

4831

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 6, 2009

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Introduced by M. of A. MORELLE -- read once and referred to the Committee on Higher Education

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

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

1     Section 1. Section 7121 of the education law, as amended by chapter  
2     647 of the laws of 2005, is amended to read as follows:

3     S 7121. Definition of practice of ophthalmic dispensing. 1. The prac-  
4     tice of the profession of ophthalmic dispensing is defined as adapting  
5     and fitting lenses, for the correction of deficiencies, deformities or  
6     anomalies of the human eyes, or adapting and fitting non-corrective  
7     contact lenses, on written prescriptions from a licensed physician or  
8     optometrist OR PURSUANT TO A VISUAL ASSESSMENT PERFORMED BY AN OPHTHALM-  
9     IC DISPENSER WHO IS CERTIFIED TO PERFORM VISUAL ASSESSMENT IN ACCORDANCE  
10    WITH THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION. Replacements  
11    or duplicates of such lenses may be adapted and dispensed without  
12    prescription. Contact lenses may be fitted by an ophthalmic dispenser  
13    only under the personal supervision of a licensed physician or optome-  
14    trist.

15    2. AN OPHTHALMIC DISPENSER MAY PRACTICE VISUAL ASSESSMENT ONLY PURSU-  
16    ANT TO THE PROVISIONS OF THIS SECTION. VISUAL ASSESSMENT FOR PURPOSES OF  
17    THIS SECTION MEANS TO TEST A PERSON'S VISION, BY THE USE OF A SERIES OF  
18    LENSES AND THEIR ROTATION, TO DETERMINE THE DEGREE OF CORRECTION NEEDED  
19    TO COMPENSATE FOR HYPEROPIA, MYOPIA, PRESBYOPIA, ASTIGMATISM OR ANY  
20    COMBINATION OF THESE.

21    3. THE COMMISSIONER SHALL ESTABLISH BY REGULATION EDUCATIONAL AND  
22    EXAMINATION REQUIREMENTS TO CERTIFY OPHTHALMIC DISPENSERS TO PRACTICE  
23    VISUAL ASSESSMENT. SUCH EDUCATIONAL REQUIREMENTS SHALL INCLUDE NINETY  
24    CONTRACT HOURS IN THE PRINCIPLES OF VISUAL ASSESSMENT OFFERED BY A  
25    DEGREE-GRANTING INSTITUTION ACCEPTABLE TO THE DEPARTMENT. IN ADDITION,

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

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1 SUCH REQUIREMENTS SHALL INCLUDE TWENTY HOURS OF CLINICAL PRACTICE IN  
2 VISUAL ASSESSMENT UNDER THE SUPERVISION OF A LICENSED OPTOMETRIST OR  
3 LICENSED OPHTHALMOLOGIST.

4 4. IF AN OPHTHALMIC DISPENSER IS UNABLE TO SELECT LENSES WHICH PROVIDE  
5 20/30 VISION IN EACH EYE TO THE CLIENT, HE OR SHE SHALL REFER THE  
6 CONSUMER TO A LICENSED OPHTHALMOLOGIST OR OPTOMETRIST.

7 S 2. Notwithstanding the provisions of subdivision 3 of section 7121  
8 of the education law, as added by section one of this act, the commis-  
9 sioner of education shall establish by regulation educational and exam-  
10 ination requirements to certify ophthalmic dispensers to practice visual  
11 assessment who are licensed and registered prior to the effective date  
12 of this act; provided, however, that such educational requirements may  
13 include, but not be limited to, courses, clinical practice, experience,  
14 or any combination thereof, which is acceptable to such commissioner and  
15 substantially meets the standards of the educational requirements estab-  
16 lished pursuant to such subdivision 3 of such section 7121 of the educa-  
17 tion law.

18 S 3. This act shall take effect on the one hundred eightieth day after  
19 it shall have become a law; provided, however, the commissioner of  
20 education is hereby authorized to promulgate regulations and take such  
21 other actions necessary to effectuate the purposes of this act prior to  
22 such date.