STATE OF NEW YORK

10209

IN ASSEMBLY

March 26, 2018

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the delegation of certain professional responsibilities for instilling mydriatic or cycloplegic eye drops

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 25 of section 6530 of the education law, as added by chapter 606 of the laws of 1991, is amended to read as follows:

25. **a.** Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them[~~.~~]**.**

b. A person shall be deemed qualified to assist a professional licensed pursuant to article one hundred thirty-one of this title in the care of a patient for the purpose of instilling mydriatic or cycloplegic eye drops (hereinafter "dilating eye drops") and anesthetic eye drops in conjunction with such dilating drops to the surface of the eye of a patient, provided that the person instilling such dilating eye drops and anesthetic eye drops is supervised by a professional licensed pursuant to such article one hundred thirty-one and such person is over the age of eighteen, completes a curriculum and examination demonstrating that such person has the requisite experience to instill dilating eye drops and anesthetic eye drops used in conjunction with such dilating eye drops to the surface of the eye satisfactory to the department and registers with the department after paying the requisite fee in accordance with the commissioner's regulations;

§ 2. Section 7106 of the education law is amended by adding a new subdivision 4 to read as follows:

4. Notwithstanding subdivision seven of section six thousand five hundred nine of this title, a licensed optometrist may delegate the care of a patient for the specific purpose of instilling mydriatic or cycloplegic eye drops (hereinafter "dilating eye drops") and anesthetic eye drops used in conjunction with such dilating eye drops to the surface of

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

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the eye of a patient, provided that the person instilling such dilating eye drops and anesthetic eye drops is deemed qualified to assist, and is supervised by a licensed optometrist. A person shall be deemed qualified for purposes of this subdivision and shall be permitted to assist a licensed optometrist for the purpose of instilling dilating eye drops and anesthetic eye drops used in conjunction with such dilating eye drops only if such person is over the age of eighteen, completes a curriculum and examination demonstrating the requisite experience to instill dilating eye drops and anesthetic eye drops used in conjunction with such dilating eye drops to the surface of the eye satisfactory to the department and registers with the department after paying the requisite fee in accordance with the commissioner's regulations.

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that the department of education is authorized and directed, prior to such effective date, to promulgate such rules or regulations as may be necessary for the timely implementation of this act.