

# STATE OF NEW YORK

4469

2019-2020 Regular Sessions

## IN SENATE

March 12, 2019

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed 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:

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

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

7 b. A person shall be deemed qualified to assist a professional  
8 licensed pursuant to article one hundred thirty-one of this title in the  
9 care of a patient for the purpose of instilling mydriatic or cycloplegic  
10 eye drops (hereinafter "dilating eye drops") and anesthetic eye drops in  
11 conjunction with such dilating drops to the surface of the eye of a  
12 patient, provided that the person instilling such dilating eye drops and  
13 anesthetic eye drops is under the on-site supervision of a professional  
14 licensed pursuant to such article one hundred thirty-one and such person  
15 is over the age of eighteen, successfully completes a curriculum and  
16 examination approved by the department demonstrating that such person  
17 has the requisite experience to instill dilating eye drops and anesthet-  
18 ic eye drops used in conjunction with such dilating eye drops to the  
19 surface of the eye and registers with the department after paying the  
20 requisite fee in accordance with the commissioner's regulations;

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

23 4. Notwithstanding subdivision seven of section six thousand five  
24 hundred nine of this title, a licensed optometrist may delegate the care

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

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1 of a patient for the specific purpose of instilling mydriatic or cyclo-  
2 plegic eye drops (hereinafter "dilating eye drops") and anesthetic eye  
3 drops used in conjunction with such dilating eye drops to the surface of  
4 the eye of a patient, provided that the person instilling such dilating  
5 eye drops and anesthetic eye drops is deemed qualified to assist, and is  
6 under the on-site supervision of a licensed optometrist. A person shall  
7 be deemed qualified for purposes of this subdivision and shall be  
8 permitted to assist a licensed optometrist for the purpose of instilling  
9 dilating eye drops and anesthetic eye drops used in conjunction with  
10 such dilating eye drops only if such person is over the age of eighteen,  
11 successfully completes a curriculum and examination approved by the  
12 department demonstrating the requisite experience to instill dilating  
13 eye drops and anesthetic eye drops used in conjunction with such dilat-  
14 ing eye drops to the surface of the eye and registers with the depart-  
15 ment after paying the requisite fee in accordance with the commission-  
16 er's regulations.

17 § 3. This act shall take effect on the first of January next succeed-  
18 ing the date on which it shall have become a law. Effective immediately  
19 the addition, amendment and/or repeal of any rule or regulation neces-  
20 sary for the implementation of this act on its effective date are  
21 authorized to be made and completed on or before such date.