

STATE OF NEW YORK

3822--A

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, ASHBY -- Multi-Sponsored by -- M. of A. SAYEGH -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 under the supervision of a professional licensed
14 pursuant to such article one hundred thirty-one and such person is over
15 the age of eighteen, successfully completes a curriculum and examination
16 approved by the department demonstrating that such person has the requi-
17 site experience to instill dilating eye drops and anesthetic eye drops
18 used in conjunction with such dilating eye drops to the surface of the
19 eye and registers with the department after paying the requisite fee in
20 accordance with the commissioner's regulations;

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

LBD00577-02-9

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

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

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