

NYSOA 2020 Legislative Priorities

Orals Bill

Purpose:

- The bill would authorize optometrists to prescribe a formulary of oral therapeutic pharmaceutical agents for the treatment of eye diseases.
- Optometrists have had the ability to use diagnostic topical drugs since the mid-1980s and therapeutic topical drugs since the mid-1990s; however, ODs remain unable to prescribe oral medications for the treatment of eye disease.

2019 Status: Held in Senate Higher Education Committee and Assembly Higher Education Committee.

Reasons to Support:

- *Improve Treatment of Patients:* Patients expect and need the full range of diagnosis and treatment from ODs, including the prescription of oral drugs to treat eye disease – which, left untreated, can result in greater healing time or permanent damage to a patient’s eyesight and health.
- *Enhance Access to Health Care:* ODs are the primary eye care providers in much of the State – particularly rural and low-income urban areas.
- *Reduce Health Care Costs:* Eliminate the need for ODs to refer patients to other providers (e.g., ophthalmologists, primary care physicians, and emergency rooms) for the prescription of oral medications – eliminating additional health care system costs and co-pays for unnecessary second visits.
- *Ensure Highly Qualified Caregivers:* ODs are trained and experienced in eye care: required to complete a 4-year post-graduate degree focused solely on eye disease/treatment; required to take continuing education courses; and, often advise and collaborate with MDs on diagnosis/treatment.
- *Conform New York Law to the Laws in Virtually Every Other State:* 48 states and the District of Columbia permit optometrists to prescribe oral medications; New York and Massachusetts are the only exceptions. 32 states granted oral prescriptive authority to ODs more than a decade ago, with North Carolina having enacted its statute in 1977 – 41 years ago.
- *Would Not Compromise Patient Care:* ODs in these other states have not experienced any increase in malpractice or professional misconduct based on orals authority. No state has ever repealed the authorization or limited the right of ODs to prescribe oral medications; and at least 18 states allow ODs to prescribe oral medications without restrictions of any kind. In a recent report on North Carolina’s experience, it was found that of the 30 million patient encounters with ODs over a 30-year period, there have been fewer than 15 cases of malpractice – none of which had to do with the use and prescribing of pharmaceutical agents.

2020 Focus: Initiate effort with the version of the bill negotiated with ophthalmology ([S.4035 Bailey](#)) and focus on building support in the Assembly for that legislation.

Partnership Bill [A.6377-A \(Peoples-Stokes\)/S.6128 \(Savino\)](#)

Purpose: Allow optometrists and other Title VIII professions to co-own professional practices with physicians.

2019 Status: Held in Assembly Higher Education Committee and Senate Corporations Committee.

Vision Plan Bill (in drafting)

Purpose:

- Prohibit requiring the OD (or OMD) to contract for lab services, frames or materials with an entity affiliated with, selected by or otherwise financially related to the health or vision plan;
 - Prohibit discrimination in participation and reimbursement based on licensure;
 - Prohibit requiring ODs (or OMDs) from having to participate in another vision or medical plan as a condition to participate in a health plan; and,
 - Prohibit insurers from requiring discounts on products not covered by plans.
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Out-of-State Internship Bill [S.5066 \(Krueger\)/A.8115 \(Lifton\)](#)

Purpose: Provide that students from accredited optometry schools located outside of New York State may engage in supervised clinical practice and shall be exempt from state licensure requirements.

2019 Status: Passed Senate (5/30/19); Held in Assembly Higher Education Committee.

Offering Support, But Monitoring Only:

Data Collection of Professions Bill [S.5093 \(Stavisky\)/A.7213 \(Fahy\)](#)

Purpose: Require that, with triennial registration, Title VIII professions provide the Education Department with information regarding location and type of setting and other professional information. The data is to be used to evaluate needed services in the state, and shall be presented publicly, de-identified and in aggregate.

2019 Status: Passed Senate (5/8/19); Held Assembly Higher Education Committee.

Remote Refraction Bill (in drafting)

Purpose:

- Require personal examinations for any corrective lens or contact lens prescriptions.
- Limit remote refraction to circumstances where there is an existing relationship between the patient and the remote professional.