STATE OF NEW YORK

3822--D

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. McDONALD, GUNTHER, PICHARDO, SEAWRIGHT, GARBARINO, WILLIAMS, DICKENS, LUPARDO, FAHY, D'URSO, ARROYO, MONTESANO, COOK, GOTTFRIED, LAVINE, RA, SMITH, ASHBY, REYES, STIRPE, SIMON -- Multi-Sponsored by -- M. of A. SAYEGH -- 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 recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 physician 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 under the on-site supervision of a physician pursuant to such article one hundred thirty-one and such person is over

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

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the age of eighteen, successfully completes a curriculum and examination approved by the department 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 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 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 under the on-site supervision of 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, successfully completes a curriculum and examination approved by the department 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 and registers with the department after paying the requisite fee in accordance with the commissioner's regulations.

§ 3. This act shall take effect eighteen months after it shall have become a law. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.