

3027

2011-2012 Regular Sessions

I N   S E N A T E

February 7, 2011

---

Introduced by Sen. LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the practice of optometry

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

1     Section 1.     Subparagraph (v) of paragraph (d) of subdivision 1 of  
2     section 7101-a of the education law, as added by chapter 517 of the laws  
3     of 1995, is amended and a new subparagraph (vi) is added to read as  
4     follows:

5     (v) Disclosing agents and other substances used in conjunction with  
6     these drugs as part of a diagnostic procedure[.];

7     (VI) SUCH ADDITIONAL CATEGORIES OF DRUGS AS MAY BE RECOMMENDED BY THE  
8     COMMISSIONER OF HEALTH IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION  
9     TWELVE OF THIS SECTION.

10    S 2. Subparagraph (viii) of paragraph (e) of subdivision 1 of section  
11    7101-a of the education law, as added by chapter 517 of the laws of  
12    1995, is amended and a new subparagraph (ix) is added to read as  
13    follows:

14    (viii) artificial tears and lubricants[.];

15    (IX) SUCH ADDITIONAL CATEGORIES OF DRUGS AS MAY BE RECOMMENDED BY THE  
16    COMMISSIONER OF HEALTH IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION  
17    TWELVE OF THIS SECTION.

18    S 3. Subdivision 1 of section 7101-a of the education law is amended  
19    by adding a new paragraph (g) to read as follows:

20    (G) PHASE THREE THERAPEUTIC PHARMACEUTICAL AGENTS. PHASE THREE THERA-  
21    PEUTIC PHARMACEUTICAL AGENTS SHALL MEAN THOSE ORALLY ADMINISTERED DRUGS  
22    USED FOR THERAPEUTIC PURPOSES FOR THE TREATMENT OF DISEASES OF THE EYE  
23    AND ADNEXA AND SHALL BE LIMITED TO:

24    (I) ANTIBIOTICS;

25    (II) DECONGESTANTS/ANTI-ALLERGENIC/ANTIHIISTAMINES;

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

LBD00327-04-1

1 (III) ANTIGLAUCOMAS;

2 (IV) ANTIVIRALS;

3 (V) ANALGESICS, EXCEPT THOSE LISTED IN SCHEDULES I AND II OF THE  
4 UNIFORM CONTROLLED SUBSTANCES ACT;

5 (VI) NONSTEROIDAL ANTI-INFLAMMATORY DRUGS;

6 (VII) SUCH ADDITIONAL CATEGORIES OF DRUGS AS MAY BE RECOMMENDED BY THE  
7 COMMISSIONER OF HEALTH IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION  
8 TWELVE OF THIS SECTION.

9 S 4. Paragraphs (c) and (d) of subdivision 4 of section 7101-a of the  
10 education law are relettered paragraphs (d) and (e) and a new paragraph  
11 (c) is added to read as follows:

12 (C) BEFORE USING OR PRESCRIBING ORAL PHARMACEUTICAL AGENTS, AN OPTOME-  
13 TRIST MUST BE CERTIFIED TO PRESCRIBE DIAGNOSTIC AND PHASE ONE AND PHASE  
14 TWO THERAPEUTIC PHARMACEUTICAL AGENTS AND HAVE COMPLETED A TWENTY-FIVE  
15 HOUR PHASE THREE THERAPEUTIC PHARMACEUTICAL AGENT CERTIFICATION COURSE  
16 OF DIDACTIC EDUCATION, PROVIDED BY AN ACCREDITED COLLEGE OF OPTOMETRY  
17 AND APPROVED BY THE DEPARTMENT, WHICH SHALL INCLUDE, BUT NOT BE LIMITED  
18 TO, INSTRUCTION IN PHARMACOLOGY AND DRUG INTERACTION.

19 SUCH COURSE SHALL QUALIFY TOWARDS MEETING THE THIRTY-SIX HOURS OF  
20 CONTINUING EDUCATION PER TRIENNIAL REGISTRATION PERIOD REQUIRED BY  
21 SUBDIVISION SEVEN OF THIS SECTION. THIS REQUIREMENT FOR THE TWENTY-FIVE  
22 HOUR PHASE THREE THERAPEUTIC PHARMACEUTICAL AGENT CERTIFICATION COURSE  
23 SHALL NOT APPLY TO THOSE OPTOMETRISTS WHO (I) GRADUATED FROM AN ACCRED-  
24 ITED COLLEGE OF OPTOMETRY SUBSEQUENT TO JANUARY FIRST, TWO THOUSAND FOUR  
25 AND (II) HAVE TAKEN AND SUCCESSFULLY PASSED EITHER THE TREATMENT AND  
26 MANAGEMENT OF OCULAR DISEASES PORTION OF THE NATIONAL BOARD OF EXAMINERS  
27 IN OPTOMETRY OR AN EXAMINATION ACCEPTABLE TO THE BOARD.

28 S 5. Subdivision 5 of section 7101-a of the education law, as added by  
29 chapter 517 of the laws of 1995, is amended to read as follows:

30 5. Suspension of certification. The department shall suspend the  
31 certification for the use and prescribing of phase one therapeutic  
32 agents of any optometrist who fails to receive certification for phase  
33 two therapeutic pharmaceutical agents within three years of having been  
34 certified for phase one therapeutic pharmaceutical agents. THE DEPART-  
35 MENT SHALL SUSPEND THE CERTIFICATION FOR THE USE AND PRESCRIBING OF  
36 PHASE ONE AND PHASE TWO THERAPEUTIC AGENTS OF ANY OPTOMETRIST WHO FAILS  
37 TO RECEIVE CERTIFICATION FOR PHASE THREE THERAPEUTIC PHARMACEUTICAL  
38 AGENTS WITHIN THREE YEARS OF APPROVAL BY THE DEPARTMENT OF A TWENTY-FIVE  
39 HOUR PHASE THREE THERAPEUTIC PHARMACEUTICAL AGENT CERTIFICATION COURSE  
40 PURSUANT TO PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS SECTION.

41 S 6. Subdivision 7 of section 7101-a of the education law, as added by  
42 chapter 517 of the laws of 1995, is amended to read as follows:

43 7. Continuing education. Each optometrist certified to use phase one  
44 or phase two therapeutic pharmaceutical agents shall complete a minimum  
45 of thirty-six hours of continuing education per triennial registration  
46 period. The education shall be in the area of ocular disease and pharma-  
47 cology, AT LEAST SIX HOURS OF WHICH SHALL RELATE SPECIFICALLY TO SYSTEM-  
48 IC DRUG USE AND INTERACTION, and may include both didactic and clinical  
49 components. Such educational programs shall be approved in advance by  
50 the department and evidence of the completion of this requirement shall  
51 be submitted with each application for license renewal as required by  
52 section sixty-five hundred two of this chapter.

53 S 7. Subdivision 12 of section 7101-a of the education law, as added  
54 by chapter 517 of the laws of 1995, is amended to read as follows:

55 12. Responsibilities of the commissioner of health. The commissioner  
56 of health [may recommend to the commissioner additions or deletions to

1 the department's regulations relating to optometric use of drugs except  
2 that such recommendations shall be limited only to additions which have  
3 been determined to be equivalent to those drugs already authorized or  
4 deletions based upon a finding that the drugs are no longer appropriate  
5 for their current use or for other similar reasons.] SHALL RECOMMEND TO  
6 THE COMMISSIONER ADDITIONS OR DELETIONS TO THE LIST OF APPROVED CATEGO-  
7 RIES OF DIAGNOSTIC, THERAPEUTIC AND ORAL PHARMACEUTICAL AGENTS WHICH ARE  
8 CONSISTENT WITH THE STANDARD OF CARE IN THE COMMUNITY FOR THE DIAGNOSIS  
9 AND TREATMENT OF DISEASES OF THE EYE AND ADNEXA.

10 S 8. Section 7106 of the education law is amended by adding a new  
11 subdivision 4 to read as follows:

12 4. BEGINNING JANUARY FIRST, TWO THOUSAND TWELVE, AN APPLICANT FOR A  
13 LICENSE PURSUANT TO SECTION SEVENTY-ONE HUNDRED FOUR OF THIS ARTICLE OR  
14 RENEWAL OF A REGISTRATION IN OPTOMETRY SHALL AFFIRM TO THE DEPARTMENT  
15 THAT SUCH APPLICANT IS CERTIFIED IN CARDIOPULMONARY RESUSCITATION (CPR)  
16 FROM AN APPROVED PROVIDER. IN THE EVENT THE APPLICANT CANNOT PHYSICALLY  
17 PERFORM CPR, THE COMMISSIONER'S REGULATIONS SHALL ALLOW THE APPLICANT TO  
18 MAKE ARRANGEMENTS FOR ANOTHER INDIVIDUAL IN THE OFFICE TO ADMINISTER  
19 CPR.

20 S 9. This act shall take effect on the one hundred twentieth day after  
21 it shall have become a law; provided that any rule or regulation neces-  
22 sary for the timely implementation of this act on its effective date  
23 shall be promulgated on or before such effective date.