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I N S E N A T E

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Introduced by Sens. GRIFFO, BRESLIN, LARKIN, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

ARTICLE 168

VISION REHABILITATION SERVICES

SECTION 8900. INTRODUCTION.

8901. DEFINITIONS.

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

8903. STATE BOARD FOR VISION REHABILITATION SERVICES.

8904. REQUIREMENTS FOR A LICENSE.

8905. LIMITED PERMITS.

8906. EXEMPT PERSONS.

8907. SPECIAL PROVISIONS.

8908. SEPARABILITY.

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

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

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

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

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

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

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

52 5. "VISUALLY IMPAIRED" MEANS A PERSON WHO IS TOTALLY BLIND, LEGALLY
53 BLIND OR PARTIALLY SIGHTED. A PERSON WHO IS BLIND IS ONE WHO HAS NO
54 USEABLE VISION. A PERSON WHO IS LEGALLY BLIND IS ONE WHO SATISFIES THE
55 DEFINITION SET FORTH IN SUBDIVISION B OF SECTION THREE OF CHAPTER FOUR
56 HUNDRED FIFTEEN OF THE LAWS OF NINETEEN HUNDRED THIRTEEN. A PERSON WHO

1 IS PARTIALLY SIGHTED IS ONE WHO HAS FUNCTIONAL VISION IMPAIRMENT THAT
2 CONSTITUTES A SIGNIFICANT LIMITATION OF VISUAL CAPABILITY RESULTING FROM
3 DISEASE, TRAUMA, OR CONGENITAL CONDITION, THAT CANNOT BE FULLY AMELIO-
4 RATED BY STANDARD REFRACTIVE CORRECTION, MEDICATION, OR SURGERY, AND
5 THAT IS MANIFESTED BY ONE OR MORE OF THE FOLLOWING: INSUFFICIENT VISUAL
6 RESOLUTION, INADEQUATE FIELD OF VISION OR REDUCED PEAK CONTRAST SENSI-
7 TIVITY.

8 6. "BOARD" SHALL MEAN THE STATE BOARD FOR VISION REHABILITATION
9 SERVICES AS PROVIDED FOR IN SECTION EIGHTY-NINE THOUSAND THREE OF THIS
10 ARTICLE.

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 EIGHT INDIVIDUALS, TWO OF WHOM SHALL BE LICENSED ORIENTATION
32 AND MOBILITY SPECIALISTS, TWO OF WHOM SHALL BE LICENSED VISION REHABILI-
33 TATION THERAPISTS, ONE OPHTHALMOLOGIST SPECIALIZING IN LOW VISION TREAT-
34 MENT, ONE OPTOMETRIST SPECIALIZING IN LOW VISION TREATMENT AND TWO OF
35 WHOM SHALL BE BLIND REPRESENTATIVES OF THE PUBLIC AT LARGE WHOSE NAMES
36 WILL BE PLACED IN NOMINATION FOR THE BOARD FROM ORGANIZATIONS OF THE
37 BLIND OR VISUALLY IMPAIRED. MEMBERS OF THE INITIAL BOARD NEED NOT BE
38 LICENSED PRIOR TO THEIR APPOINTMENT TO THE BOARD. OF THE MEMBERS FIRST
39 APPOINTED, TWO SHALL BE APPOINTED FOR A THREE YEAR TERM, THREE SHALL BE
40 APPOINTED FOR A FOUR YEAR TERM, AND THREE SHALL BE APPOINTED FOR A FIVE
41 YEAR TERM. THEREAFTER ALL MEMBERS SHALL SERVE FOR FIVE YEAR TERMS. IN
42 THE EVENT THAT MORE THAN EIGHT MEMBERS ARE APPOINTED, A MAJORITY OF THE
43 ADDITIONAL MEMBERS SHALL BE LICENSED ORIENTATION AND MOBILITY SPECIAL-
44 ISTS AND LICENSED VISION REHABILITATION THERAPISTS. THE MEMBERS OF THE
45 BOARD SHALL SELECT ONE OF THEMSELVES AS CHAIR TO SERVE FOR A ONE YEAR
46 TERM. AN EXECUTIVE SECRETARY SHALL BE APPOINTED BY THE BOARD OF REGENTS
47 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 BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

(C) EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD 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; AND

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

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

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

(B) EDUCATION/EXPERIENCE: (I) HAVE SATISFACTORILY COMPLETED AN 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 BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

(C) EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD 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; AND

(F) REGISTRATION: ALL LICENSED VISION REHABILITATION THERAPISTS SHALL REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

S 8905. LIMITED PERMITS. THE FOLLOWING REQUIREMENTS FOR A LIMITED PERMIT SHALL APPLY TO ALL PROFESSIONS LICENSED OR CERTIFIED PURSUANT TO THIS ARTICLE:

1. THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO AN APPLICANT WHO MEETS ALL QUALIFICATIONS FOR LICENSURE, EXCEPT THE EXAMINATION AND/OR EXPERIENCE REQUIREMENTS, IN ACCORDANCE WITH REGULATIONS PROMULGATED THEREFOR.

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

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

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

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

1 SCOPE OF HIS OR HER PRACTICE AS DEFINED IN THIS ARTICLE PURSUANT TO
2 WHICH SUCH PERSON IS LICENSED, CERTIFIED OR REGISTERED; PROVIDED, HOWEV-
3 ER, THAT SUCH PRACTITIONERS MAY NOT HOLD THEMSELVES OUT UNDER THE TITLE
4 "LICENSED ORIENTATION AND MOBILITY SPECIALIST".

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

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

18 5. THE PRACTICE OF ORIENTATION AND MOBILITY TRAINING OR VISION REHA-
19 BILITATION THERAPY BY ANY LEGALLY QUALIFIED PRACTITIONER OF ORIENTATION
20 AND MOBILITY TRAINING OR VISION REHABILITATION THERAPY OF ANY OTHER
21 STATE OR TERRITORY WHO IS SERVING IN THE ARMED FORCES OR THE PUBLIC
22 HEALTH SERVICE OF THE UNITED STATES WHILE ENGAGED IN THE PERFORMANCE OF
23 HIS OR HER DUTIES.

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

25 7. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBITING A
26 LICENSED TEACHER OF THE VISUALLY IMPAIRED FROM PERFORMING ANY OF THE
27 DUTIES, TASKS OR RESPONSIBILITIES WITHIN THAT SCOPE OF PRACTICE.

28 S 8907. SPECIAL PROVISIONS. AN INDIVIDUAL WHO MEETS THE REQUIREMENTS
29 FOR A LICENSE OR CERTIFICATION AS A LICENSED ORIENTATION AND MOBILITY
30 SPECIALIST OR A VISION REHABILITATION THERAPIST, EXCEPT FOR EXAMINATION,
31 EXPERIENCE AND EDUCATION, AND WHO IS CERTIFIED OR REGISTERED BY A
32 NATIONAL CERTIFYING BODY HAVING CERTIFICATION OR REGISTRATION STANDARDS
33 ACCEPTABLE TO THE COMMISSIONER, MAY BE LICENSED, WITHOUT MEETING ADDI-
34 TIONAL REQUIREMENTS AS TO EXAMINATION, EXPERIENCE AND EDUCATION,
35 PROVIDED THAT SUCH INDIVIDUAL SUBMITS AN APPLICATION TO THE DEPARTMENT
36 WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SECTION.

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

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

43 S 6503-C. WAIVER FOR CERTAIN NOT-FOR-PROFIT CORPORATIONS AND EDUCATION
44 CORPORATIONS PROVIDING ORIENTATION AND MOBILITY TRAINING SERVICES OR
45 VISION REHABILITATION SERVICES. 1. WAIVER. A. NO NOT-FOR-PROFIT CORPO-
46 RATION OR EDUCATION CORPORATION MAY EMPLOY INDIVIDUALS LICENSED PURSUANT
47 TO THIS TITLE TO PROVIDE ORIENTATION AND MOBILITY TRAINING SERVICES OR
48 VISION REHABILITATION SERVICES, UNLESS SUCH NOT-FOR-PROFIT CORPORATION
49 OR EDUCATION CORPORATION OBTAINS A WAIVER PURSUANT TO THIS SECTION. ALL
50 NOT-FOR-PROFIT CORPORATIONS OR EDUCATION CORPORATIONS APPROVED BY THE
51 COMMISSIONER AS OF THE EFFECTIVE DATE OF THIS SECTION SHALL BE DEEMED
52 OPERATING UNDER A WAIVER PURSUANT TO THIS SECTION FOR A PERIOD COMMENC-
53 ING ON SUCH EFFECTIVE DATE AND ENDING ON JULY FIRST, TWO THOUSAND SEVEN-
54 TEEN.

55 2. OBTAINING A WAIVER. A. A NOT-FOR-PROFIT CORPORATION OR EDUCATION
56 CORPORATION SHALL OBTAIN AN APPLICATION FOR A WAVIER ON A FORM

1 PRESCRIBED BY THE DEPARTMENT. THE DEPARTMENT MAY ISSUE A WAIVER ON OR
2 AFTER JULY FIRST, TWO THOUSAND FIFTEEN TO AN ENTITY WHICH WAS CREATED
3 BEFORE, ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION IF THERE IS
4 DEMONSTRATION OF NEED OF THE ENTITY'S SERVICES SATISFACTORY TO THE
5 DEPARTMENT. THE APPLICATION FOR AN INITIAL WAIVER SHALL BE ACCOMPANIED
6 BY A FEE OF THREE HUNDRED FORTY-FIVE DOLLARS.

7 B. WITHIN ONE HUNDRED TWENTY DAYS AFTER THE COMMISSIONER PRESCRIBES
8 THE APPLICATION FORM AND POSTS NOTICE OF ITS AVAILABILITY ON THE DEPART-
9 MENT'S WEBSITE, A NOT-FOR-PROFIT CORPORATION OR EDUCATION CORPORATION
10 MUST APPLY FOR A WAIVER. UPON SUBMISSION OF SUCH APPLICATION, CORPO-
11 RATION MAY CONTINUE TO OPERATE AND PROVIDE SERVICES UNTIL THE DEPARTMENT
12 SHALL EITHER DENY OR APPROVE THE APPLICATION. AFTER THE DEPARTMENT
13 RENDERS A TIMELY INITIAL DETERMINATION THAT THE APPLICANT HAS SUBMITTED
14 THE INFORMATION NECESSARY TO VERIFY THAT THE REQUIREMENTS OF PARAGRAPHS
15 C, D AND E OF THIS SUBDIVISION ARE SATISFIED, APPLICATIONS FOR WAIVERS
16 SHALL BE APPROVED OR DENIED WITHIN NINETY DAYS, PROVIDED HOWEVER THAT IF
17 THE WAIVER APPLICATION IS DENIED THE CORPORATION SHALL CEASE PROVIDING
18 SERVICES PURSUANT TO THIS SUBDIVISION IN THE STATE OF NEW YORK.

19 C. SUCH WAIVER SHALL PROVIDE THAT SERVICES RENDERED PURSUANT TO THIS
20 SECTION, DIRECTLY OR INDIRECTLY, SHALL BE PROVIDED ONLY BY A PERSON
21 APPROPRIATELY LICENSED TO PROVIDE SUCH SERVICES, EXCEPT AS OTHERWISE
22 PROVIDED IN LAW, OR BY A PROFESSIONAL SERVICES ENTITY AUTHORIZED BY LAW
23 TO PROVIDE SUCH SERVICES.

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

45 E. EACH OFFICER, TRUSTEE AND DIRECTOR OF SUCH CORPORATION SHALL
46 PROVIDE AN ATTESTATION REGARDING HIS OR HER GOOD MORAL CHARACTER AS
47 REQUIRED PURSUANT TO PARAGRAPH G OF THIS SUBDIVISION. THE COMMISSIONER
48 SHALL BE FURTHER AUTHORIZED TO PROMULGATE RULES OR REGULATIONS RELATING
49 TO THE STANDARDS OF THE WAIVER FOR NOT-FOR-PROFIT CORPORATIONS AND
50 EDUCATION CORPORATIONS PURSUANT TO THIS SECTION. SUCH REGULATIONS SHALL
51 INCLUDE STANDARDS RELATING TO THE CORPORATION'S ABILITY TO PROVIDE
52 SERVICES, THE CORPORATION'S MAINTENANCE OF STUDENT OR CLIENT AND BUSI-
53 NESS RECORDS, THE CORPORATION'S FISCAL POLICIES, AND SUCH OTHER STAND-
54 ARDS AS MAY BE PRESCRIBED BY THE COMMISSIONER.

55 F. THE NOT-FOR-PROFIT CORPORATION OR EDUCATION CORPORATION OPERATING
56 PURSUANT TO A WAIVER SHALL DISPLAY, AT EACH SITE WHERE SERVICES ARE

1 PROVIDED TO THE PUBLIC, A CERTIFICATE OF SUCH WAIVER ISSUED BY THE
2 DEPARTMENT PURSUANT TO THIS SECTION, WHICH SHALL CONTAIN THE NAME OF THE
3 CORPORATION AND THE ADDRESS OF THE SITE. SUCH CORPORATIONS SHALL OBTAIN
4 FROM THE DEPARTMENT ADDITIONAL CERTIFICATES FOR EACH SITE AT WHICH
5 PROFESSIONAL SERVICES ARE PROVIDED TO THE PUBLIC. EACH CORPORATION SHALL
6 BE REQUIRED TO RE-APPLY FOR A WAIVER EVERY THREE YEARS. EXCEPT AS OTHER-
7 WISE PROVIDED IN SUBDIVISION FOUR OF THIS SECTION, IF ANY INFORMATION
8 SUPPLIED TO THE DEPARTMENT REGARDING THE CORPORATION SHALL CHANGE, THE
9 CORPORATION SHALL BE REQUIRED TO PROVIDE SUCH UPDATED INFORMATION TO THE
10 DEPARTMENT WITHIN SIXTY DAYS.

11 G. ALL OFFICERS, TRUSTEES AND DIRECTORS OF SUCH CORPORATIONS SHALL BE
12 OF GOOD MORAL CHARACTER. CORPORATIONS OPERATING PURSUANT TO A WAIVER AND
13 THEIR OFFICERS AND DIRECTORS SHALL BE ENTITLED TO THE SAME DUE PROCESS
14 PROCEDURES AS ARE PROVIDED TO SUCH INDIVIDUALS AND PROFESSIONAL SERVICES
15 CORPORATIONS. NO WAIVER ISSUED UNDER THIS SECTION SHALL BE TRANSFERABLE
16 OR ASSIGNABLE, AS SUCH TERMS ARE DEFINED IN THE REGULATIONS OF THE
17 COMMISSIONER.

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

22 4. CHANGE OF LOCATION. IN THE EVENT THAT A CHANGE IN THE LOCATION OF
23 THE CHIEF ADMINISTRATIVE OFFICES OF A NOT-FOR-PROFIT CORPORATION OR
24 EDUCATION CORPORATION IS CONTEMPLATED, THE OWNER SHALL NOTIFY THE OFFICE
25 OF PROFESSIONS OF THE DEPARTMENT OF THE CHANGE OF LOCATION AT LEAST
26 THIRTY DAYS PRIOR TO RELOCATION.

27 5. PROFESSIONAL PRACTICE. A NOT-FOR-PROFIT CORPORATION OR EDUCATION
28 CORPORATION OPERATING UNDER A WAIVER SHALL NOT PRACTICE ANY PROFESSION
29 LICENSED PURSUANT TO THIS TITLE OR HOLD ITSELF OUT TO THE PUBLIC AS
30 AUTHORIZED TO PROVIDE PROFESSIONAL SERVICES PURSUANT TO THIS TITLE
31 EXCEPT AS AUTHORIZED BY THIS SECTION OR OTHERWISE AUTHORIZED BY LAW.

32 6. SUPERVISION OF PROFESSIONAL PRACTICE. A NOT-FOR-PROFIT CORPORATION
33 OR EDUCATION CORPORATION SHALL BE UNDER THE SUPERVISION OF THE REGENTS
34 OF THE UNIVERSITY OF THE STATE OF NEW YORK AND BE SUBJECT TO DISCIPLI-
35 NARY PROCEEDINGS AND PENALTIES. A NOT-FOR-PROFIT CORPORATION OR EDUCA-
36 TION CORPORATION OPERATING UNDER A WAIVER SHALL BE SUBJECT TO SUSPEN-
37 SION, REVOCATION OR ANNULMENT OF THE WAIVER FOR CAUSE, IN THE SAME
38 MANNER AND TO THE SAME EXTENT AS IS PROVIDED WITH RESPECT TO INDIVIDUALS
39 AND THEIR LICENSES, CERTIFICATES, AND REGISTRATIONS IN THE PROVISIONS OF
40 THIS TITLE RELATING TO THE APPLICABLE PROFESSION.

41 S 3. This act shall take effect eighteen months after it shall have
42 become a law. The commissioner of education and the board of regents
43 are authorized to promulgate such rules and regulations and take any
44 other measures as may be necessary for the timely implementation of this
45 act on or before its effective date, including but not limited to the
46 appointment of the state board for vision rehabilitation services, the
47 acceptance and processing of applications for licensure, and the issu-
48 ance of licenses.