

5451--C

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 23, 2015

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Introduced by M. of A. LUPARDO, GOTTFRIED, TITUS, PAULIN, ROSENTHAL, DINOWITZ, PERRY, BENEDETTO, JAFFEE, COLTON, BROOK-KRASNY, MORELLE, PEOPLES-STOKES, LAVINE, WEPRIN, BRONSON, ZEBROWSKI, ROBERTS, ORTIZ, THIELE, MOYA, BRINDISI, CLARK, MOSLEY, GUNTHER, SKOUFIS, BUCHWALD, FAHY, GOLDFEDER, MAGNARELLI, RYAN, KAMINSKY, STIRPE, PICHARDO -- Multi-Sponsored by -- M. of A. ABBATE, ABINANTI, ARROYO, AUBRY, BARCLAY, BLANKENBUSH, BRAUNSTEIN, BRENNAN, BUTLER, CAHILL, CERETTO, COOK, CORWIN, CRESPO, CROUCH, CURRAN, CUSICK, CYMBROWITZ, DAVILA, DUPREY, ENGLEBRIGHT, FARRELL, FINCH, FITZPATRICK, GALEF, GARBARINO, GOODELL, GRAF, HAWLEY, HEVESI, HOOPER, JOHNS, KEARNS, KIM, LALOR, LENTOL, LIFTON, LUPINACCI, MAGEE, MALLIOTAKIS, MARKEY, McDONALD, McDO- NOUGH, McKEVITT, McLAUGHLIN, MILLER, MONTESANO, OAKS, PALMESANO, RA, RAIA, RUSSELL, SALADINO, SCHIMEL, SIMANOWITZ, SIMON, STEC, STECK, TENNEY, TITONE, WALTER -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recom- mitted to said committee

AN ACT to amend the education law, in relation to the licensing of vision impairment specialists and certification/specialization of orientation and mobility specialists and rehabilitation therapists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM- BLY, 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 IMPAIRMENT SPECIALISTS  
5     SECTION 8900. INTRODUCTION.  
6             8901. DEFINITIONS.

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

LBD07767-16-5

8902. USE OF TITLES.

8903. STATE BOARD FOR VISION IMPAIRMENT SPECIALISTS.

8904. REQUIREMENTS FOR A LICENSE AS A LOW VISION SPECIALIST.

8905. REQUIREMENTS FOR A LICENSE AS AN ORIENTATION AND MOBILITY SPECIALIST.

8906. REQUIREMENTS FOR A LICENSE AS A VISION REHABILITATION THERAPIST.

8907. LIMITED PERMITS.

8908. EXEMPT PERSONS.

8909. SPECIAL PROVISIONS.

8910. SEPARABILITY.

S 8900. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF VISION IMPAIRMENT SPECIALISTS, AND PROVIDES FOR THE LICENSING OF LOW VISION THERAPISTS, ORIENTATION AND MOBILITY SPECIALISTS AND VISION REHABILITATION THERAPISTS. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE SHALL APPLY TO THIS ARTICLE.

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

1. THE PRACTICE OF "VISION REHABILITATION SERVICES" SHALL MEAN PROVIDING ASSESSMENT AND EVALUATION OF, AND TRAINING FOR, PERSONS WHO ARE VISUALLY IMPAIRED WHEN SUCH ASSESSMENT, EVALUATION AND TRAINING INCORPORATES THE FULL RANGE OF SPECIALIZED SKILLS AND TASKS SUBSUMED IN THE THREE PROFESSIONS DEFINED IN THIS SECTION AS: (A) LOW VISION THERAPY, (B) ORIENTATION AND MOBILITY TRAINING, AND (C) VISION REHABILITATION THERAPY. SUCH SERVICES SHALL BE RENDERED ON THE PRESCRIPTION OR REFERRAL WHICH MAY BE DIRECTIVE AS TO TREATMENT BY A LICENSED PHYSICIAN, NURSE PRACTITIONER, OPHTHALMOLOGIST OR OPTOMETRIST, PROVIDED HOWEVER THAT NO SUCH TREATMENT DIRECTIVE AND LOW VISION EXAMINATION SHALL BE REQUIRED WHEN THE PERSON BEING REFERRED HAS BEEN DIAGNOSED WITHIN THE PREVIOUS TWELVE MONTHS AS VISUALLY IMPAIRED, BLIND OR LEGALLY BLIND AS THOSE TERMS ARE DEFINED IN SUBDIVISION FIVE OF THIS SECTION AND SUCH SERVICES ARE BEING RENDERED CONSISTENT WITH THAT DIAGNOSIS, PRESCRIPTION OR REFERRAL. LOW VISION THERAPISTS, VISION REHABILITATION THERAPISTS, AND ORIENTATION AND MOBILITY SPECIALISTS MAY NOT PRESCRIBE OPTICAL LOW VISION DEVICES.

2. THE PRACTICE OF "LOW VISION THERAPY" SHALL MEAN: (A) PERFORMANCE OF FUNCTIONAL LOW VISION EVALUATION; (B) THE USE OF FUNCTIONAL VISION EVALUATION INSTRUMENTS TO ASSESS VISUAL ACUITY, VISUAL FIELDS, CONTRAST SENSITIVITY FUNCTION, COLOR VISION, STEREOPSIS, VISUAL PERCEPTUAL AND VISUAL MOTOR FUNCTIONING, LITERACY SKILLS IN READING AND WRITING, ETC. AS THEY RELATE TO VISION IMPAIRMENT AND DISABILITY; (C) EVALUATION OF WORK HISTORY, EDUCATIONAL PERFORMANCE, ACTIVITIES OF DAILY LIVING (ADL) AND INSTRUMENTAL ACTIVITIES OF DAILY LIVING (IADL) PERFORMANCE, USE OF TECHNOLOGY, QUALITY OF LIFE AND ASPECTS OF PSYCHOSOCIAL AND COGNITIVE FUNCTION; (D) WORK AS PART OF AN INTERDISCIPLINARY TEAM WITH OPHTHALMOLOGISTS, OPTOMETRISTS, VISION REHABILITATION SPECIALISTS, ORIENTATION AND MOBILITY SPECIALISTS, REHABILITATION COUNSELORS, EDUCATORS, SPEECH PATHOLOGISTS, OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, PSYCHOLOGISTS, SOCIAL WORKERS, NURSES, ORTHOPTISTS, OPTICIANS, OTHER PHYSICIANS, TECHNOLOGISTS, AND TECHNICIANS; (E) TRAINING THE USE OF SPECIFIC VISUAL PERCEPTUAL AND VISUAL MOTOR SKILLS; (F) TRAINING IN THE APPROPRIATE AND SAFE USE OF LOW VISION DEVICES; AND (G) INSTRUCTION IN THE USE OF ADAPTIVE EQUIPMENT.

3. THE PRACTICE OF "VISION IMPAIRMENT SPECIALIST" SHALL MEAN ONE WHO SPECIALIZES IN ORIENTATION AND MOBILITY TRAINING AND/OR VISION REHABILITATION THERAPY.

1 4. THE PRACTICE OF "ORIENTATION AND MOBILITY TRAINING" SHALL MEAN:

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

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

31 6. "APPLIED SETTINGS" MEANS THOSE LOCATIONS WHERE PERSONS WHO ARE  
32 VISUALLY IMPAIRED ENGAGE IN DAY-TO-DAY ACTIVITIES UTILIZING THE TOOLS  
33 SUPPLIED AND TECHNIQUES TAUGHT BY THE LICENSED PRACTITIONERS DEFINED IN  
34 THIS ARTICLE.

35 7. "VISUALLY IMPAIRED" MEANS A PERSON WHO IS TOTALLY BLIND, LEGALLY  
36 BLIND OR PARTIALLY SIGHTED. A PERSON WHO IS BLIND IS ONE WHO HAS NO  
37 USEABLE VISION. A PERSON WHO IS LEGALLY BLIND IS ONE WHO SATISFIES THE  
38 DEFINITION SET FORTH IN SUBDIVISION B OF SECTION THREE OF CHAPTER FOUR  
39 HUNDRED FIFTEEN OF THE LAWS OF NINETEEN HUNDRED THIRTEEN. A PERSON WHO  
40 IS PARTIALLY SIGHTED IS ONE WHO HAS FUNCTIONAL VISION IMPAIRMENT THAT  
41 CONSTITUTES A SIGNIFICANT LIMITATION OF VISUAL CAPABILITY RESULTING FROM  
42 DISEASE, TRAUMA, OR CONGENITAL CONDITION, THAT CANNOT BE FULLY AMELIO-  
43 RATED BY STANDARD REFRACTIVE CORRECTION, MEDICATION, OR SURGERY, AND  
44 THAT IS MANIFESTED BY ONE OR MORE OF THE FOLLOWING: INSUFFICIENT VISUAL  
45 RESOLUTION, INADEQUATE FIELD OF VISION OR REDUCED PEAK CONTRAST SENSI-  
46 TIVITY.

47 8. "BOARD" SHALL MEAN THE STATE BOARD FOR VISION IMPAIRMENT SPECIAL-  
48 ISTS AS PROVIDED FOR IN SECTION EIGHTY-NINE THOUSAND THREE OF THIS ARTI-  
49 CLE.

50 S 8902. USE OF TITLES. ONLY A PERSON LICENSED OR OTHERWISE AUTHORIZED  
51 UNDER THIS ARTICLE SHALL BE AUTHORIZED TO PRACTICE VISION REHABILITATION  
52 OR USE THE TITLE "LICENSED LOW VISION THERAPIST," "LICENSED ORIENTATION  
53 AND MOBILITY SPECIALIST" OR "LICENSED ORIENTATION AND MOBILITY SPECIAL-  
54 IST" IN CONNECTION WITH HIS OR HER NAME OR WITH ANY TRADE NAME IN THE  
55 CONDUCT OF HIS OR HER PROFESSION.

1 S 8903. STATE BOARD FOR VISION IMPAIRMENT SPECIALISTS. A STATE BOARD  
2 FOR VISION IMPAIRMENT SPECIALISTS SHALL BE APPOINTED BY THE BOARD OF  
3 REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF  
4 ASSISTING THE BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF PROFES-  
5 SIONAL LICENSING AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION  
6 SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE. THE BOARD SHALL CONSIST OF NOT  
7 LESS THAN EIGHT INDIVIDUALS, TWO OF WHOM SHALL BE CERTIFIED ORIENTATION  
8 AND MOBILITY SPECIALISTS, TWO OF WHOM SHALL BE CERTIFIED VISION REHABIL-  
9 ITATION THERAPISTS, ONE OPHTHALMOLOGIST SPECIALIZING IN LOW VISION  
10 TREATMENT, ONE OPTOMETRIST SPECIALIZING IN LOW VISION TREATMENT AND TWO  
11 OF WHOM SHALL BE BLIND REPRESENTATIVES OF THE PUBLIC AT LARGE WHOSE  
12 NAMES WILL BE PLACED IN NOMINATION FOR THE BOARD FROM ORGANIZATIONS OF  
13 THE BLIND OR VISUALLY IMPAIRED. MEMBERS OF THE INITIAL BOARD NEED NOT BE  
14 LICENSED OR CERTIFIED PRIOR TO THEIR APPOINTMENT TO THE BOARD, SO LONG  
15 AS THEY ARE CERTIFIED BY A NATIONAL CERTIFYING OR ACCREDITING BOARD,  
16 ACCEPTABLE TO THE DEPARTMENT. OF THE MEMBERS FIRST APPOINTED, TWO SHALL  
17 BE APPOINTED FOR A THREE YEAR TERM, THREE SHALL BE APPOINTED FOR A FOUR  
18 YEAR TERM, AND THREE SHALL BE APPOINTED FOR A FIVE YEAR TERM. THEREAFTER  
19 ALL MEMBERS SHALL SERVE FOR FIVE YEAR TERMS. IN THE EVENT THAT MORE THAN  
20 EIGHT MEMBERS ARE APPOINTED, A MAJORITY OF THE ADDITIONAL MEMBERS SHALL  
21 BE CERTIFIED ORIENTATION AND MOBILITY SPECIALISTS AND CERTIFIED VISION  
22 REHABILITATION THERAPISTS. THE MEMBERS OF THE BOARD SHALL SELECT ONE OF  
23 THEMSELVES AS CHAIR TO SERVE FOR A ONE YEAR TERM. AN EXECUTIVE SECRETARY  
24 SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON THE RECOMMENDATION OF  
25 THE COMMISSIONER.

26 S 8904. REQUIREMENTS FOR A LICENSE AS A LOW VISION THERAPIST. TO  
27 QUALIFY FOR A LICENSE AS A LOW VISION THERAPIST, AN APPLICANT SHALL  
28 FULFILL THE FOLLOWING REQUIREMENTS:

- 29 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;
- 30 2. EDUCATION: HAVE SATISFACTORILY COMPLETED AN APPROVED CURRICULUM IN  
31 LOW VISION THERAPY, VISUAL DISABILITIES, VISION EDUCATION, VISION  
32 IMPAIRMENT OR OTHER EQUIVALENT PROGRAM IN A BACCALAUREATE OR GRADUATE  
33 LEVEL PROGRAM, OR A FOREIGN EQUIVALENT, SATISFACTORY TO THE DEPARTMENT  
34 AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS; AND
- 35 3. EXPERIENCE: HAVE A MINIMUM OF SIX MONTHS OF SUPERVISED ORIENTATION  
36 AND MOBILITY EXPERIENCE WHICH SHALL BE SATISFACTORY TO THE DEPARTMENT  
37 AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;
- 38 4. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE DEPARTMENT IN  
39 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;
- 40 5. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;
- 41 6. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-  
42 MENT; AND
- 43 7. REGISTRATION: ALL LICENSED LOW VISION THERAPISTS SHALL REGISTER  
44 TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S  
45 REGULATION.

46 S 8905. REQUIREMENTS FOR A LICENSE AS AN ORIENTATION AND MOBILITY  
47 SPECIALIST. TO QUALIFY FOR A LICENSE AS AN ORIENTATION AND MOBILITY  
48 SPECIALIST, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

- 49 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;
- 50 2. EDUCATION: HAVE SATISFACTORILY COMPLETED AN APPROVED CURRICULUM IN  
51 ORIENTATION AND MOBILITY SERVICES, VISUAL DISABILITIES, VISION EDUCA-  
52 TION, VISION IMPAIRMENT OR OTHER EQUIVALENT PROGRAM IN A BACCALAUREATE  
53 OR GRADUATE LEVEL PROGRAM OR A FOREIGN EQUIVALENT, SATISFACTORY TO THE  
54 DEPARTMENT AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS; AND
- 55 3. EXPERIENCE: HAVE A MINIMUM OF SIX MONTHS OF SUPERVISED ORIENTATION  
56 AND MOBILITY EXPERIENCE WHICH SUPERVISION AND EXPERIENCE SHALL BE SATIS-

1 FACTORY TO THE DEPARTMENT AND IN ACCORDANCE WITH THE COMMISSIONER'S  
2 REGULATIONS;

3 4. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE DEPARTMENT IN  
4 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

5 5. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

6 6. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-  
7 MENT; AND

8 7. REGISTRATION: ALL LICENSED ORIENTATION AND MOBILITY SPECIALISTS  
9 SHALL REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE  
10 COMMISSIONER'S REGULATION.

11 S 8906. REQUIREMENTS FOR A LICENSE AS A VISION REHABILITATION THERA-  
12 PIST. TO QUALIFY FOR A LICENSE AS A VISION REHABILITATION THERAPIST AN  
13 APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

14 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

15 2. EDUCATION: HAVE SATISFACTORILY COMPLETED AN APPROVED CURRICULUM IN  
16 VISION REHABILITATION THERAPY, VISUAL DISABILITIES, VISION EDUCATION,  
17 VISION IMPAIRMENT OR OTHER EQUIVALENT PROGRAM IN A BACCALAUREATE OR  
18 GRADUATE LEVEL PROGRAM, OR A FOREIGN EQUIVALENT, SATISFACTORY TO THE  
19 DEPARTMENT AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

20 3. EXPERIENCE: HAVE A MINIMUM OF SIX MONTHS OF SUPERVISED VISION  
21 REHABILITATION THERAPIST EXPERIENCE WHICH SUPERVISION AND EXPERIENCE  
22 SHALL BE SATISFACTORY TO THE DEPARTMENT AND IN ACCORDANCE WITH THE  
23 COMMISSIONER'S REGULATIONS;

24 4. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE DEPARTMENT IN  
25 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

26 5. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

27 6. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-  
28 MENT; AND

29 7. REGISTRATION: ALL LICENSED VISION REHABILITATION THERAPISTS SHALL  
30 REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE COMMIS-  
31 SIONER'S REGULATIONS.

32 S 8907. LIMITED PERMITS. THE FOLLOWING REQUIREMENTS FOR A LIMITED  
33 PERMIT SHALL APPLY TO ALL PROFESSIONS LICENSED OR CERTIFIED PURSUANT TO  
34 THIS ARTICLE:

35 1. ON THE RECOMMENDATION OF THE BOARD, THE DEPARTMENT MAY ISSUE A  
36 LIMITED PERMIT TO AN APPLICANT WHO MEETS THE EDUCATION REQUIREMENTS FOR  
37 LICENSURE, EXCEPT THE EXAMINATION AND/OR EXPERIENCE REQUIREMENTS, IN  
38 ACCORDANCE WITH REGULATIONS PROMULGATED THEREFOR.

39 2. LIMITED PERMITS SHALL BE FOR ONE YEAR AND MAY BE RENEWED, AT THE  
40 DISCRETION OF THE DEPARTMENT, FOR ONE ADDITIONAL YEAR.

41 3. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RENEWAL SHALL BE  
42 SEVENTY DOLLARS.

43 4. A LIMITED PERMIT HOLDER SHALL PRACTICE ONLY UNDER SUPERVISION AS  
44 DETERMINED IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

45 S 8908. EXEMPT PERSONS. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT  
46 OR PREVENT THE FOLLOWING, PROVIDED THAT NO TITLE, SIGN, CARD OR DEVICE  
47 SHALL BE USED IN SUCH MANNER AS TO TEND TO CONVEY THE IMPRESSION THAT  
48 THE PERSON RENDERING SUCH SERVICE IS A LICENSED VISION IMPAIRMENT  
49 SPECIALIST:

50 1. THE PRACTICE OF LICENSED VISION IMPAIRMENT SPECIALIST AS AN INTE-  
51 GRAL PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN APPROVED EDUCA-  
52 TIONAL OR TRAINING PROGRAMS IN (A) LOW VISION THERAPY, (B) ORIENTATION  
53 AND MOBILITY TRAINING, OR (C) VISION REHABILITATION THERAPY.

54 2. THE PERFORMANCE OF ANY OF THE DUTIES, TASKS AND RESPONSIBILITIES  
55 INCLUDED IN THE DEFINITION OF LOW VISION THERAPIST BY ANY OTHER DULY  
56 LICENSED, CERTIFIED OR REGISTERED HEALTH CARE PROVIDER, PROVIDED THAT

1 SUCH DUTIES, TASKS AND RESPONSIBILITIES ARE WITHIN THE SCOPE OF HIS OR  
2 HER PRACTICE AS DEFINED IN THIS ARTICLE PURSUANT TO WHICH SUCH PERSON IS  
3 LICENSED, CERTIFIED OR REGISTERED; PROVIDED, HOWEVER, THAT SUCH PRACTI-  
4 TIONERS MAY NOT HOLD THEMSELVES OUT UNDER THE TITLE "LICENSED LOW VISION  
5 THERAPIST".

6 3. THE PERFORMANCE OF ANY OF THE DUTIES, TASKS AND RESPONSIBILITIES  
7 INCLUDED IN THE DEFINITION OF ORIENTATION AND MOBILITY TRAINING BY ANY  
8 OTHER DULY LICENSED, CERTIFIED OR REGISTERED HEALTH CARE PROVIDER,  
9 PROVIDED THAT SUCH DUTIES, TASKS AND RESPONSIBILITIES ARE WITHIN THE  
10 SCOPE OF HIS OR HER PRACTICE AS DEFINED IN THIS ARTICLE PURSUANT TO  
11 WHICH SUCH PERSON IS LICENSED, CERTIFIED OR REGISTERED; PROVIDED, HOWEV-  
12 ER, THAT SUCH PRACTITIONERS MAY NOT HOLD THEMSELVES OUT UNDER THE TITLE  
13 "CERTIFIED ORIENTATION AND MOBILITY SPECIALIST" OR "LICENSED VISION  
14 IMPAIRMENT SPECIALIST".

15 4. THE PERFORMANCE OF ANY OF THE DUTIES, TASKS AND RESPONSIBILITIES  
16 INCLUDED IN THE DEFINITION OF VISION REHABILITATION THERAPY BY ANY OTHER  
17 DULY LICENSED, CERTIFIED OR REGISTERED HEALTH CARE PROVIDER, PROVIDED  
18 THAT SUCH DUTIES, TASKS AND RESPONSIBILITIES ARE WITHIN THE SCOPE OF HIS  
19 OR HER PRACTICE AS DEFINED IN THIS ARTICLE OR COMMISSIONER'S REGULATIONS  
20 PURSUANT TO WHICH SUCH PERSON IS LICENSED, CERTIFIED OR REGISTERED;  
21 PROVIDED, HOWEVER, THAT SUCH PRACTITIONERS MAY NOT HOLD THEMSELVES OUT  
22 UNDER THE TITLE "CERTIFIED VISION REHABILITATION THERAPIST" OR "LICENSED  
23 VISION IMPAIRMENT SPECIALIST".

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

29 6. THE PRACTICE OF VISION IMPAIRMENT SPECIALIST BY ANY LEGALLY QUALI-  
30 FIED PRACTITIONER OF VISION IMPAIRMENT SPECIALIST OF ANY OTHER STATE OR  
31 TERRITORY WHO IS SERVING IN THE ARMED FORCES OR THE PUBLIC HEALTH  
32 SERVICE OF THE UNITED STATES WHILE ENGAGED IN THE PERFORMANCE OF HIS OR  
33 HER DUTIES.

34 7. THE INSTRUCTION IN THE USE OF A DOG GUIDE.

35 8. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBITING A  
36 LICENSED TEACHER OF THE VISUALLY IMPAIRED FROM PERFORMING ANY OF THE  
37 DUTIES, TASKS OR RESPONSIBILITIES WITHIN THAT SCOPE OF PRACTICE.

38 9. THE INSTRUCTION IN THE USE OF BRAILLE.

39 S 8909. SPECIAL PROVISIONS. AN INDIVIDUAL WHO MEETS THE REQUIREMENTS  
40 FOR A LICENSE AS A LICENSED VISION IMPAIRMENT SPECIALIST AND CERTIF-  
41 ICATION AS A CERTIFIED ORIENTATION AND MOBILITY SPECIALIST AND/OR A  
42 CERTIFIED VISION REHABILITATION THERAPIST, EXCEPT FOR EXAMINATION, EXPE-  
43 RIENCE AND EDUCATION, AND WHO IS CERTIFIED OR REGISTERED BY A NATIONAL  
44 CERTIFYING BODY HAVING CERTIFICATION OR REGISTRATION STANDARDS ACCEPTA-  
45 BLE TO THE COMMISSIONER, MAY BE LICENSED OR CERTIFIED, WITHOUT MEETING  
46 ADDITIONAL REQUIREMENTS AS TO EXAMINATION, EXPERIENCE AND EDUCATION,  
47 PROVIDED THAT SUCH INDIVIDUAL SUBMITS AN APPLICATION TO THE DEPARTMENT  
48 WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SECTION.

49 S 8910. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF,  
50 SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID,  
51 SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OF  
52 ANY OTHER SECTION OR PART THEREOF.

53 S 2. The education law is amended by adding a new section 6503-c to  
54 read as follows:

55 S 6503-C. WAIVER FOR CERTAIN NOT-FOR-PROFIT CORPORATIONS AND EDUCATION  
56 CORPORATIONS PROVIDING ORIENTATION AND MOBILITY TRAINING SERVICES OR

1 VISION REHABILITATION SERVICES. 1. WAIVER. A. NO NOT-FOR-PROFIT CORPO-  
2 RATION OR EDUCATION CORPORATION MAY EMPLOY INDIVIDUALS LICENSED PURSUANT  
3 TO THIS TITLE TO PROVIDE ORIENTATION AND MOBILITY TRAINING SERVICES OR  
4 VISION REHABILITATION SERVICES, UNLESS SUCH NOT-FOR-PROFIT CORPORATION  
5 OR EDUCATION CORPORATION OBTAINS A WAIVER PURSUANT TO THIS SECTION. ALL  
6 NOT-FOR-PROFIT CORPORATIONS OR EDUCATION CORPORATIONS APPROVED BY THE  
7 COMMISSIONER AS OF THE EFFECTIVE DATE OF THIS SECTION SHALL BE DEEMED  
8 OPERATING UNDER A WAIVER PURSUANT TO THIS SECTION FOR A PERIOD COMMENC-  
9 ING ON SUCH EFFECTIVE DATE AND ENDING ON JULY FIRST, TWO THOUSAND SEVEN-  
10 TEEN.

11 2. OBTAINING A WAIVER. A. A NOT-FOR-PROFIT CORPORATION OR EDUCATION  
12 CORPORATION SHALL OBTAIN AN APPLICATION FOR A WAIVER ON A FORM  
13 PRESCRIBED BY THE DEPARTMENT. THE DEPARTMENT MAY ISSUE A WAIVER ON OR  
14 AFTER JULY FIRST, TWO THOUSAND FIFTEEN TO AN ENTITY WHICH WAS CREATED  
15 BEFORE, ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION IF THERE IS  
16 DEMONSTRATION OF NEED OF THE ENTITY'S SERVICES SATISFACTORY TO THE  
17 DEPARTMENT. THE APPLICATION FOR AN INITIAL WAIVER SHALL BE ACCOMPANIED  
18 BY A FEE OF THREE HUNDRED FORTY-FIVE DOLLARS.

19 B. WITHIN ONE HUNDRED TWENTY DAYS AFTER THE COMMISSIONER PRESCRIBES  
20 THE APPLICATION FORM AND POSTS NOTICE OF ITS AVAILABILITY ON THE DEPART-  
21 MENT'S WEBSITE, A NOT-FOR-PROFIT CORPORATION OR EDUCATION CORPORATION  
22 MUST APPLY FOR A WAIVER. UPON SUBMISSION OF SUCH APPLICATION, THE CORPO-  
23 RATION MAY CONTINUE TO OPERATE AND PROVIDE SERVICES UNTIL THE DEPARTMENT  
24 SHALL EITHER DENY OR APPROVE THE APPLICATION. AFTER THE DEPARTMENT  
25 RENDERS A TIMELY INITIAL DETERMINATION THAT THE APPLICANT HAS SUBMITTED  
26 THE INFORMATION NECESSARY TO VERIFY THAT THE REQUIREMENTS OF PARAGRAPHS  
27 C, D AND E OF THIS SUBDIVISION ARE SATISFIED, APPLICATIONS FOR WAIVERS  
28 SHALL BE APPROVED OR DENIED WITHIN NINETY DAYS, PROVIDED HOWEVER THAT IF  
29 THE WAIVER APPLICATION IS DENIED THE CORPORATION SHALL CEASE PROVIDING  
30 SERVICES PURSUANT TO THIS SUBDIVISION IN THE STATE OF NEW YORK.

31 C. SUCH WAIVER SHALL PROVIDE THAT SERVICES RENDERED PURSUANT TO THIS  
32 SECTION, DIRECTLY OR INDIRECTLY, SHALL BE PROVIDED ONLY BY A PERSON  
33 APPROPRIATELY LICENSED TO PROVIDE SUCH SERVICES, EXCEPT AS OTHERWISE  
34 PROVIDED IN LAW, OR BY A PROFESSIONAL SERVICES ENTITY AUTHORIZED BY LAW  
35 TO PROVIDE SUCH SERVICES.

36 D. AN APPLICATION FOR A WAIVER TO PROVIDE PROFESSIONAL SERVICES PURSU-  
37 ANT TO THIS SECTION SHALL BE ON A FORM PRESCRIBED BY THE COMMISSIONER.  
38 SUCH APPLICATION SHALL INCLUDE: (I) THE NAME OF THE NOT-FOR-PROFIT  
39 CORPORATION OR EDUCATION CORPORATION; (II) THE NAMES OF THE DIRECTORS OR  
40 TRUSTEES AND OFFICERS OF SUCH CORPORATION; (III) A LISTING OF ANY OTHER  
41 JURISDICTIONS WHERE SUCH CORPORATION MAY PROVIDE SERVICES; AND (IV) AN  
42 ATTESTATION MADE BY AN OFFICER AUTHORIZED BY SUCH CORPORATION TO MAKE  
43 SUCH ATTESTATION THAT IDENTIFIES THE SCOPE OF SERVICES TO BE PROVIDED;  
44 INCLUDES A LIST OF PROFESSIONS UNDER THIS TITLE IN WHICH PROFESSIONAL  
45 SERVICES WILL BE PROVIDED BY SUCH CORPORATION; INCLUDES A STATEMENT  
46 THAT, UNLESS OTHERWISE AUTHORIZED BY LAW, THE CORPORATION SHALL ONLY  
47 PROVIDE SERVICES AUTHORIZED UNDER THIS SECTION; INCLUDES A STATEMENT  
48 THAT ONLY A LICENSED PROFESSIONAL, A PERSON OTHERWISE AUTHORIZED TO  
49 PROVIDE SUCH SERVICES, OR A PROFESSIONAL SERVICES ENTITY AUTHORIZED BY  
50 LAW TO PROVIDE SUCH SERVICES SHALL PROVIDE SUCH SERVICES AS AUTHORIZED  
51 UNDER THIS SECTION; AND ATTESTS TO THE ADEQUACY OF THE CORPORATION'S  
52 FISCAL AND FINANCIAL RESOURCES TO PROVIDE SUCH SERVICES. SUCH APPLICA-  
53 TION SHALL ALSO INCLUDE ANY OTHER INFORMATION RELATED TO THE APPLICATION  
54 AS MAY BE REQUIRED BY THE DEPARTMENT. A CORPORATION WITH AN APPROVED  
55 WAIVER MAY APPLY, ON A FORM PRESCRIBED BY THE COMMISSIONER, TO AMEND THE  
56 WAIVER TO ADD ADDITIONAL PROFESSIONAL SERVICES.

1 E. EACH OFFICER, TRUSTEE AND DIRECTOR OF SUCH CORPORATION SHALL  
2 PROVIDE AN ATTESTATION REGARDING HIS OR HER GOOD MORAL CHARACTER AS  
3 REQUIRED PURSUANT TO PARAGRAPH G OF THIS SUBDIVISION. THE COMMISSIONER  
4 SHALL BE FURTHER AUTHORIZED TO PROMULGATE RULES OR REGULATIONS RELATING  
5 TO THE STANDARDS OF THE WAIVER FOR NOT-FOR-PROFIT CORPORATIONS AND  
6 EDUCATION CORPORATIONS PURSUANT TO THIS SECTION. SUCH REGULATIONS SHALL  
7 INCLUDE STANDARDS RELATING TO THE CORPORATION'S ABILITY TO PROVIDE  
8 SERVICES, THE CORPORATION'S MAINTENANCE OF STUDENT OR CLIENT AND BUSI-  
9 NESS RECORDS, THE CORPORATION'S FISCAL POLICIES, AND SUCH OTHER STAND-  
10 ARDS AS MAY BE PRESCRIBED BY THE COMMISSIONER.

11 F. THE NOT-FOR-PROFIT CORPORATION OR EDUCATION CORPORATION OPERATING  
12 PURSUANT TO A WAIVER SHALL DISPLAY, AT EACH SITE WHERE SERVICES ARE  
13 PROVIDED TO THE PUBLIC, A CERTIFICATE OF SUCH WAIVER ISSUED BY THE  
14 DEPARTMENT PURSUANT TO THIS SECTION, WHICH SHALL CONTAIN THE NAME OF THE  
15 CORPORATION AND THE ADDRESS OF THE SITE. SUCH CORPORATIONS SHALL OBTAIN  
16 FROM THE DEPARTMENT ADDITIONAL CERTIFICATES FOR EACH SITE AT WHICH  
17 PROFESSIONAL SERVICES ARE PROVIDED TO THE PUBLIC. EACH CORPORATION SHALL  
18 BE REQUIRED TO RE-APPLY FOR A WAIVER EVERY THREE YEARS. EXCEPT AS OTHER-  
19 WISE PROVIDED IN SUBDIVISION FOUR OF THIS SECTION, IF ANY INFORMATION  
20 SUPPLIED TO THE DEPARTMENT REGARDING THE CORPORATION SHALL CHANGE, THE  
21 CORPORATION SHALL BE REQUIRED TO PROVIDE SUCH UPDATED INFORMATION TO THE  
22 DEPARTMENT WITHIN SIXTY DAYS.

23 G. ALL OFFICERS, TRUSTEES AND DIRECTORS OF SUCH CORPORATIONS SHALL BE  
24 OF GOOD MORAL CHARACTER. CORPORATIONS OPERATING PURSUANT TO A WAIVER AND  
25 THEIR OFFICERS AND DIRECTORS SHALL BE ENTITLED TO THE SAME DUE PROCESS  
26 PROCEDURES AS ARE PROVIDED TO SUCH INDIVIDUALS AND PROFESSIONAL SERVICES  
27 CORPORATIONS. NO WAIVER ISSUED UNDER THIS SECTION SHALL BE TRANSFERABLE  
28 OR ASSIGNABLE, AS SUCH TERMS ARE DEFINED IN THE REGULATIONS OF THE  
29 COMMISSIONER.

30 3. RENEWAL OF WAIVER. ALL NOT-FOR-PROFIT CORPORATION AND EDUCATION  
31 CORPORATION WAIVERS SHALL BE RENEWED ON DATES SET BY THE DEPARTMENT. THE  
32 TRIENNIAL WAIVER FEE SHALL BE TWO HUNDRED SIXTY DOLLARS OR A PRO-RATED  
33 PORTION THEREOF AS DETERMINED BY THE DEPARTMENT.

34 4. CHANGE OF LOCATION. IN THE EVENT THAT A CHANGE IN THE LOCATION OF  
35 THE CHIEF ADMINISTRATIVE OFFICES OF A NOT-FOR-PROFIT CORPORATION OR  
36 EDUCATION CORPORATION IS CONTEMPLATED, THE OWNER SHALL NOTIFY THE OFFICE  
37 OF PROFESSIONS OF THE DEPARTMENT OF THE CHANGE OF LOCATION AT LEAST  
38 THIRTY DAYS PRIOR TO RELOCATION.

39 5. PROFESSIONAL PRACTICE. A NOT-FOR-PROFIT CORPORATION OR EDUCATION  
40 CORPORATION OPERATING UNDER A WAIVER SHALL NOT PRACTICE ANY PROFESSION  
41 LICENSED PURSUANT TO THIS TITLE OR HOLD ITSELF OUT TO THE PUBLIC AS  
42 AUTHORIZED TO PROVIDE PROFESSIONAL SERVICES PURSUANT TO THIS TITLE  
43 EXCEPT AS AUTHORIZED BY THIS SECTION OR OTHERWISE AUTHORIZED BY LAW.

44 6. SUPERVISION OF PROFESSIONAL PRACTICE. A NOT-FOR-PROFIT CORPORATION  
45 OR EDUCATION CORPORATION SHALL BE UNDER THE SUPERVISION OF THE REGENTS  
46 OF THE UNIVERSITY OF THE STATE OF NEW YORK AND BE SUBJECT TO DISCIPLI-  
47 NARY PROCEEDINGS AND PENALTIES. A NOT-FOR-PROFIT CORPORATION OR EDUCA-  
48 TION CORPORATION OPERATING UNDER A WAIVER SHALL BE SUBJECT TO SUSPEN-  
49 SION, REVOCATION OR ANNULMENT OF THE WAIVER FOR CAUSE, IN THE SAME  
50 MANNER AND TO THE SAME EXTENT AS IS PROVIDED WITH RESPECT TO INDIVIDUALS  
51 AND THEIR LICENSES, CERTIFICATES, AND REGISTRATIONS IN THE PROVISIONS OF  
52 THIS TITLE RELATING TO THE APPLICABLE PROFESSION.

53 S 3. This act shall take effect eighteen months after it shall have  
54 become a law. The commissioner of education and the board of regents  
55 are authorized to promulgate such rules and regulations and take any  
56 other measures as may be necessary for the timely implementation of this



1 act on or before its effective date, including but not limited to the  
2 appointment of the state board for vision rehabilitation services, the  
3 acceptance and processing of applications for licensure, and the issu-  
4 ance of licenses.