

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

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

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

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

48 5. "VISUALLY IMPAIRED" MEANS A PERSON WHO IS TOTALLY BLIND, LEGALLY
49 BLIND OR PARTIALLY SIGHTED. A PERSON WHO IS BLIND IS ONE WHO HAS NO
50 USEABLE VISION. A PERSON WHO IS LEGALLY BLIND IS ONE WHO SATISFIES THE
51 DEFINITION SET FORTH IN SUBDIVISION B OF SECTION THREE OF CHAPTER FOUR
52 HUNDRED FIFTEEN OF THE LAWS OF NINETEEN HUNDRED THIRTEEN. A PERSON WHO
53 IS PARTIALLY SIGHTED IS ONE WHO HAS FUNCTIONAL VISION IMPAIRMENT THAT
54 CONSTITUTES A SIGNIFICANT LIMITATION OF VISUAL CAPABILITY RESULTING FROM
55 DISEASE, TRAUMA, OR CONGENITAL CONDITION, THAT CANNOT BE FULLY AMELIO-
56 RATED BY STANDARD REFRACTIVE CORRECTION, MEDICATION, OR SURGERY, AND

1 THAT IS MANIFESTED BY ONE OR MORE OF THE FOLLOWING: INSUFFICIENT VISUAL
2 RESOLUTION, INADEQUATE FIELD OF VISION OR REDUCED PEAK CONTRAST SENSI-
3 TIVITY.

4 S 8902. USE OF THE TITLES "LICENSED ORIENTATION AND MOBILITY SPECIAL-
5 ISTS" AND "VISION REHABILITATION THERAPISTS". 1. PRACTICE OF ORIEN-
6 TATION AND MOBILITY TRAINING AND USE OF THE TITLE "LICENSED ORIENTATION
7 AND MOBILITY SPECIALISTS". ONLY A PERSON LICENSED OR OTHERWISE AUTHOR-
8 IZED UNDER THIS ARTICLE SHALL PRACTICE ORIENTATION AND MOBILITY TRAINING
9 OR USE THE TITLE "LICENSED ORIENTATION AND MOBILITY SPECIALISTS" IN
10 CONNECTION WITH HIS OR HER NAME OR WITH ANY TRADE NAME IN THE CONDUCT OF
11 HIS OR HER PROFESSION.

12 2. PRACTICE OF VISION REHABILITATION THERAPY AND USE OF THE TITLE
13 "VISION REHABILITATION THERAPIST". ONLY A PERSON LICENSED OR OTHERWISE
14 AUTHORIZED UNDER THIS ARTICLE SHALL PRACTICE VISION REHABILITATION THER-
15 APY OR USE THE TITLE "VISION REHABILITATION THERAPIST" IN CONNECTION
16 WITH HIS OR HER NAME OR WITH ANY TRADE NAME IN THE CONDUCT OF HIS OR HER
17 PROFESSION.

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

41 S 8904. REQUIREMENTS FOR A LICENSE. 1. TO QUALIFY FOR A LICENSE AS AN
42 ORIENTATION AND MOBILITY SPECIALIST, AN APPLICANT SHALL FULFILL THE
43 FOLLOWING REQUIREMENTS:

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

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

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

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

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

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

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

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

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

27 (C) A LICENSED ORIENTATION AND MOBILITY SPECIALIST NOT ENGAGED IN
28 PRACTICE, AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE
29 MANDATORY CONTINUING COMPETENCY REQUIREMENT UPON THE FILING OF A STATE-
30 MENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS
31 TO PRACTICE OF THE PROFESSION OF ORIENTATION AND MOBILITY SPECIALIST
32 DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT
33 PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY CONTIN-
34 UING COMPETENCY REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS OF
35 THE COMMISSIONER.

36 (II) DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
37 TRATION AS AN ORIENTATION AND MOBILITY SPECIALIST SHALL COMPLETE A MINI-
38 MUM OF TWENTY-FOUR HOURS OF ACCEPTABLE LEARNING ACTIVITIES WHICH
39 CONTRIBUTE TO CONTINUING COMPETENCE, AS SPECIFIED IN SUBPARAGRAPH (IV)
40 OF THIS PARAGRAPH, PROVIDED FURTHER THAT AT LEAST SIXTEEN HOURS SHALL BE
41 IN RECOGNIZED AREAS OF STUDY PERTINENT TO THE PROFESSIONAL SCOPE OF A
42 LICENSED ORIENTATION AND MOBILITY SPECIALIST. ANY ORIENTATION AND MOBIL-
43 ITY SPECIALIST WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE
44 DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE
45 DATE, BUT ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, SHALL
46 COMPLETE CONTINUING COMPETENCY HOURS ON A PRORATED BASIS AT THE RATE OF
47 ONE-HALF HOUR PER MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO
48 THOUSAND SIXTEEN UP TO THE FIRST REGISTRATION DATE. THEREAFTER, A LICEN-
49 SEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING COMPETENCY REQUIRE-
50 MENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE
51 DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGIS-
52 TRATION CERTIFICATE IS ISSUED AS PROVIDED FOR IN SUBPARAGRAPH (III) OF
53 THIS PARAGRAPH. CONTINUING COMPETENCY HOURS TAKEN DURING ONE TRIENNIUM
54 MAY NOT BE TRANSFERRED TO A SUBSEQUENT TRIENNIUM.

55 (III) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL
56 REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING COMPETENCY

1 REQUIREMENTS ESTABLISHED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BUT WHO
2 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL LEARNING
3 ACTIVITIES WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDI-
4 TIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE
5 FOR THE TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGIS-
6 TRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE
7 YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR
8 FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED
9 CONTINUING COMPETENCY LEARNING ACTIVITIES AND WHO PRACTICES WITHOUT SUCH
10 REGISTRATION, MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO
11 SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

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

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

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

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

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

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

55 (B) EDUCATION/EXPERIENCE: (I) HAVE SATISFACTORILY COMPLETED AN
56 APPROVED VISION REHABILITATION THERAPIST CURRICULUM IN A BACCALAUREATE

OR MASTERS PROGRAM, OR A CERTIFICATE PROGRAM SATISFACTORY TO THE DEPARTMENT WHICH IS SUBSTANTIALLY EQUIVALENT TO A BACCALAUREATE DEGREE PROGRAM, IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS; AND

(II) HAVE A MINIMUM OF THREE MONTHS OF SUPERVISED VISION REHABILITATION THERAPIST 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) EXAMINATION: 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 VISION REHABILITATION THERAPISTS SHALL REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

(G) MANDATORY CONTINUING COMPETENCY: (I) (A) EACH LICENSED VISION REHABILITATION THERAPIST 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 PARAGRAPH. VISION REHABILITATION THERAPISTS 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 A VISION REHABILITATION THERAPIST MAY PRACTICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH.

(B) VISION REHABILITATION THERAPISTS 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 VISION REHABILITATION THERAPIST 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 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 SIXTEEN, 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 SIXTEEN UP TO

1 THE FIRST REGISTRATION DATE. THEREAFTER, A LICENSEE WHO HAS NOT SATIS-
2 FIED THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE
3 ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL
4 NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS
5 ISSUED AS PROVIDED FOR IN SUBPARAGRAPH (III) OF THIS PARAGRAPH. CONTIN-
6 UING COMPETENCY HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED
7 TO A SUBSEQUENT TRIENNIUM.

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

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

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

54 (VI) THE MANDATORY CONTINUING COMPETENCY FEE SHALL BE FIFTY DOLLARS,
55 SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRA-

1 TION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION
2 FEE REQUIRED BY PARAGRAPH (H) OF THIS SUBDIVISION.

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

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

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

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

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

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

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

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

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

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

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

53 5. THE PRACTICE OF ORIENTATION AND MOBILITY TRAINING OR VISION REHA-
54 BILITATION THERAPY BY ANY LEGALLY QUALIFIED PRACTITIONER OF ORIENTATION
55 AND MOBILITY TRAINING OR VISION REHABILITATION THERAPY OF ANY OTHER
56 STATE OR TERRITORY WHO IS SERVING IN THE ARMED FORCES OR THE PUBLIC

1 HEALTH SERVICE OF THE UNITED STATES WHILE ENGAGED IN THE PERFORMANCE OF
2 HIS OR HER DUTIES.

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

4 7. THE PROVISION OF ORIENTATION AND MOBILITY TRAINING SERVICES AS
5 DEFINED IN SUBDIVISION ONE OF SECTION EIGHTY-NINE HUNDRED ONE OF THIS
6 TITLE OR VISION REHABILITATION THERAPY AS DEFINED IN SUBDIVISION TWO OF
7 SECTION EIGHTY-NINE HUNDRED ONE OF THIS TITLE TO THE EXTENT PERMISSIBLE
8 WITHIN THE SCOPE OF PRACTICE OF ORIENTATION AND MOBILITY TRAINING
9 SERVICES OR VISION REHABILITATION SERVICES, BY ANY NOT-FOR-PROFIT CORPO-
10 RATION OR EDUCATION CORPORATION PROVIDING SERVICES WITHIN THE STATE OF
11 NEW YORK AND OPERATING UNDER A WAIVER PURSUANT TO SECTION SIXTY-FIVE
12 HUNDRED THREE-A OF THIS TITLE, PROVIDED THAT SUCH ENTITIES OFFERING
13 ORIENTATION AND MOBILITY TRAINING SERVICES OR VISION REHABILITATION
14 SERVICES SHALL ONLY PROVIDE SUCH SERVICES THROUGH AN INDIVIDUAL APPRO-
15 PRIATELY LICENSED OR OTHERWISE AUTHORIZED TO PROVIDE SUCH SERVICES OR A
16 PROFESSIONAL ENTITY AUTHORIZED BY LAW TO PROVIDE SUCH SERVICES.

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

20 1. FILES AN APPLICATION AND PAYS THE APPROPRIATE FEES TO THE DEPART-
21 MENT;

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

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

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

43 S 2. This act shall take effect eighteen months after it shall have
44 become a law; provided, however, that paragraph (g) of subdivision 1 of
45 section 8904 of the education law as added by section one of this act
46 shall take effect fifty-four months after it shall have become a law.
47 The commissioner of education and the board of regents are authorized to
48 promulgate such rules and regulations and take any other measures as may
49 be necessary for the timely implementation of this act on or before its
50 effective date, including but not limited to the appointment of the
51 state board for vision rehabilitation services, the acceptance and proc-
52 essing of applications for licensure, and the issuance of licenses.