

3558--C

2013-2014 Regular Sessions

I N S E N A T E

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Introduced by Sens. GRIFFO, BALL, BRESLIN, DeFRANCISCO, HOYLMAN, LARKIN, MARTINS, MAZIARZ, PARKER, RANZENHOFER, SAVINO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the licensing of orientation and mobility specialists and rehabilitation therapists

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

1 Section 1. The education law is amended by adding a new article 168 to
2 read as follows:

3 ARTICLE 168

4 VISION REHABILITATION SERVICES

5 SECTION 8900. INTRODUCTION.

6 8901. DEFINITIONS.

7 8902. USE OF THE TITLES "LICENSED ORIENTATION AND MOBILITY
8 SPECIALISTS" AND "VISION REHABILITATION THERAPISTS".

9 8903. STATE BOARD FOR VISION REHABILITATION SERVICES.

10 8904. REQUIREMENTS FOR A LICENSE.

11 8905. LIMITED PERMITS.

12 8906. EXEMPT PERSONS.

13 8907. SPECIAL PROVISIONS.

14 8908. SEPARABILITY.

15 S 8900. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF VISION
16 REHABILITATION SERVICES, AND PROVIDES FOR THE LICENSING OF LICENSED

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

LBD06474-07-4

1 ORIENTATION AND MOBILITY SPECIALISTS AND VISION REHABILITATION THERA-
2 PISTS. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE
3 ONE HUNDRED THIRTY OF THIS TITLE SHALL APPLY TO THIS ARTICLE.

4 S 8901. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS
5 SHALL HAVE THE FOLLOWING MEANINGS:

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

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

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

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

55 5. "VISUALLY IMPAIRED" MEANS A PERSON WHO IS TOTALLY BLIND, LEGALLY
56 BLIND OR PARTIALLY SIGHTED. A PERSON WHO IS BLIND IS ONE WHO HAS NO

1 USEABLE VISION. A PERSON WHO IS LEGALLY BLIND IS ONE WHO SATISFIES THE
2 DEFINITION SET FORTH IN SUBDIVISION B OF SECTION THREE OF CHAPTER FOUR
3 HUNDRED FIFTEEN OF THE LAWS OF NINETEEN HUNDRED THIRTEEN. A PERSON WHO
4 IS PARTIALLY SIGHTED IS ONE WHO HAS FUNCTIONAL VISION IMPAIRMENT THAT
5 CONSTITUTES A SIGNIFICANT LIMITATION OF VISUAL CAPABILITY RESULTING FROM
6 DISEASE, TRAUMA, OR CONGENITAL CONDITION, THAT CANNOT BE FULLY AMELIO-
7 RATED BY STANDARD REFRACTIVE CORRECTION, MEDICATION, OR SURGERY, AND
8 THAT IS MANIFESTED BY ONE OR MORE OF THE FOLLOWING: INSUFFICIENT VISUAL
9 RESOLUTION, INADEQUATE FIELD OF VISION OR REDUCED PEAK CONTRAST SENSI-
10 TIVITY.

11 S 8902. USE OF THE TITLES "LICENSED ORIENTATION AND MOBILITY SPECIAL-
12 ISTS" AND "VISION REHABILITATION THERAPISTS". 1. PRACTICE OF ORIE-
13 NTATION AND MOBILITY TRAINING AND USE OF THE TITLE "LICENSED ORIENTATION
14 AND MOBILITY SPECIALISTS". ONLY A PERSON LICENSED OR OTHERWISE AUTHOR-
15 IZED UNDER THIS ARTICLE SHALL PRACTICE ORIENTATION AND MOBILITY TRAINING
16 OR USE THE TITLE "LICENSED ORIENTATION AND MOBILITY SPECIALISTS" IN
17 CONNECTION WITH HIS OR HER NAME OR WITH ANY TRADE NAME IN THE CONDUCT OF
18 HIS OR HER PROFESSION.

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

25 S 8903. STATE BOARD FOR VISION REHABILITATION SERVICES. A STATE BOARD
26 FOR VISION REHABILITATION SERVICES SHALL BE APPOINTED BY THE BOARD OF
27 REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF
28 ASSISTING THE BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF PROFES-
29 SIONAL LICENSING AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION
30 SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE. THE BOARD SHALL CONSIST OF NOT
31 LESS THAN FOURTEEN INDIVIDUALS, FOUR OF WHOM SHALL BE LICENSED ORIE-
32 NTATION AND MOBILITY SPECIALISTS, FOUR OF WHOM SHALL BE LICENSED VISION
33 REHABILITATION THERAPISTS, ONE OPHTHALMOLOGIST SPECIALIZING IN LOW
34 VISION TREATMENT, ONE OPTOMETRIST SPECIALIZING IN LOW VISION TREATMENT
35 AND FOUR OF WHOM SHALL BE BLIND REPRESENTATIVES OF THE PUBLIC AT LARGE
36 WHOSE NAMES WILL BE PLACED IN NOMINATION FOR THE BOARD FROM ORGANIZA-
37 TIONS OF THE BLIND OR VISUALLY IMPAIRED. MEMBERS OF THE INITIAL BOARD
38 NEED NOT BE LICENSED PRIOR TO THEIR APPOINTMENT TO THE BOARD. OF THE
39 MEMBERS FIRST APPOINTED, FOUR SHALL BE APPOINTED FOR A THREE YEAR TERM,
40 FIVE SHALL BE APPOINTED FOR A FOUR YEAR TERM, AND FIVE SHALL BE
41 APPOINTED FOR A FIVE YEAR TERM. THEREAFTER ALL MEMBERS SHALL SERVE FOR
42 FIVE YEAR TERMS. IN THE EVENT THAT MORE THAN FOURTEEN MEMBERS ARE
43 APPOINTED, A MAJORITY OF THE ADDITIONAL MEMBERS SHALL BE LICENSED ORIE-
44 NTATION AND MOBILITY SPECIALISTS AND LICENSED VISION REHABILITATION THER-
45 APISTS. THE MEMBERS OF THE BOARD SHALL SELECT ONE OF THEMSELVES AS CHAIR
46 TO SERVE FOR A ONE YEAR TERM. AN EXECUTIVE SECRETARY SHALL BE APPOINTED
47 BY THE BOARD OF REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER.

48 S 8904. REQUIREMENTS FOR A LICENSE. 1. TO QUALIFY FOR A LICENSE AS AN
49 ORIENTATION AND MOBILITY SPECIALIST, AN APPLICANT SHALL FULFILL THE
50 FOLLOWING REQUIREMENTS:

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

52 (B) EDUCATION/EXPERIENCE: (I) HAVE SATISFACTORILY COMPLETED AN
53 APPROVED ORIENTATION AND MOBILITY CURRICULUM IN A BACCALAUREATE OR
54 MASTERS PROGRAM, OR A CERTIFICATE PROGRAM SATISFACTORY TO THE DEPARTMENT
55 WHICH IS SUBSTANTIALLY EQUIVALENT TO A BACCALAUREATE DEGREE PROGRAM, IN
56 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS; AND

(II) HAVE A MINIMUM OF THREE MONTHS OF SUPERVISED ORIENTATION AND MOBILITY EXPERIENCE WHICH SUPERVISION AND EXPERIENCE SHALL BE SATISFACTORY TO THE STATE BOARD FOR VISION REHABILITATION SERVICES AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

(C) PASS AN EXAMINATION SATISFACTORY TO THE STATE BOARD FOR VISION REHABILITATION SERVICES IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

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

(E) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT;

(F) REGISTRATION: ALL LICENSED ORIENTATION AND MOBILITY SPECIALISTS SHALL REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATION;

(G) MANDATORY CONTINUING COMPETENCY: (I)(A) EACH LICENSED ORIENTATION AND MOBILITY SPECIALIST REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS PRESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, EXCEPT AS PROVIDED IN CLAUSES (B) AND (C) OF THIS SUBPARAGRAPH. ORIENTATION AND MOBILITY SPECIALISTS WHO DO NOT SATISFY THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE AUTHORIZED TO PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT AN ORIENTATION AND MOBILITY SPECIALIST MAY PRACTICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH.

(B) ORIENTATION AND MOBILITY SPECIALISTS SHALL BE EXEMPT FROM THE MANDATORY CONTINUING COMPETENCY REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH THEY ARE FIRST LICENSED. ADJUSTMENT TO THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH OF THE LICENSEE WHERE CERTIFIED BY AN APPROPRIATE HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.

(C) A LICENSED ORIENTATION AND MOBILITY SPECIALIST NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING COMPETENCY REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO PRACTICE OF THE PROFESSION OF ORIENTATION AND MOBILITY SPECIALIST 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 AN ORIENTATION AND MOBILITY SPECIALIST 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 ORIENTATION AND MOBILITY SPECIALIST. ANY ORIENTATION AND MOBILITY SPECIALIST 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 FIFTEEN, 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 FIFTEEN UP TO THE FIRST REGISTRATION DATE. THEREAFTER, A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING COMPETENCY REQUIRE-

MENTS 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 AN ORIENTATION AND MOBILITY SPECIALIST 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 ORIENTATION, MOBILITY, NAVIGATION, INDEPENDENT LIVING, COMMUNICATIONS AND 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 TECHNICAL SUBJECT MATTER AREAS APPROPRIATELY RELATED TO THE PRACTICE OF VISION REHABILITATION SERVICES AS MAY BE SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS. THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING COMPETENCY LEARNING ACTIVITIES IN SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING COMPETENCY REQUIREMENT. LEARNING ACTIVITIES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

(V) ORIENTATION AND MOBILITY SPECIALISTS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE CONTINUING COMPETENCY LEARNING ACTIVITIES AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF THE DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

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

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

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

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

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

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

16 (C) PASS AN EXAMINATION SATISFACTORY TO THE STATE BOARD FOR VISION
17 REHABILITATION SERVICES IN ACCORDANCE WITH THE COMMISSIONER'S REGU-
18 LATIONS.

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

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

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

25 (G) MANDATORY CONTINUING COMPETENCY: (I) (A) EACH LICENSED VISION
26 REHABILITATION THERAPIST REQUIRED UNDER THIS ARTICLE TO REGISTER TRIEN-
27 NIALY WITH THE DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH
28 THE PROVISIONS OF THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS
29 PRESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, EXCEPT AS PROVIDED IN
30 CLAUSES (B) AND (C) OF THIS PARAGRAPH. VISION REHABILITATION THERAPISTS
31 WHO DO NOT SATISFY THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS
32 SHALL NOT BE AUTHORIZED TO PRACTICE UNTIL THEY HAVE MET SUCH REQUIRE-
33 MENTS, AND THEY HAVE BEEN ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT
34 A VISION REHABILITATION THERAPIST MAY PRACTICE WITHOUT HAVING MET SUCH
35 REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION PURSUANT
36 TO SUBPARAGRAPH (III) OF THIS PARAGRAPH.

37 (B) VISION REHABILITATION THERAPISTS SHALL BE EXEMPT FROM THE MANDATO-
38 RY CONTINUING COMPETENCY REQUIREMENT FOR THE TRIENNIAL REGISTRATION
39 PERIOD DURING WHICH THEY ARE FIRST LICENSED. ADJUSTMENT TO THE MANDATO-
40 RY CONTINUING COMPETENCY REQUIREMENTS MAY BE GRANTED BY THE DEPARTMENT
41 FOR REASONS OF HEALTH OF THE LICENSEE WHERE CERTIFIED BY AN APPROPRIATE
42 HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES
43 OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPART-
44 MENT WHICH MAY PREVENT COMPLIANCE.

45 (C) A LICENSED VISION REHABILITATION THERAPIST NOT ENGAGED IN PRAC-
46 TICE, AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATO-
47 RY CONTINUING COMPETENCY REQUIREMENT UPON THE FILING OF A STATEMENT WITH
48 THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO PRAC-
49 TICE OF VISION REHABILITATION THERAPY DURING THE TRIENNIAL REGISTRATION
50 PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION
51 AND SHALL MEET SUCH MANDATORY CONTINUING COMPETENCY REQUIREMENTS AS
52 SHALL BE PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

53 (II) DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
54 TRATION AS A VISION REHABILITATION THERAPIST SHALL COMPLETE A MINIMUM OF
55 TWENTY-FOUR HOURS OF ACCEPTABLE LEARNING ACTIVITIES WHICH CONTRIBUTE TO
56 CONTINUING COMPETENCE, AS SPECIFIED IN SUBPARAGRAPH (IV) OF THIS PARA-

1 GRAPH, PROVIDED FURTHER THAT AT LEAST SIXTEEN HOURS SHALL BE IN RECOG-
2 NIZED AREAS OF STUDY PERTINENT TO THE PROFESSIONAL SCOPE OF A LICENSED
3 VISION REHABILITATION THERAPIST. ANY VISION REHABILITATION THERAPIST
4 WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS
5 SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR
6 AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, SHALL COMPLETE CONTINUING
7 COMPETENCY HOURS ON A PRORATED BASIS AT THE RATE OF ONE-HALF HOUR PER
8 MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND FIFTEEN UP TO
9 THE FIRST REGISTRATION DATE. THEREAFTER, A LICENSEE WHO HAS NOT SATIS-
10 FIED THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE
11 ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL
12 NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS
13 ISSUED AS PROVIDED FOR IN SUBPARAGRAPH (III) OF THIS PARAGRAPH. CONTIN-
14 UING COMPETENCY HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED
15 TO A SUBSEQUENT TRIENNIUM.

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

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

(V) VISION REHABILITATION THERAPISTS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE CONTINUING COMPETENCY LEARNING ACTIVITIES AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF THE DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

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

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

S 8905. LIMITED PERMITS. PERMITS LIMITED AS TO ELIGIBILITY, PRACTICE AND DURATION SHALL BE ISSUED BY THE DEPARTMENT TO ELIGIBLE APPLICANTS AS FOLLOWS:

1. ELIGIBILITY. A PERSON WHO FULFILLS ALL REQUIREMENTS FOR AN ORIENTATION AND MOBILITY SPECIALIST OR VISION REHABILITATION THERAPIST, EXCEPT THAT RELATING TO THE EXAMINATION, SHALL BE ELIGIBLE FOR A LIMITED PERMIT.

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

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

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

S 8906. EXEMPT PERSONS. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT OR PREVENT THE FOLLOWING, PROVIDED THAT NO TITLE, SIGN, CARD OR DEVICE SHALL BE USED IN SUCH MANNER AS TO TEND TO CONVEY THE IMPRESSION THAT THE PERSON RENDERING SUCH SERVICE IS A LICENSED ORIENTATION AND MOBILITY SPECIALIST OR VISION REHABILITATION THERAPIST:

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

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

3. THE PERFORMANCE OF ANY OF THE DUTIES, TASKS AND RESPONSIBILITIES INCLUDED IN THE DEFINITION OF VISION REHABILITATION THERAPY BY ANY OTHER DULY LICENSED, CERTIFIED OR REGISTERED HEALTH CARE PROVIDER, PROVIDED THAT SUCH DUTIES, TASKS AND RESPONSIBILITIES ARE WITHIN THE SCOPE OF HIS OR HER PRACTICE AS DEFINED IN THIS ARTICLE OR COMMISSIONER'S REGULATION PURSUANT TO WHICH SUCH PERSON IS LICENSED, CERTIFIED OR REGISTERED; PROVIDED, HOWEVER, THAT SUCH PRACTITIONERS MAY NOT HOLD THEMSELVES OUT UNDER THE TITLE "LICENSED VISION REHABILITATION THERAPIST" OR AS PERFORMING LICENSED VISION REHABILITATION THERAPY.

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

6 5. THE PRACTICE OF ORIENTATION AND MOBILITY TRAINING OR VISION REHA-
7 BILITATION THERAPY BY ANY LEGALLY QUALIFIED PRACTITIONER OF ORIENTATION
8 AND MOBILITY TRAINING OR VISION REHABILITATION THERAPY OF ANY OTHER
9 STATE OR TERRITORY WHO IS SERVING IN THE ARMED FORCES OR THE PUBLIC
10 HEALTH SERVICE OF THE UNITED STATES WHILE ENGAGED IN THE PERFORMANCE OF
11 HIS OR HER DUTIES.

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

13 S 8907. SPECIAL PROVISIONS. A PERSON SHALL BE LICENSED WITHOUT EXAM-
14 INATION PROVIDED THAT, WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THIS
15 ARTICLE, SUCH PERSON:

16 1. FILES AN APPLICATION AND PAYS THE APPROPRIATE FEES TO THE DEPART-
17 MENT;

18 2. (A) HOLDS A BACHELOR'S DEGREE OR HIGHER, OR EQUIVALENT AS DETER-
19 MINED BY THE DEPARTMENT, WITH A SPECIALIZATION IN ORIENTATION AND MOBIL-
20 ITY TRAINING; OR (B) HOLDS A BACHELOR'S DEGREE OR HIGHER, OR EQUIVALENT
21 AS DETERMINED BY THE DEPARTMENT, WITH A SPECIALIZATION IN VISION REHA-
22 BILITATION THERAPY; OR (C) HOLDS A BACHELOR'S DEGREE OR HIGHER, OR
23 EQUIVALENT AS DETERMINED BY THE DEPARTMENT IN A REHABILITATION FIELD OR
24 IN SPECIAL EDUCATION AND (I) HAS COMPLETED ALL ADDITIONALLY REQUIRED
25 ELEMENTS OF THE ORIENTATION AND MOBILITY TRAINING OR VISION REHABILI-
26 TATION THERAPY CURRICULUM SATISFACTORY TO THE BOARD AND IN ACCORDANCE
27 WITH THE COMMISSIONER'S REGULATIONS; OR (II) HAS BEEN CERTIFIED IN
28 ORIENTATION AND MOBILITY TRAINING OR VISION REHABILITATION THERAPY BY A
29 NATIONALLY RECOGNIZED ACCREDITING BODY ACCEPTABLE TO THE DEPARTMENT; AND

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

35 S 8908. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF,
36 SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID,
37 SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OF
38 ANY OTHER SECTION OR PART THEREOF.

39 S 2. This act shall take effect July 1, 2015. The commissioner of
40 education and the board of regents are authorized to promulgate such
41 rules and regulations and take any other measures as may be necessary
42 for the timely implementation of this act on or before its effective
43 date, including but not limited to the appointment of the state board
44 for vision rehabilitation services, the acceptance and processing of
45 applications for licensure, and the issuance of licenses.