STATE OF NEW YORK

9726

IN SENATE

May 23, 2024

Introduced by Sen. LIU -- 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 use of topical pharmaceutical agents

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

Section 1. Paragraphs (d), (e) and (f) of subdivision 1 of section 7101-a of the education law, paragraph (d) as added by chapter 517 of the laws of 1995 and paragraphs (e) and (f) as amended by chapter 506 of the laws of 2021, are amended to read as follows:

(d) Diagnostic pharmaceuticals. Diagnostic pharmaceuticals shall mean those drugs which shall be limited to topical applications [~~to the surface of the eye~~] for the purpose of diagnostic examination of the eye [~~and shall be limited to:~~

~~(i) Anesthetic agents;~~

~~(ii) Mydriatics;~~

~~(iii) Cycloplegics;~~

~~(iv) Miotics;~~

~~(v) Disclosing agents and other substances used in conjunction with these drugs as part of a diagnostic procedure~~] and adnexa.

(e) Topical therapeutic pharmaceutical agents. Topical therapeutic pharmaceutical agents shall mean those drugs which shall be limited to topical application [~~to the surface of the eye~~] for therapeutic purposes [~~and shall be limited to:~~

~~(i) antibiotic/antimicrobials;~~

~~(ii) decongestants/anti-allergenics;~~

~~(iii) non-steroidal anti-inflammatory agents;~~

~~(iv) steroidal anti-inflammatory agents;~~

~~(v) antiviral agents;~~

~~(vi) hyperosmotic/hypertonic agents;~~

~~(vii) cycloplegics;~~

~~(viii) artificial tears and lubricants; and~~

~~(ix) immunosuppressive agents~~] of the eye and adnexa.

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

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(f) Therapeutic pharmaceutical agents for treatment of glaucoma and ocular hypertension. Therapeutic pharmaceutical agents for treatment of glaucoma and ocular hypertension shall mean those drugs which shall be limited to topical application [~~to the surface~~] **for therapeutic purposes** of the eye and [~~shall be limited to:~~

~~(i) beta blockers;~~

~~(ii) alpha agonists;~~

~~(iii) direct acting cholinergic agents;~~

~~(iv) prostaglandin analogs; and~~

~~(v) carbonic anhydrase inhibitors~~] **adnexa**.

§ 2. Paragraph (e) of subdivision 4 of section 7101-a of the education law, as added by chapter 517 of the laws of 1995 and as relettered by chapter 506 of the laws of 2021, is amended to read as follows:

(e) The provisions of paragraphs (a) and (b) of this subdivision shall not apply to (i) graduates of an appropriate program approved by the department who have successfully passed the examination on the use of diagnostic and therapeutic [~~drugs~~] **agents** and who graduated subsequent to January first, nineteen hundred ninety-three; or (ii) optometrists who have been certified for at least five years to use [~~phase one~~] **topical therapeutic agents** and [~~phase two drugs~~] **therapeutic pharmaceutical agents for treatment of glaucoma and ocular hypertension** in another jurisdiction, have demonstrated such use in independently managed patients, and have been licensed in accordance with section seventy-one hundred four of this chapter. Provided, however, no optometrist exempt under this paragraph shall be permitted to use [~~phase one~~] **topical** therapeutic pharmaceutical agents or [~~phase two~~] therapeutic pharmaceutical agents **for treatment of glaucoma and ocular hypertension** prior to the general authorization provided to optometrists licensed in this state.

§ 3. The opening paragraph of paragraph (b) and paragraph (c) of subdivision 10 of section 7101-a of the education law, as amended by chapter 506 of the laws of 2021, are amended to read as follows:

Those optometrists having been certified for topical therapeutic pharmaceutical agents shall be authorized to use and prescribe all topical therapeutic pharmaceutical agents [~~specified in paragraph (e) of subdivision one of this section~~], which are FDA approved and commercially available for topical use.

(c) Those optometrists having been certified for therapeutic pharmaceutical agents for treatment of glaucoma and ocular hypertension shall be authorized to use and prescribe therapeutic pharmaceutical agents for treatment of glaucoma and ocular hypertension [~~specified in paragraph (f) of subdivision one of this section~~], which are FDA approved and commercially available.

§ 4. This act shall take effect immediately.