

1 S 8800. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF VISION
2 REHABILITATION SERVICES, AND PROVIDES FOR THE LICENSING OF LICENSED
3 ORIENTATION AND MOBILITY SPECIALISTS AND VISION REHABILITATION THERA-
4 PISTS. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE
5 ONE HUNDRED THIRTY OF THIS TITLE SHALL APPLY TO THIS ARTICLE.

6 S 8801. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS
7 SHALL HAVE THE FOLLOWING MEANINGS:

8 1. THE PRACTICE OF "ORIENTATION AND MOBILITY TRAINING" SHALL MEAN:
9 (A) THE ASSESSMENT OF INDIVIDUAL NEEDS OF PERSONS WHO ARE VISUALLY
10 IMPAIRED FOR SKILLS TRAINING IN METHODS OF SAFE MOVEMENT AND IN STRATE-
11 GIES TO GATHER REQUIRED ENVIRONMENTAL AND SPATIAL INFORMATION; (B) THE
12 DEVELOPMENT OF APPROPRIATE INTEGRATED SERVICE PLANS TAILORED TO MEET
13 SUCH INDIVIDUAL NEEDS AS IDENTIFIED IN SUCH ASSESSMENT PROCESS; (C) THE
14 PROVISION OF TRAINING IN, AND UTILIZATION OF (I) EQUIPMENT AND ADAPTIVE
15 DEVICES INTENDED AND DESIGNED FOR USE BY PERSONS WHO ARE VISUALLY
16 IMPAIRED, AND (II) SPECIALIZED TECHNIQUES ADAPTED FOR PERSONS WHO ARE
17 VISUALLY IMPAIRED, INCLUDING BUT NOT LIMITED TO ORIENTATION; SENSORY
18 DEVELOPMENT; SYSTEMS OF SAFE MOVEMENT, INCLUDING LONG CANE TECHNIQUES;
19 RESOURCE IDENTIFICATION AND, AS APPROPRIATE, PROFESSIONAL REFERRALS;
20 AND, IN APPLIED SETTINGS, REINFORCING INSTRUCTION FOR THE USE OF OPTICAL
21 DEVICES AS PRESCRIBED BY OPTOMETRISTS AND OPHTHALMOLOGISTS; AND (D) THE
22 EVALUATION OF CLIENTS RECEIVING SUCH SPECIALIZED TRAINING.

23 2. THE PRACTICE OF "VISION REHABILITATION THERAPY" SHALL MEAN: (A) THE
24 ASSESSMENT OF INDIVIDUAL NEEDS OF PERSONS WHO ARE VISUALLY IMPAIRED FOR
25 SKILLS TRAINING IN INDEPENDENT LIVING AND COMMUNICATIONS; (B) THE DEVEL-
26 OPMENT OF APPROPRIATE INTEGRATED SERVICE PLANS TAILORED TO MEET SUCH
27 INDIVIDUAL NEEDS AS IDENTIFIED IN SUCH ASSESSMENT PROCESS; (C) THE
28 PROVISION OF TRAINING IN, AND UTILIZATION OF (I) EQUIPMENT AND ADAPTIVE
29 DEVICES INTENDED AND DESIGNED FOR USE BY PERSONS WHO ARE VISUALLY
30 IMPAIRED, INCLUDING, IN APPLIED SETTINGS, REINFORCING INSTRUCTION FOR
31 THE USE OF OPTICAL DEVICES AS PRESCRIBED BY OPTOMETRISTS OR OPHTHALMOLO-
32 GISTS, AND (II) SPECIALIZED TECHNIQUES ADAPTED FOR PERSONS WHO ARE VISU-
33 ALLY IMPAIRED, INCLUDING BUT NOT LIMITED TO BRAILLE AND OTHER COMMUNI-
34 CATION SKILLS; ADAPTED COMPUTER TECHNOLOGY; PERSONAL MANAGEMENT SKILLS;
35 HOME MANAGEMENT SKILLS; PROBLEM SOLVING SKILLS; RESOURCE MANAGEMENT AND,
36 AS APPROPRIATE, PROFESSIONAL REFERRALS; AND (D) THE EVALUATION OF
37 PERSONS RECEIVING SUCH SPECIALIZED TRAINING.

38 3. THE PRACTICE OF "VISION REHABILITATION SERVICES" SHALL MEAN PROVID-
39 ING ASSESSMENT AND EVALUATION OF, AND TRAINING FOR, PERSONS WHO ARE
40 VISUALLY IMPAIRED WHEN SUCH ASSESSMENT, EVALUATION AND TRAINING INCORPO-
41 RATES THE FULL RANGE OF SPECIALIZED SKILLS AND TASKS SUBSUMED IN THE TWO
42 PROFESSIONS DEFINED IN THIS SECTION AS: (A) ORIENTATION AND MOBILITY
43 TRAINING AND (B) VISION REHABILITATION THERAPY. SUCH SERVICES SHALL BE
44 RENDERED ON THE PRESCRIPTION OR REFERRAL WHICH MAY BE DIRECTIVE AS TO
45 TREATMENT BY A LICENSED PHYSICIAN OR OPTOMETRIST, PROVIDED HOWEVER THAT
46 NO SUCH TREATMENT DIRECTIVE AND LOW VISION EXAMINATION SHALL BE REQUIRED
47 WHEN THE PERSON BEING REFERRED HAS BEEN DIAGNOSED WITHIN THE PREVIOUS
48 TWELVE MONTHS AS VISUALLY IMPAIRED, BLIND OR LEGALLY BLIND AS THOSE
49 TERMS ARE DEFINED IN SUBDIVISION FIVE OF THIS SECTION AND SUCH SERVICES
50 ARE BEING RENDERED CONSISTENT WITH THAT DIAGNOSIS, PRESCRIPTION OR
51 REFERRAL. VISION REHABILITATION THERAPISTS AND ORIENTATION AND MOBILITY
52 SPECIALISTS MAY NOT PRESCRIBE OPTICAL LOW VISION DEVICES.

53 4. "APPLIED SETTINGS" MEANS THOSE LOCATIONS WHERE PERSONS WHO ARE
54 VISUALLY IMPAIRED ENGAGE IN DAY-TO-DAY ACTIVITIES UTILIZING THE TOOLS
55 SUPPLIED AND TECHNIQUES TAUGHT BY THE LICENSED PRACTITIONERS DEFINED IN
56 THIS ARTICLE.

1 5. "VISUALLY IMPAIRED" MEANS A PERSON WHO IS TOTALLY BLIND, LEGALLY
2 BLIND OR PARTIALLY SIGHTED. A PERSON WHO IS BLIND IS ONE WHO HAS NO
3 USEABLE VISION. A PERSON WHO IS LEGALLY BLIND IS ONE WHO SATISFIES THE
4 DEFINITION SET FORTH IN SUBDIVISION B OF SECTION THREE OF CHAPTER FOUR
5 HUNDRED FIFTEEN OF THE LAWS OF NINETEEN HUNDRED THIRTEEN. A PERSON WHO
6 IS PARTIALLY SIGHTED IS ONE WHO HAS FUNCTIONAL VISION IMPAIRMENT THAT
7 CONSTITUTES A SIGNIFICANT LIMITATION OF VISUAL CAPABILITY RESULTING FROM
8 DISEASE, TRAUMA, OR CONGENITAL CONDITION, THAT CANNOT BE FULLY AMELIO-
9 RATED BY STANDARD REFRACTIVE CORRECTION, MEDICATION, OR SURGERY, AND
10 THAT IS MANIFESTED BY ONE OR MORE OF THE FOLLOWING: INSUFFICIENT VISUAL
11 RESOLUTION, INADEQUATE FIELD OF VISION OR REDUCED PEAK CONTRAST SENSI-
12 TIVITY.

13 S 8802. USE OF THE TITLES "LICENSED ORIENTATION AND MOBILITY SPECIAL-
14 ISTS" AND "VISION REHABILITATION THERAPISTS". 1. PRACTICE OF ORIE-
15 NTATION AND MOBILITY TRAINING AND USE OF THE TITLE "LICENSED ORIENTATION
16 AND MOBILITY SPECIALISTS". ONLY A PERSON LICENSED OR OTHERWISE AUTHOR-
17 IZED UNDER THIS ARTICLE SHALL PRACTICE ORIENTATION AND MOBILITY TRAINING
18 OR USE THE TITLE "LICENSED ORIENTATION AND MOBILITY SPECIALISTS" IN
19 CONNECTION WITH HIS OR HER NAME OR WITH ANY TRADE NAME IN THE CONDUCT OF
20 HIS OR HER PROFESSION.

21 2. PRACTICE OF VISION REHABILITATION THERAPY AND USE OF THE TITLE
22 "VISION REHABILITATION THERAPIST". ONLY A PERSON LICENSED OR OTHERWISE
23 AUTHORIZED UNDER THIS ARTICLE SHALL PRACTICE VISION REHABILITATION THER-
24 APY OR USE THE TITLE "VISION REHABILITATION THERAPIST" IN CONNECTION
25 WITH HIS OR HER NAME OR WITH ANY TRADE NAME IN THE CONDUCT OF HIS OR HER
26 PROFESSION.

27 S 8803. STATE BOARD FOR VISION REHABILITATION SERVICES. A STATE BOARD
28 FOR VISION REHABILITATION SERVICES SHALL BE APPOINTED BY THE BOARD OF
29 REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF
30 ASSISTING THE BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF PROFES-
31 SIONAL LICENSING AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION
32 SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE. THE BOARD SHALL CONSIST OF NOT
33 LESS THAN FOURTEEN INDIVIDUALS, FOUR OF WHOM SHALL BE LICENSED ORIE-
34 NTATION AND MOBILITY SPECIALISTS, FOUR OF WHOM SHALL BE LICENSED VISION
35 REHABILITATION THERAPISTS, ONE OPHTHALMOLOGIST SPECIALIZING IN LOW
36 VISION TREATMENT, ONE OPTOMETRIST SPECIALIZING IN LOW VISION TREATMENT
37 AND FOUR OF WHOM SHALL BE BLIND REPRESENTATIVES OF THE PUBLIC AT LARGE
38 WHOSE NAMES WILL BE PLACED IN NOMINATION FOR THE BOARD FROM ORGANIZA-
39 TIONS OF THE BLIND OR VISUALLY IMPAIRED. MEMBERS OF THE INITIAL BOARD
40 NEED NOT BE LICENSED PRIOR TO THEIR APPOINTMENT TO THE BOARD. OF THE
41 MEMBERS FIRST APPOINTED, FOUR SHALL BE APPOINTED FOR A THREE YEAR TERM,
42 FIVE SHALL BE APPOINTED FOR A FOUR YEAR TERM, AND FIVE SHALL BE
43 APPOINTED FOR A FIVE YEAR TERM. THEREAFTER ALL MEMBERS SHALL SERVE FOR
44 FIVE YEAR TERMS. IN THE EVENT THAT MORE THAN FOURTEEN MEMBERS ARE
45 APPOINTED, A MAJORITY OF THE ADDITIONAL MEMBERS SHALL BE LICENSED ORIE-
46 NTATION AND MOBILITY SPECIALISTS AND LICENSED VISION REHABILITATION THER-
47 APISTS. THE MEMBERS OF THE BOARD SHALL SELECT ONE OF THEMSELVES AS CHAIR
48 TO SERVE FOR A ONE YEAR TERM. AN EXECUTIVE SECRETARY SHALL BE APPOINTED
49 BY THE BOARD OF REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER.

50 S 8804. REQUIREMENTS FOR A LICENSE. 1. TO QUALIFY FOR A LICENSE AS AN
51 ORIENTATION AND MOBILITY SPECIALIST, AN APPLICANT SHALL FULFILL THE
52 FOLLOWING REQUIREMENTS:

53 (A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

54 (B) EDUCATION/EXPERIENCE: (I) HAVE SATISFACTORILY COMPLETED AN
55 APPROVED ORIENTATION AND MOBILITY CURRICULUM IN A BACCALAUREATE OR
56 MASTERS PROGRAM, OR A CERTIFICATE PROGRAM SATISFACTORY TO THE DEPARTMENT

1 WHICH IS SUBSTANTIALLY EQUIVALENT TO A BACCALAUREATE DEGREE PROGRAM, IN
2 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS; AND
3 (II) HAVE A MINIMUM OF THREE MONTHS OF SUPERVISED ORIENTATION AND
4 MOBILITY EXPERIENCE WHICH SUPERVISION AND EXPERIENCE SHALL BE SATISFAC-
5 TORY TO THE STATE BOARD FOR VISION REHABILITATION SERVICES AND IN
6 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;
7 (C) EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN
8 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS THAT MAY BE BASED ON AN
9 EXAM UTILIZED BY ANY NATIONALLY RECOGNIZED ACCREDITING OR CERTIFICATION
10 BODY SUCH AS THE ACADEMY FOR CERTIFICATION OF VISION REHABILITATION AND
11 EDUCATION PROFESSIONALS (ACVREP), NATIONAL ORIENTATION AND MOBILITY
12 CERTIFICATE (NOMC) ADMINISTERED BY THE NATIONAL BLINDNESS PROFESSIONAL
13 CERTIFICATION BOARD (NBPCB) OR AN EQUIVALENT EXAM.
14 (D) AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;
15 (E) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
16 MENT;
17 (F) REGISTRATION: ALL LICENSED ORIENTATION AND MOBILITY SPECIALISTS
18 SHALL REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE
19 COMMISSIONER'S REGULATION;
20 (G) MANDATORY CONTINUING COMPETENCY: (I)(A) EACH LICENSED ORIENTATION
21 AND MOBILITY SPECIALIST REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNI-
22 ALLY WITH THE DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE
23 PROVISIONS OF THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS
24 PRESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, EXCEPT AS PROVIDED IN
25 CLAUSES (B) AND (C) OF THIS SUBPARAGRAPH. ORIENTATION AND MOBILITY
26 SPECIALISTS WHO DO NOT SATISFY THE MANDATORY CONTINUING COMPETENCY
27 REQUIREMENTS SHALL NOT BE AUTHORIZED TO PRACTICE UNTIL THEY HAVE MET
28 SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A REGISTRATION CERTIFICATE,
29 EXCEPT THAT AN ORIENTATION AND MOBILITY SPECIALIST MAY PRACTICE WITHOUT
30 HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGIS-
31 TRATION PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH.
32 (B) ORIENTATION AND MOBILITY SPECIALISTS SHALL BE EXEMPT FROM THE
33 MANDATORY CONTINUING COMPETENCY REQUIREMENT FOR THE TRIENNIAL REGISTRA-
34 TION PERIOD DURING WHICH THEY ARE FIRST LICENSED. ADJUSTMENT TO THE
35 MANDATORY CONTINUING COMPETENCY REQUIREMENTS MAY BE GRANTED BY THE
36 DEPARTMENT FOR REASONS OF HEALTH OF THE LICENSEE WHERE CERTIFIED BY AN
37 APPROPRIATE HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE
38 ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO
39 THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.
40 (C) A LICENSED ORIENTATION AND MOBILITY SPECIALIST NOT ENGAGED IN
41 PRACTICE, AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE
42 MANDATORY CONTINUING COMPETENCY REQUIREMENT UPON THE FILING OF A STATE-
43 MENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS
44 TO PRACTICE OF THE PROFESSION OF ORIENTATION AND MOBILITY SPECIALIST
45 DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT
46 PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY CONTIN-
47 UING COMPETENCY REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS OF
48 THE COMMISSIONER.
49 (II) DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
50 TRATION AS AN ORIENTATION AND MOBILITY SPECIALIST SHALL COMPLETE A MINI-
51 MUM OF TWENTY-FOUR HOURS OF ACCEPTABLE LEARNING ACTIVITIES WHICH
52 CONTRIBUTE TO CONTINUING COMPETENCE, AS SPECIFIED IN SUBPARAGRAPH (IV)
53 OF THIS PARAGRAPH, PROVIDED FURTHER THAT AT LEAST SIXTEEN HOURS SHALL BE
54 IN RECOGNIZED AREAS OF STUDY PERTINENT TO THE PROFESSIONAL SCOPE OF A
55 LICENSED ORIENTATION AND MOBILITY SPECIALIST. ANY ORIENTATION AND MOBIL-
56 ITY SPECIALIST WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE

1 DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE
2 DATE, BUT ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, SHALL
3 COMPLETE CONTINUING COMPETENCY HOURS ON A PRORATED BASIS AT THE RATE OF
4 ONE-HALF HOUR PER MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO
5 THOUSAND THIRTEEN UP TO THE FIRST REGISTRATION DATE. THEREAFTER, A
6 LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING COMPETENCY
7 REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY
8 THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL
9 REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED FOR IN SUBPARAGRAPH (III)
10 OF THIS PARAGRAPH. CONTINUING COMPETENCY HOURS TAKEN DURING ONE TRIENNI-
11 UM MAY NOT BE TRANSFERRED TO A SUBSEQUENT TRIENNIUM.

12 (III) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL
13 REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING COMPETENCY
14 REQUIREMENTS ESTABLISHED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BUT WHO
15 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL LEARNING
16 ACTIVITIES WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDI-
17 TIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE
18 FOR THE TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGIS-
19 TRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE
20 YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR
21 FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED
22 CONTINUING COMPETENCY LEARNING ACTIVITIES AND WHO PRACTICES WITHOUT SUCH
23 REGISTRATION, MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO
24 SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

25 (IV) AS USED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, "ACCEPTABLE
26 LEARNING ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO THE
27 PROFESSIONAL PRACTICE OF AN ORIENTATION AND MOBILITY SPECIALIST AND
28 WHICH MEET THE STANDARDS PRESCRIBED IN THE REGULATIONS OF THE COMMIS-
29 SIONER. SUCH LEARNING ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO,
30 COLLEGIATE LEVEL CREDIT AND NON-CREDIT COURSES, SELF-STUDY ACTIVITIES,
31 INDEPENDENT STUDY, FORMAL MENTORING ACTIVITIES, PUBLICATIONS IN PROFES-
32 SIONAL JOURNALS, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL
33 SESSIONS; SUCH LEARNING ACTIVITIES MAY BE OFFERED AND SPONSORED BY
34 NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS AND OTHER ORGANIZA-
35 TIONS OR PARTIES ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER ORGANIZED
36 EDUCATIONAL AND TECHNICAL LEARNING ACTIVITIES ACCEPTABLE TO THE DEPART-
37 MENT. RECOGNIZED AREAS OF STUDY SHALL INCLUDE BUT NOT BE LIMITED TO:
38 KNOWLEDGE AND SKILLS TRAINING IN ORIENTATION, MOBILITY, NAVIGATION,
39 INDEPENDENT LIVING, COMMUNICATIONS AND USE OF PRESCRIBED AND, ADAPTIVE
40 OPTICAL DEVICES; UTILIZATION OF SPECIALIZED TECHNIQUES AND EQUIPMENT
41 INTENDED FOR USE BY PERSONS WHO ARE VISUALLY IMPAIRED; THE MEDICAL
42 ASPECTS OF VISION LOSS AND ITS FUNCTIONAL IMPACT ON PERSONS WHO ARE
43 VISUALLY IMPAIRED; AND SUCH OTHER TECHNICAL SUBJECT MATTER AREAS APPRO-
44 PRIATELY RELATED TO THE PRACTICE OF VISION REHABILITATION SERVICES AS
45 MAY BE SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSION-
46 ER'S REGULATIONS. THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO
47 CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE
48 COMPLETION OF CONTINUING COMPETENCY LEARNING ACTIVITIES IN SPECIFIC
49 SUBJECTS TO FULFILL THIS MANDATORY CONTINUING COMPETENCY REQUIREMENT.
50 LEARNING ACTIVITIES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPART-
51 MENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

52 (V) ORIENTATION AND MOBILITY SPECIALISTS SHALL MAINTAIN ADEQUATE
53 DOCUMENTATION OF COMPLETION OF ACCEPTABLE CONTINUING COMPETENCY LEARNING
54 ACTIVITIES AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE
55 DEPARTMENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF

1 THE DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY
2 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

3 (VI) THE MANDATORY CONTINUING COMPETENCY FEE SHALL BE FIFTY DOLLARS,
4 SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRA-
5 TION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION
6 FEE REQUIRED BY PARAGRAPH (H) OF THIS SUBDIVISION.

7 (H) FEES: PAY A FEE OF ONE HUNDRED SEVENTY-FIVE DOLLARS FOR AN INITIAL
8 LICENSE AND A FEE OF ONE HUNDRED FIFTY-FIVE DOLLARS FOR EACH TRIENNIAL
9 REGISTRATION PERIOD.

10 2. TO QUALIFY FOR A LICENSE AS A VISION REHABILITATION THERAPIST AN
11 APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

12 (A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

13 (B) EDUCATION/EXPERIENCE: (I) HAVE SATISFACTORILY COMPLETED AN
14 APPROVED VISION REHABILITATION THERAPIST CURRICULUM IN A BACCALAUREATE
15 OR MASTERS PROGRAM, OR A CERTIFICATE PROGRAM SATISFACTORY TO THE DEPART-
16 MENT WHICH IS SUBSTANTIALLY EQUIVALENT TO A BACCALAUREATE DEGREE
17 PROGRAM, IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS; AND

18 (II) HAVE A MINIMUM OF THREE MONTHS OF SUPERVISED VISION REHABILI-
19 TATION THERAPIST EXPERIENCE WHICH SUPERVISION AND EXPERIENCE SHALL BE
20 SATISFACTORY TO THE STATE BOARD FOR VISION REHABILITATION SERVICES AND
21 IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

22 (C) EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN
23 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS THAT MAY BE BASED ON AN
24 EXAM UTILIZED BY ANY NATIONALLY RECOGNIZED ACCREDITING OR CERTIFICATION
25 BODY SUCH AS THE ACADEMY FOR CERTIFICATION OF VISION REHABILITATION AND
26 EDUCATION PROFESSIONALS (ACVREP), NATIONAL ORIENTATION AND MOBILITY
27 CERTIFICATE (NOMC) ADMINISTERED BY THE NATIONAL BLINDNESS PROFESSIONAL
28 CERTIFICATION BOARD (NBPCB) OR AN EQUIVALENT EXAM.

29 (D) AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

30 (E) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
31 MENT;

32 (F) REGISTRATION: ALL LICENSED VISION REHABILITATION THERAPISTS SHALL
33 REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE COMMIS-
34 SIONER'S REGULATIONS;

35 (G) MANDATORY CONTINUING COMPETENCY: (I) (A) EACH LICENSED VISION
36 REHABILITATION THERAPIST REQUIRED UNDER THIS ARTICLE TO REGISTER TRIEN-
37 NIALY WITH THE DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH
38 THE PROVISIONS OF THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS
39 PRESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, EXCEPT AS PROVIDED IN
40 CLAUSES (B) AND (C) OF THIS PARAGRAPH. VISION REHABILITATION THERAPISTS
41 WHO DO NOT SATISFY THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS
42 SHALL NOT BE AUTHORIZED TO PRACTICE UNTIL THEY HAVE MET SUCH REQUIRE-
43 MENTS, AND THEY HAVE BEEN ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT
44 A VISION REHABILITATION THERAPIST MAY PRACTICE WITHOUT HAVING MET SUCH
45 REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION PURSUANT
46 TO SUBPARAGRAPH (III) OF THIS PARAGRAPH.

47 (B) VISION REHABILITATION THERAPISTS SHALL BE EXEMPT FROM THE MANDATO-
48 RY CONTINUING COMPETENCY REQUIREMENT FOR THE TRIENNIAL REGISTRATION
49 PERIOD DURING WHICH THEY ARE FIRST LICENSED. ADJUSTMENT TO THE MANDATO-
50 RY CONTINUING COMPETENCY REQUIREMENTS MAY BE GRANTED BY THE DEPARTMENT
51 FOR REASONS OF HEALTH OF THE LICENSEE WHERE CERTIFIED BY AN APPROPRIATE
52 HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES
53 OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPART-
54 MENT WHICH MAY PREVENT COMPLIANCE.

55 (C) A LICENSED VISION REHABILITATION THERAPIST NOT ENGAGED IN PRAC-
56 TICE, AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATO-

RY CONTINUING COMPETENCY REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO PRACTICE OF VISION REHABILITATION THERAPY DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY CONTINUING COMPETENCY REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

(II) DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGISTRATION AS A VISION REHABILITATION THERAPIST SHALL COMPLETE A MINIMUM OF TWENTY-FOUR HOURS OF ACCEPTABLE LEARNING ACTIVITIES WHICH CONTRIBUTE TO CONTINUING COMPETENCE, AS SPECIFIED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH, PROVIDED FURTHER THAT AT LEAST SIXTEEN HOURS SHALL BE IN RECOGNIZED AREAS OF STUDY PERTINENT TO THE PROFESSIONAL SCOPE OF A LICENSED VISION REHABILITATION THERAPIST. ANY VISION REHABILITATION THERAPIST WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, SHALL COMPLETE CONTINUING COMPETENCY HOURS ON A PRORATED BASIS AT THE RATE OF ONE-HALF HOUR PER MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND THIRTEEN UP TO THE FIRST REGISTRATION DATE. THEREAFTER, A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED FOR IN SUBPARAGRAPH (III) OF THIS PARAGRAPH. CONTINUING COMPETENCY HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO A SUBSEQUENT TRIENNIUM.

(III) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING COMPETENCY REQUIREMENTS ESTABLISHED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BUT WHO AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL LEARNING ACTIVITIES WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING COMPETENCY LEARNING ACTIVITIES AND WHO PRACTICES WITHOUT SUCH REGISTRATION, MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

(IV) AS USED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, "ACCEPTABLE LEARNING ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO THE PROFESSIONAL PRACTICE OF A VISION REHABILITATION THERAPIST AND WHICH MEET THE STANDARDS PRESCRIBED IN THE REGULATIONS OF THE COMMISSIONER. SUCH LEARNING ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT COURSES, SELF-STUDY ACTIVITIES, INDEPENDENT STUDY, FORMAL MENTORING ACTIVITIES, PUBLICATIONS IN PROFESSIONAL JOURNALS, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL SESSIONS; SUCH LEARNING ACTIVITIES MAY BE OFFERED AND SPONSORED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS AND OTHER ORGANIZATIONS OR PARTIES ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL LEARNING ACTIVITIES ACCEPTABLE TO THE DEPARTMENT. RECOGNIZED AREAS OF STUDY SHALL INCLUDE BUT NOT BE LIMITED TO: KNOWLEDGE AND SKILLS TRAINING IN MOBILITY, NAVIGATION, INDEPENDENT LIVING, COMMUNICATIONS AND ORIENTATION, USE OF PRESCRIBED AND, ADAPTIVE OPTICAL DEVICES; UTILIZATION OF SPECIALIZED TECHNIQUES AND EQUIPMENT INTENDED FOR USE BY PERSONS WHO ARE VISUALLY IMPAIRED; THE MEDICAL ASPECTS OF VISION LOSS AND ITS FUNCTIONAL IMPACT ON PERSONS WHO ARE VISUALLY IMPAIRED; AND SUCH OTHER

1 TECHNICAL SUBJECT MATTER AREAS APPROPRIATELY RELATED TO THE PRACTICE OF
2 VISION REHABILITATION SERVICES AS MAY BE SATISFACTORY TO THE BOARD AND
3 IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS. THE DEPARTMENT MAY,
4 IN ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE
5 OF THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING COMPETENCY LEARNING
6 ACTIVITIES IN SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING
7 COMPETENCY REQUIREMENT. LEARNING ACTIVITIES MUST BE TAKEN FROM A SPON-
8 SOR APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE
9 COMMISSIONER.

10 (V) VISION REHABILITATION THERAPISTS SHALL MAINTAIN ADEQUATE DOCUMEN-
11 TATION OF COMPLETION OF ACCEPTABLE CONTINUING COMPETENCY LEARNING ACTIV-
12 ITIES AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPART-
13 MENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF THE
14 DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY
15 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

16 (VI) THE MANDATORY CONTINUING COMPETENCY FEE SHALL BE FIFTY DOLLARS,
17 SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRA-
18 TION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION
19 FEE REQUIRED BY PARAGRAPH (H) OF THIS SUBDIVISION.

20 (H) FEES: PAY A FEE OF ONE HUNDRED SEVENTY-FIVE DOLLARS FOR AN INITIAL
21 LICENSE AND A FEE OF ONE HUNDRED FIFTY-FIVE DOLLARS FOR EACH TRIENNIAL
22 REGISTRATION PERIOD.

23 S 8805. LIMITED PERMITS. PERMITS LIMITED AS TO ELIGIBILITY, PRACTICE
24 AND DURATION SHALL BE ISSUED BY THE DEPARTMENT TO ELIGIBLE APPLICANTS AS
25 FOLLOWS:

26 1. ELIGIBILITY. A PERSON WHO FULFILLS ALL REQUIREMENTS FOR AN ORIEN-
27 TATION AND MOBILITY SPECIALIST OR VISION REHABILITATION THERAPIST,
28 EXCEPT THAT RELATING TO THE EXAMINATION, SHALL BE ELIGIBLE FOR A LIMITED
29 PERMIT.

30 2. LIMIT OF PRACTICE. ALL PRACTICE UNDER A LIMITED PERMIT SHALL BE
31 UNDER THE DIRECT SUPERVISION OF A LICENSED ORIENTATION AND MOBILITY
32 SPECIALIST OR A VISION REHABILITATION THERAPIST.

33 3. DURATION. A LIMITED PERMIT SHALL EXPIRE ONE YEAR FROM THE DATE OF
34 ISSUANCE OR UPON NOTICE TO THE PERMITTEE BY THE DEPARTMENT THAT THE
35 APPLICATION FOR LICENSURE HAS BEEN DENIED, OR UPON NOTICE TO THE PERMIT-
36 TEE OF FAILURE ON THE PROFESSIONAL LICENSING EXAMINATION, WHICHEVER
37 FIRST OCCURS.

38 4. FEES. THE FEE FOR EACH LIMITED PERMIT SHALL BE SEVENTY DOLLARS.

39 S 8806. EXEMPT PERSONS. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT
40 OR PREVENT THE FOLLOWING, PROVIDED THAT NO TITLE, SIGN, CARD OR DEVICE
41 SHALL BE USED IN SUCH MANNER AS TO TEND TO CONVEY THE IMPRESSION THAT
42 THE PERSON RENDERING SUCH SERVICE IS A LICENSED ORIENTATION AND MOBILITY
43 SPECIALIST OR VISION REHABILITATION THERAPIST:

44 1. THE PRACTICE OF ORIENTATION AND MOBILITY TRAINING OR VISION REHA-
45 BILITATION THERAPY AS AN INTEGRAL PART OF A PROGRAM OF STUDY BY STUDENTS
46 ENROLLED IN APPROVED EDUCATIONAL OR TRAINING PROGRAMS IN (A) ORIENTATION
47 AND MOBILITY TRAINING OR (B) VISION REHABILITATION THERAPY.

48 2. THE PERFORMANCE OF ANY OF THE DUTIES, TASKS AND RESPONSIBILITIES
49 INCLUDED IN THE DEFINITION OF ORIENTATION AND MOBILITY TRAINING BY ANY
50 OTHER DULY LICENSED, CERTIFIED OR REGISTERED HEALTH CARE PROVIDER,
51 PROVIDED THAT SUCH DUTIES, TASKS AND RESPONSIBILITIES ARE WITHIN THE
52 SCOPE OF HIS OR HER PRACTICE AS DEFINED IN THE ARTICLE PURSUANT TO WHICH
53 SUCH PERSON IS LICENSED, CERTIFIED OR REGISTERED; PROVIDED, HOWEVER,
54 THAT SUCH PRACTITIONERS MAY NOT HOLD THEMSELVES OUT UNDER THE TITLE
55 "LICENSED ORIENTATION AND MOBILITY SPECIALIST" OR AS PERFORMING LICENSED
56 ORIENTATION AND MOBILITY TRAINING.

1 3. THE PERFORMANCE OF ANY OF THE DUTIES, TASKS AND RESPONSIBILITIES
2 INCLUDED IN THE DEFINITION OF VISION REHABILITATION THERAPY BY ANY OTHER
3 DULY LICENSED, CERTIFIED OR REGISTERED HEALTH CARE PROVIDER, PROVIDED
4 THAT SUCH DUTIES, TASKS AND RESPONSIBILITIES ARE WITHIN THE SCOPE OF HIS
5 OR HER PRACTICE AS DEFINED IN THE ARTICLE PURSUANT TO WHICH SUCH PERSON
6 IS LICENSED, CERTIFIED OR REGISTERED; PROVIDED, HOWEVER, THAT SUCH PRAC-
7 TITIONERS MAY NOT HOLD THEMSELVES OUT UNDER THE TITLE "LICENSED VISION
8 REHABILITATION THERAPIST" OR AS PERFORMING LICENSED VISION REHABILI-
9 TATION THERAPY.

10 4. THE PRACTICE, CONDUCT, ACTIVITIES, SERVICES OR USE OF ANY TITLE BY
11 ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE MEDICINE WITHIN
12 THE STATE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THIS TITLE OR BY
13 ANY PERSON REGISTERED TO PERFORM SERVICES AS A PHYSICIAN ASSISTANT
14 PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE-B OF THIS TITLE.

15 5. THE PRACTICE OF ORIENTATION AND MOBILITY TRAINING OR VISION REHA-
16 BILITATION THERAPY BY ANY LEGALLY QUALIFIED PRACTITIONER OF ORIENTATION
17 AND MOBILITY TRAINING OR VISION REHABILITATION THERAPY OF ANY OTHER
18 STATE OR TERRITORY WHO IS SERVING IN THE ARMED FORCES OR THE PUBLIC
19 HEALTH SERVICE OF THE UNITED STATES WHILE ENGAGED IN THE PERFORMANCE OF
20 HIS OR HER DUTIES.

21 6. THE INSTRUCTION IN THE USE OF A DOG GUIDE.

22 S 8807. SPECIAL PROVISIONS. A PERSON SHALL BE LICENSED WITHOUT EXAM-
23 INATION PROVIDED THAT, WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THIS
24 ARTICLE, SUCH PERSON:

25 1. FILES AN APPLICATION AND PAYS THE APPROPRIATE FEES TO THE DEPART-
26 MENT;

27 2. (A) HOLDS A BACHELOR'S DEGREE OR HIGHER, OR EQUIVALENT AS DETER-
28 MINED BY THE DEPARTMENT, WITH A SPECIALIZATION IN ORIENTATION AND MOBIL-
29 ITY TRAINING; OR (B) HOLDS A BACHELOR'S DEGREE OR HIGHER, OR EQUIVALENT
30 AS DETERMINED BY THE DEPARTMENT, WITH A SPECIALIZATION IN VISION REHA-
31 BILITATION THERAPY; OR (C) HOLDS A BACHELOR'S DEGREE OR HIGHER, OR
32 EQUIVALENT AS DETERMINED BY THE DEPARTMENT IN A REHABILITATION FIELD OR
33 IN SPECIAL EDUCATION AND (I) HAS COMPLETED ALL ADDITIONALLY REQUIRED
34 ELEMENTS OF THE ORIENTATION AND MOBILITY TRAINING OR VISION REHABILI-
35 TATION THERAPY CURRICULUM SATISFACTORY TO THE BOARD AND IN ACCORDANCE
36 WITH THE COMMISSIONER'S REGULATIONS; OR (II) HAS BEEN CERTIFIED IN
37 ORIENTATION AND MOBILITY TRAINING OR VISION REHABILITATION THERAPY BY A
38 NATIONALLY RECOGNIZED ACCREDITING BODY ACCEPTABLE TO THE DEPARTMENT; AND

39 3. SUBMITS EVIDENCE OF A MINIMUM OF THREE YEARS EXPERIENCE OR EMPLOY-
40 MENT IN THE PRACTICE OF ORIENTATION AND MOBILITY TRAINING OR VISION
41 REHABILITATION THERAPY SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH
42 THE COMMISSIONER'S REGULATIONS, WHETHER SUCH EXPERIENCE OR EMPLOYMENT
43 OCCURS WITHIN OR WITHOUT THIS STATE.

44 S 8808. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF,
45 SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID,
46 SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OF
47 ANY OTHER SECTION OR PART THEREOF.

48 S 2. This act shall take effect July 1, 2013. The commissioner of
49 education and the board of regents are authorized to promulgate such
50 rules and regulations and take any other measures as may be necessary
51 for the timely implementation of this act on or before its effective
52 date, including but not limited to the appointment of the state board
53 for vision rehabilitation services, the acceptance and processing of
54 applications for licensure, and the issuance of licenses.