

5451--C

2015-2016 Regular Sessions

I N A S S E M B L Y

February 23, 2015

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

1 8902. USE OF TITLES.

2 8903. STATE BOARD FOR VISION IMPAIRMENT SPECIALISTS.

3 8904. REQUIREMENTS FOR A LICENSE AS A LOW VISION SPECIALIST.

4 8905. REQUIREMENTS FOR A LICENSE AS AN ORIENTATION AND MOBILITY
5 SPECIALIST.

6 8906. REQUIREMENTS FOR A LICENSE AS A VISION REHABILITATION
7 THERAPIST.

8 8907. LIMITED PERMITS.

9 8908. EXEMPT PERSONS.

10 8909. SPECIAL PROVISIONS.

11 8910. SEPARABILITY.

12 S 8900. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF VISION
13 IMPAIRMENT SPECIALISTS, AND PROVIDES FOR THE LICENSING OF LOW VISION
14 THERAPISTS, ORIENTATION AND MOBILITY SPECIALISTS AND VISION REHABILI-
15 TATION THERAPISTS. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED
16 IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE SHALL APPLY TO THIS ARTICLE.

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

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

36 2. THE PRACTICE OF "LOW VISION THERAPY" SHALL MEAN: (A) PERFORMANCE OF
37 FUNCTIONAL LOW VISION EVALUATION; (B) THE USE OF FUNCTIONAL VISION EVAL-
38 UATION INSTRUMENTS TO ASSESS VISUAL ACUITY, VISUAL FIELDS, CONTRAST
39 SENSITIVITY FUNCTION, COLOR VISION, STEREOPSIS, VISUAL PERCEPTUAL AND
40 VISUAL MOTOR FUNCTIONING, LITERACY SKILLS IN READING AND WRITING, ETC.
41 AS THEY RELATE TO VISION IMPAIRMENT AND DISABILITY; (C) EVALUATION OF
42 WORK HISTORY, EDUCATIONAL PERFORMANCE, ACTIVITIES OF DAILY LIVING (ADL)
43 AND INSTRUMENTAL ACTIVITIES OF DAILY LIVING (IADL) PERFORMANCE, USE OF
44 TECHNOLOGY, QUALITY OF LIFE AND ASPECTS OF PSYCHOSOCIAL AND COGNITIVE
45 FUNCTION; (D) WORK AS PART OF AN INTERDISCIPLINARY TEAM WITH OPHTHALMOL-
46 OGISTS, OPTOMETRISTS, VISION REHABILITATION SPECIALISTS, ORIENTATION AND
47 MOBILITY SPECIALISTS, REHABILITATION COUNSELORS, EDUCATORS, SPEECH
48 PATHOLOGISTS, OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, PSYCHOL-
49 OGISTS, SOCIAL WORKERS, NURSES, ORTHOPTISTS, OPTICIANS, OTHER PHYSI-
50 CIANS, TECHNOLOGISTS, AND TECHNICIANS; (E) TRAINING THE USE OF SPECIFIC
51 VISUAL PERCEPTUAL AND VISUAL MOTOR SKILLS; (F) TRAINING IN THE APPROPRI-
52 ATE AND SAFE USE OF LOW VISION DEVICES; AND (G) INSTRUCTION IN THE USE
53 OF ADAPTIVE EQUIPMENT.

54 3. THE PRACTICE OF "VISION IMPAIRMENT SPECIALIST" SHALL MEAN ONE WHO
55 SPECIALIZES IN ORIENTATION AND MOBILITY TRAINING AND/OR VISION REHABILI-
56 TATION 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-

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

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

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

6. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

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

S 8906. REQUIREMENTS FOR A LICENSE AS A VISION REHABILITATION THERAPIST. TO QUALIFY FOR A LICENSE AS A VISION REHABILITATION THERAPIST AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

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

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

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

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

6. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

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

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

1. ON THE RECOMMENDATION OF THE BOARD, THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO AN APPLICANT WHO MEETS THE EDUCATION REQUIREMENTS 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 8908. 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 VISION IMPAIRMENT SPECIALIST:

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

2. THE PERFORMANCE OF ANY OF THE DUTIES, TASKS AND RESPONSIBILITIES INCLUDED IN THE DEFINITION OF LOW VISION THERAPIST BY ANY OTHER DULY 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.