

975

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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