

3027--A

2011-2012 Regular Sessions

I N S E N A T E

February 7, 2011

Introduced by Sens. LIBOUS, ADAMS, ESPAILLAT, LANZA, OPPENHEIMER, RITCHIE, VALESKY, YOUNG, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- 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 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

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

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1 USED FOR THERAPEUTIC PURPOSES FOR THE TREATMENT OF DISEASES OF THE EYE
2 AND ADNEXA AND SHALL BE LIMITED TO:

- 3 (I) ANTIBIOTICS;
- 4 (II) DECONGESTANTS/ANTI-ALLERGENIC/ANTI-HISTAMINES;
- 5 (III) ANTIGLAUCOMAS;
- 6 (IV) ANTIVIRALS;
- 7 (V) ANALGESICS, EXCEPT THOSE LISTED IN SCHEDULES I AND II OF THE
8 UNIFORM CONTROLLED SUBSTANCES ACT;
- 9 (VI) NONSTEROIDAL ANTI-INFLAMMATORY DRUGS;
- 10 (VII) SUCH ADDITIONAL CATEGORIES OF DRUGS AS MAY BE RECOMMENDED BY THE
11 COMMISSIONER OF HEALTH IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION
12 TWELVE OF THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

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