

2667

2009-2010 Regular Sessions

I N S E N A T E

February 26, 2009

Introduced by Sen. VALESKY -- 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. Subdivision 1 of section 7101-a of the education law is  
2 amended by adding a new paragraph (g) to read as follows:

3 (G) PHASE THREE THERAPEUTIC PHARMACEUTICAL AGENTS. PHASE THREE THERA-  
4 PEUTIC PHARMACEUTICAL AGENTS SHALL MEAN THOSE ORALLY ADMINISTERED DRUGS  
5 USED FOR THERAPEUTIC PURPOSES FOR THE TREATMENT OF DISEASES OF THE EYE  
6 AND ADNEXA AND SHALL BE LIMITED TO:

7 (I) ANTIBIOTICS;

8 (II) DECONGESTANTS/ANTI-ALLERGENIC/ANTIHISTAMINES;

9 (III) ANTIGLAUCOMAS;

10 (IV) ANTIVIRALS;

11 (V) ANALGESICS, EXCEPT THOSE LISTED IN SCHEDULES I AND II OF THE  
12 UNIFORM CONTROLLED SUBSTANCES ACT;

13 (VI) NONSTEROIDAL ANTI-INFLAMMATORY DRUGS;

14 (VII) SUCH ADDITIONAL CATEGORIES OF DRUGS AS MAY BE RECOMMENDED BY THE  
15 COMMISSIONER OF HEALTH IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION  
16 TWELVE OF THIS SECTION.

17 S 2. Paragraphs (c) and (d) of subdivision 4 of section 7101-a of the  
18 education law are relettered paragraphs (d) and (e) and a new paragraph  
19 (c) is added to read as follows:

20 (C) BEFORE USING OR PRESCRIBING ORAL PHARMACEUTICAL AGENTS, AN OPTOME-  
21 TRIST MUST BE CERTIFIED TO PRESCRIBE DIAGNOSTIC AND PHASE ONE AND PHASE  
22 TWO THERAPEUTIC PHARMACEUTICAL AGENTS AND HAVE COMPLETED A TWENTY-FIVE  
23 HOUR PHASE THREE THERAPEUTIC PHARMACEUTICAL AGENT CERTIFICATION COURSE  
24 OF DIDACTIC EDUCATION, PROVIDED BY AN ACCREDITED COLLEGE OF OPTOMETRY

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

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1 AND APPROVED BY THE DEPARTMENT, WHICH SHALL INCLUDE, BUT NOT BE LIMITED  
2 TO, INSTRUCTION IN PHARMACOLOGY AND DRUG INTERACTION.

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

12 S 3. Subdivision 5 of section 7101-a of the education law, as added by  
13 chapter 517 of the laws of 1995, is amended to read as follows:

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

25 S 4. Subdivision 7 of section 7101-a of the education law, as added by  
26 chapter 517 of the laws of 1995, is amended to read as follows:

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

37 S 5. Subdivision 12 of section 7101-a of the education law, as added  
38 by chapter 517 of the laws of 1995, is amended to read as follows:

39 12. Responsibilities of the commissioner of health. The commissioner  
40 of health may recommend to the commissioner additions or deletions to  
41 the department's regulations relating to optometric use of drugs except  
42 that such recommendations shall be limited only to additions which have  
43 been determined to be equivalent to those drugs already authorized or  
44 deletions based upon a finding that the drugs are no longer appropriate  
45 for their current use or for other similar reasons. IN ADDITION, THE  
46 COMMISSIONER OF HEALTH SHALL RECOMMEND TO THE COMMISSIONER ADDITIONS TO  
47 THE LIST OF APPROVED CATEGORIES OF ORAL PHARMACEUTICAL AGENTS WHICH HAVE  
48 BEEN DETERMINED TO HAVE BECOME THE STANDARD OF CARE IN THE COMMUNITY FOR  
49 THE TREATMENT OF DISEASES OF THE EYE AND ADNEXA.

50 S 6. Section 7106 of the education law is amended by adding a new  
51 subdivision 4 to read as follows:

52 4. BEGINNING JANUARY FIRST, TWO THOUSAND ELEVEN, AN APPLICANT FOR A  
53 LICENSE PURSUANT TO SECTION SEVENTY-ONE HUNDRED FOUR OF THIS ARTICLE OR  
54 RENEWAL OF A REGISTRATION IN OPTOMETRY SHALL AFFIRM TO THE DEPARTMENT  
55 THAT SUCH APPLICANT IS CERTIFIED IN CARDIOPULMONARY RESUSCITATION (CPR)  
56 FROM AN APPROVED PROVIDER. IN THE EVENT THE APPLICANT CANNOT PHYSICALLY

1 PERFORM CPR, THE COMMISSIONER'S REGULATIONS SHALL ALLOW THE APPLICANT TO  
2 MAKE ARRANGEMENTS FOR ANOTHER INDIVIDUAL IN THE OFFICE TO ADMINISTER  
3 CPR.

4 S 7. This act shall take effect on the one hundred twentieth day after  
5 it shall have become a law; provided that any rule or regulation neces-  
6 sary for the timely implementation of this act on its effective date  
7 shall be promulgated on or before such effective date.