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March 20, 2017

RE: AN ACT to amend the education law,
in relation to the use of oral medications
by optometrists.

S.5235 (Funke)/A.6751 (Paulin)

MEMORANDUM

Submitted on behalf of the New York State Ophthalmological Society

The New York State Ophthalmological Society (“NYSOS”), representing physicians in the specialty of ophthalmology throughout New York State, has reached agreement with the optometrists on this bill that authorizes optometrists to prescribe certain oral medications with specific restrictions and additional education requirements as well as review by an independent committee.

This bill is substantially limited from bills to which NYSOS objected in prior years. This bill authorizes only a very specific list of drugs which may be prescribed, not broad categories. It requires that any additional drugs that optometrists wish to prescribe in the future must be added legislatively. Moreover, there are limitations on the diseases for which many of the drugs may be prescribed and there are instances where upon issuing a prescription, the optometrist must make an immediate referral to a physician.

Additional requirements of the proposed bill include a 40 hour course and an examination for optometrists graduating from optometry school before 2007 as well as an increase from 36 to 75 hours of continuing education every three years, for optometrists who are authorized to prescribe these oral pharmaceuticals. There is an oversight committee created for 5 years to review optometric prescriptions and ensure compliance with the law. This oversight committee will refer optometrists to the Office of Professions for investigation and possible discipline in the event of non-compliance with the statutory requirements.

The agreement reached by NYSOS and the optometrists is specific to this bill with the described parameters. In the event that any party requests changes, then NYSOS will need to revisit the agreement. If you have any questions, please feel free to contact either B.J. Costello at bcostello@hinmanstraub.com or Mara Ginsberg at mginsberg@hinmanstraub.com or (518)436-0751.

Respectfully submitted,

HINMAN STRAUB ADVISORS LLC
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