

NEW YORK STATE BOARD FOR OPTOMETRY

Monday September 30, 2024 9:30 a.m.

New York State Education Department
1411 Broadway, 10th Floor
MMMM Room
New York, NY 10018

Rochester Regional OPD Office
85 Allen Street, Suite 120
Room 140
Rochester, NY 14608

Members Present: Daniella Rutner, Michele Lagana, Alison Risko, Dana Salgado, Richard Soden, Jeffrey Calhoun, & James Coney

Extended Member: Frank Pirozzolo, Wayne Gabel

Members Absent: Obinna Akano

SED Staff: Dolores Cottrell, Michael Puspurs, Timothy Winner

Welcome: Dr. Cottrell welcomed everyone and called the meeting to order at 9:32 a.m.

Minutes: Minutes of the June 3, 2024 meeting were approved as corrected (Rutner/Coney).

Chairperson's Report

Dr. Rutner informed members that the SUNY College of Optometry has a new President, David Troilo, PhD and a new Interim Dean, Tracy Nguyen, OD, PhD

Executive Secretary's Report

Dr. Cottrell started her report by announcing the appointment of David Hamilton as the Deputy Commissioner for the New York State Office of the Professions and the appointment of Owen Donovan as the Assistant Deputy Commissioner, for Professional Licensing & Practice.

Dr. Cottrell discussed the National ARBO meeting she had attended in June in Nashville, Tennessee along with Dr. Risko. Dr. Risko stated that the next ARBO meeting will be in Minnesota.

The Board then had a brief discussion of the "Not-a-doctor" bills that are being introduced in various states, and then discussed the potential impact it may have on applications for optometry licensure in New York State.

Legislative Update – The Board discussed Assembly Bill A.3060, which seeks to create the new licensed profession of Vision Impairment Specialist. The board members discussed the history and previous iterations of the bill. The board members had a lengthy discussion about how this new profession appears to overlap with the professions of optometry, physical therapy, and occupational therapy and how this legislation may also limit services offered by unlicensed individuals. Dr. Cottrell stated that she will communicate with Kellie Murphy, the newly

appointed Executive Secretary for Occupational Therapy, Speech Language Pathology and Audiology Boards, for her comments on this bill. Dr. Cottrell stated that she will invite Executive Secretary Kellie Murphy to the next Optometry Board meeting for discussion on Assembly Bill 3060.

The Board discussed Senate Bill S. 8768 which seeks to add nasal sprays as a topical therapeutic pharmaceutical agent that optometrists may administer. Dr. Cottrell stated that this bill has passed both the NYS Assembly and the Senate and is waiting to be signed into law by Governor Hochul. Dr. Cottrell informed the board that if the bill is not signed by December 31st, 2024, then it will automatically become law on January 1st, 2025.

The Board discussed Assembly Bill A. 180 which seeks to amend the education law, in relation to vision screening examinations in public schools. The Board expressed that it would be more beneficial if the bill included re-screenings every 2 years. Additional screenings for depth perception and binocularity should be added as part of the screenings. The Board had a lengthy discussion that the goal of the screenings should be testing for reading readiness for students.

Old Business

New Part III PEPS Exam discussion– The Board had a lengthy discussion on the new NBEO Part III “PEPS” restructured exam. Dr. Lagana stated that the new examination will still require all candidate to go to Charlotte, NC to complete the exam and it will consist of twelve stations. Dr. Lagana informed members that the new examination seeks to assess the critical thinking skills of candidates to practice optometry independently. Students must be in their fourth year of optometry school to take the exam.

Optometry Telehealth Guidelines

The Board discussed the proposed changes made to the telehealth guidelines by OP Legal. The Board will review proposed changes and submit any comments for further changes. The Board plans to finalize the telehealth guidelines and have the posted to the Optometry webpage before the next Board meeting.

Radiologic Testing/ Diagnostic Imaging - The Board discussed the radiological tests that optometrists should be allowed to perform. Dr. Cottrell find a contact to discuss this issue.

New Business

Discussion about updating regulations The Board discussed the use of the ARBO Model Practice Act as a template for updating some of New York State’s optometry regulations. The Board will review Commissioner’s Regulations §66.1 and §66.2 for discussion on possible amendments to be discussed at the next board meeting.

Discussion of categories for CE for therapeutics and orals The Board had a lengthy discussion on which CE course topics could generally be classified as satisfying a licensee’s CE requirement for either their TPA or Orals prescribing privileges. This will help Board staff with audits.

Discussion on Drugs Fitting within Statute

The Board discussed whether or not certain drugs fit within the statutory definition of pharmaceuticals certified for optometrists to prescribe.

Election of Chair and Vice-Chair

All Board members present unanimously elected Dr. Salgado as the next Chair and Dr. Calhoun as the next Vice-Chair. Their terms will begin on January 1st, 2025.

Next Meeting: The next Board Meeting will be tentatively held on Monday January 13, 2025 at the SUNY College of Optometry in NYC.

Executive Session: There were no disciplinary cases to be reviewed.

ADJOURNMENT: Motion was approved for Adjournment at 12:47 p.m. (Rutner/Risko).