

# STATE OF NEW YORK

3822

2019-2020 Regular Sessions

## IN ASSEMBLY

January 31, 2019

Introduced by M. of A. McDONALD, GUNTHER, PICHARDO, SEAWRIGHT, GARBARINO, WILLIAMS, DICKENS, LUPARDO, FAHY, D'URSO, ARROYO, MONTESANO, COOK, GOTTFRIED, LAVINE, RA, SMITH -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the delegation of certain professional responsibilities for instilling mydriatic or cycloplegic eye drops

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 25 of section 6530 of the education law, as  
2 added by chapter 606 of the laws of 1991, is amended to read as follows:

3 25. a. Delegating professional responsibilities to a person when the  
4 licensee delegating such responsibilities knows or has reason to know  
5 that such person is not qualified, by training, by experience, or by  
6 licensure, to perform them~~[-]~~.

7 b. A person shall be deemed qualified to assist a professional  
8 licensed pursuant to article one hundred thirty-one of this title in the  
9 care of a patient for the purpose of instilling mydriatic or cycloplegic  
10 eye drops (hereinafter "dilating eye drops") and anesthetic eye drops in  
11 conjunction with such dilating drops to the surface of the eye of a  
12 patient, provided that the person instilling such dilating eye drops and  
13 anesthetic eye drops is supervised by a professional licensed pursuant  
14 to such article one hundred thirty-one and such person is over the age  
15 of eighteen, completes a curriculum and examination demonstrating that  
16 such person has the requisite experience to instill dilating eye drops  
17 and anesthetic eye drops used in conjunction with such dilating eye  
18 drops to the surface of the eye satisfactory to the department and  
19 registers with the department after paying the requisite fee in accord-  
20 ance with the commissioner's regulations;

21 § 2. Section 7106 of the education law is amended by adding a new  
22 subdivision 4 to read as follows:

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

LBD00577-01-9

1 4. Notwithstanding subdivision seven of section six thousand five  
2 hundred nine of this title, a licensed optometrist may delegate the care  
3 of a patient for the specific purpose of instilling mydriatic or cyclo-  
4 plegic eye drops (hereinafter "dilating eye drops") and anesthetic eye  
5 drops used in conjunction with such dilating eye drops to the surface of  
6 the eye of a patient, provided that the person instilling such dilating  
7 eye drops and anesthetic eye drops is deemed qualified to assist, and is  
8 supervised by a licensed optometrist. A person shall be deemed qualified  
9 for purposes of this subdivision and shall be permitted to assist a  
10 licensed optometrist for the purpose of instilling dilating eye drops  
11 and anesthetic eye drops used in conjunction with such dilating eye  
12 drops only if such person is over the age of eighteen, completes a  
13 curriculum and examination demonstrating the requisite experience to  
14 instill dilating eye drops and anesthetic eye drops used in conjunction  
15 with such dilating eye drops to the surface of the eye satisfactory to  
16 the department and registers with the department after paying the requi-  
17 site fee in accordance with the commissioner's regulations.

18 § 3. This act shall take effect on the first of January next succeed-  
19 ing the date on which it shall have become a law. Effective immediately  
20 the addition, amendment and/or repeal of any rule or regulation neces-  
21 sary for the implementation of this act on its effective date are  
22 authorized to be made on or before such date.