to promulgate such rules and regulations and take any other measures as may be necessary for the timely implementation of this act on or before its effective date, including but not limited to the appointment of the state board for vision rehabilitation services, the acceptance and processing of applications for licensure, and the issuance of licenses.