S T A T E  O F  N E W  Y O R K

975--A

2013-2014 Regular Sessions

I N  S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. LIBOUS, ESPAILLAT -- read twice and ordered printed, and when printed to be committed 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 practice of optometry

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

Section 1. Subparagraph (v) of paragraph (d) of subdivision 1 of section 7101-a of the education law, as added by chapter 517 of the laws of 1995, is amended and a new subparagraph (vi) is added to read as follows:

(v) Disclosing agents and other substances used in conjunction with these drugs as part of a diagnostic procedure[.];

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

S 2. Subparagraph (viii) of paragraph (e) of subdivision 1 of section 7101-a of the education law, as added by chapter 517 of the laws of 1995, is amended and a new subparagraph (ix) is added to read as follows:

(viii) artificial tears and lubricants[.];

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

S 3. Subdivision 1 of section 7101-a of the education law is amended by adding a new paragraph (g) to read as follows:

(G) PHASE THREE THERAPEUTIC PHARMACEUTICAL AGENTS. PHASE THREE THERAPEUTIC PHARMACEUTICAL AGENTS SHALL MEAN THOSE ORALLY ADMINISTERED DRUGS

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

LBD03208-03-3

USED FOR THERAPEUTIC PURPOSES FOR THE TREATMENT OF DISEASES OF THE EYE AND ADNEXA AND SHALL BE LIMITED TO:

(I) ANTIBIOTICS;

(II) DECONGESTANTS/ANTI-ALLERGENIC/ANTIHISTAMINES;

(III) ANTIGLAUCOMAS;

(IV) ANTIVIRALS;

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

(VI) NONSTEROIDAL ANTI-INFLAMMATORY DRUGS;

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

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

(C) BEFORE USING OR PRESCRIBING PHASE THREE THERAPEUTIC PHARMACEUTICAL AGENTS, AN OPTOMETRIST MUST BE CERTIFIED TO PRESCRIBE DIAGNOSTIC PHARMACEUTICAL AGENTS AND PHASE ONE AND PHASE TWO THERAPEUTIC PHARMACEUTICAL AGENTS AND HAVE COMPLETED A TWENTY-FIVE HOUR PHASE THREE THERAPEUTIC PHARMACEUTICAL AGENT CERTIFICATION COURSE OF DIDACTIC EDUCATION, PROVIDED BY AN ACCREDITED COLLEGE OF OPTOMETRY AND APPROVED BY THE DEPARTMENT, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, INSTRUCTION IN PHARMACOLOGY AND DRUG INTERACTION.

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

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

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

S 6. Subdivision 7 of section 7101-a of the education law, as added by chapter 517 of the laws of 1995, is amended to read as follows:

7. Continuing education. Each optometrist certified to use phase one [or], phase two, OR PHASE THREE therapeutic pharmaceutical agents shall complete a minimum of thirty-six hours of continuing education per triennial registration period. The education shall be in the area of ocular disease and pharmacology, AT LEAST SIX HOURS OF WHICH SHALL RELATE SPECIFICALLY TO SYSTEMIC DRUG USE AND INTERACTION, and may include both didactic and clinical components. Such educational programs shall be approved in advance by the department and evidence of the completion of this requirement shall be submitted with each application

for license renewal as required by section sixty-five hundred two of this chapter.

S 7. Subdivision 12 of section 7101-a of the education law, as added by chapter 517 of the laws of 1995, is amended to read as follows:

12. Responsibilities of the commissioner of health. The commissioner of health [may recommend to the commissioner additions or deletions to the department's regulations relating to optometric use of drugs except that such recommendations shall be limited only to additions which have been determined to be equivalent to those drugs already authorized or deletions based upon a finding that the drugs are no longer appropriate for their current use or for other similar reasons.] SHALL RECOMMEND TO THE COMMISSIONER ADDITIONS OR DELETIONS TO THE LIST OF APPROVED CATEGORIES OF DIAGNOSTIC, THERAPEUTIC AND ORAL PHARMACEUTICAL AGENTS WHICH ARE CONSISTENT WITH THE STANDARD OF CARE IN THE COMMUNITY FOR THE DIAGNOSIS AND TREATMENT OF DISEASES OF THE EYE AND ADNEXA.

S 8. Section 7106 of the education law is amended by adding a new subdivision 4 to read as follows:

4. BEGINNING JANUARY FIRST, TWO THOUSAND FIFTEEN, AN APPLICANT FOR A LICENSE PURSUANT TO SECTION SEVENTY-ONE HUNDRED FOUR OF THIS ARTICLE OR RENEWAL OF A REGISTRATION IN OPTOMETRY SHALL AFFIRM TO THE DEPARTMENT THAT SUCH APPLICANT IS CERTIFIED IN CARDIOPULMONARY RESUSCITATION (CPR) FROM AN APPROVED PROVIDER. IN THE EVENT THE APPLICANT CANNOT PHYSICALLY PERFORM CPR, THE COMMISSIONER'S REGULATIONS SHALL ALLOW THE APPLICANT TO MAKE ARRANGEMENTS FOR ANOTHER INDIVIDUAL IN THE OFFICE TO ADMINISTER CPR.

S 9. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that any rule or regulation necessary for the timely implementation of this act on its effective date shall be promulgated on or before such effective date.