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

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I N A S S E M B L Y

June 13, 2013

Introduced by M. of A. MORELLE, COOK, ROBERTS, ROSA -- Multi-Sponsored by -- M. of A. McDONALD, MOSLEY, PEOPLES-STOKES, RIVERA -- 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:

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

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

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

3. THE COMMISSIONER SHALL ESTABLISH BY REGULATION EDUCATIONAL AND EXAMINATION REQUIREMENTS TO CERTIFY OPHTHALMIC DISPENSERS TO PRACTICE VISUAL ASSESSMENT. SUCH EDUCATIONAL REQUIREMENTS SHALL INCLUDE NINETY CONTRACT HOURS IN THE PRINCIPLES OF VISUAL ASSESSMENT OFFERED BY A

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

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DEGREE-GRANTING INSTITUTION ACCEPTABLE TO THE DEPARTMENT. IN ADDITION, SUCH REQUIREMENTS SHALL INCLUDE TWENTY HOURS OF CLINICAL PRACTICE IN VISUAL ASSESSMENT UNDER THE SUPERVISION OF A LICENSED OPTOMETRIST OR LICENSED OPHTHALMOLOGIST.

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

S 2. Notwithstanding the provisions of subdivision 3 of section 7121 of the education law, as added by section one of this act, the commissioner of education shall establish by regulation educational and examination requirements to certify ophthalmic dispensers to practice visual assessment who are licensed and registered prior to the effective date of this act; provided, however, that such educational requirements may include, but not be limited to, courses, clinical practice, experience, or any combination thereof, which is acceptable to such commissioner and substantially meets the standards of the educational requirements established pursuant to such subdivision 3 of such section 7121 of the education law.

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