

MEDICAL SOCIETY of the STATE OF NEW YORK

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MEMORANDUM IN OPPOSITION

ON ASSEMBLY HIGHER EDUCATION COMMITTEE AGENDA A.1193-A (PAULIN)

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

This bill would amend the education law to expand the scope of practice of optometrists to enable them to have prescriptive privileges for a broad range of oral medications for patients. **The Medical Society of the State of New York opposes this legislation.**

This legislation appears to undo a carefully negotiated compromise between associations representing ophthalmologists and optometrists that would have permitted optometrists to prescribe a defined list of the most commonly used oral medications for a variety of eye diseases, with appropriate training and oversight. This just-amended version now provides optometrists with unfettered authority to prescribe several classes of oral medications without adequate training and virtually no accountability.

Unlike the original negotiated compromise legislation, this new version would allow optometrists to prescribe entire classes of drugs, regardless of potential side effects or whether or not such prescription would negatively impact public health by promoting the development of antibiotic-resistant diseases that cannot be treated with available antibiotics. Such classes currently include drugs with potentially life- or vision-threatening consequences. Additionally, this new version of the bill allows minimally-trained professionals to prescribe additional drugs that may be added to those classes in the future, no matter what the side effects or potential impact on public health.

The original negotiated compromise bill also required optometrists to receive training somewhat comparable to the training required of ophthalmologists in order to have prescription authority that is normally reserved for trained physicians. The newest version of the bill virtually eliminates those requirements by reducing the required training per triennial reporting period from 39 hours to only 18 hours. This version also removes the requirement that optometrists seeking to prescribe oral medications complete a certification course and final examination within 5 years of initial examination, and retake the course if they have failed it three times.

The original negotiated compromise bill also included a variety of provisions focused on oversight and accountability that have been deleted in the just-amended version. First, the compromise bill required optometrists to submit evidence that they have completed required continuing education courses when they submit an application for license renewal; this version eliminates that requirement, and requires only that optometrists maintain documentation of such completion themselves. Second, the compromise bill required that, for the first 5 years following the implementation of the law, prescribing optometrists must provide information to the State Education Department concerning their prescribing activities, and such information

must be reviewed by a committee comprised of an ophthalmologist, optometrist, pharmacist and an expert in the public health field and cross-checked against existing records to ensure compliance with applicable requirements. This version completely eliminates that oversight, meaning that there is virtually no mechanism to ensure that prescribing optometrists are abiding by the already minimal limitations on the right to prescribe.

For all of the reasons stated above, we urge that this measure be defeated.

Respectfully submitted,

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MMA - oppose

MSSNY DIVISION OF GOVERNMENTAL AFFAIRS