

9961--A

I N A S S E M B L Y

May 2, 2016

Introduced by M. of A. PAULIN, COOK, CYMBROWITZ, ABINANTI, GUNTHER, FARRELL, WEPRIN, HEVESI, RYAN, TITUS, STIRPE, SKOUFIS, BUCHWALD, GOLD-FEDER, DiPIETRO, BRABENEC, GRAF, BLAKE, FAHY, ORTIZ, COLTON, WALTER -- Multi-Sponsored by -- M. of A. BARCLAY, BLANKENBUSH, CAHILL, CROUCH, FRIEND, GALEF, GOODELL, GOTTFRIED, HIKIND, KEARNS, LUPARDO, MAGEE, PALMESANO, RIVERA, SKARTADOS, STEC, WOERNER -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the use of oral medications by optometrists; and providing for the repeal of certain provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (e) of subdivision 1 of section 7101-a of the
2 education law, as added by chapter 517 of the laws of 1995, is amended
3 to read as follows:
4 (e) [Phase one] TOPICAL therapeutic pharmaceutical agents. [Phase one]
5 TOPICAL THERAPEUTIC pharmaceutical agents shall mean those drugs which
6 shall be limited to topical application to the surface of the eye for
7 therapeutic purposes and shall be limited to:
8 (i) antibiotic/antimicrobials;
9 (ii) decongestants/anti-allergenic;
10 (iii) non-steroidal anti-inflammatory agents;
11 (iv) steroidal anti-inflammatory agents;
12 (v) antiviral agents;
13 (vi) hyperosmotic/hypertonic agents;
14 (vii) cycloplegics;
15 (viii) artificial tears and lubricants; AND
16 (IX) IMMUNOSUPPRESSIVE AGENTS.
17 S 2. Paragraph (f) of subdivision 1 of section 7101-a of the education
18 law, as added by chapter 517 of the laws of 1995, is amended to read as
19 follows:

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

LBD15035-08-6

1 (f) [Phase two therapeutic] THERAPEUTIC pharmaceutical agents FOR
2 TREATMENT OF GLAUCOMA AND OCULAR HYPERTENSION. [Phase two] THERAPEUTIC
3 pharmaceutical agents FOR TREATMENT OF GLAUCOMA AND OCULAR HYPERTENSION
4 shall mean those drugs which shall be limited to topical application to
5 the surface of the eye and shall be limited to:

- 6 (i) beta blockers;
- 7 (ii) alpha agonists;
- 8 (iii) direct acting cholinergic agents;
- 9 (IV) PROSTAGLANDIN ANALOGS; AND
- 10 (V) CARBONIC ANHYDRASE INHIBITORS.

11 S 3. Subdivision 1 of section 7101-a of the education law is amended
12 by adding a new paragraph (g) to read as follows:

13 (G) ORAL THERAPEUTIC PHARMACEUTICAL AGENTS. ORAL THERAPEUTIC PHARMA-
14 CEUTICAL AGENTS SHALL MEAN THOSE ORALLY ADMINISTERED DRUGS USED FOR
15 THERAPEUTIC PURPOSES SOLELY FOR THE TREATMENT OF DISEASES OF THE EYE AND
16 ADNEXA AND SHALL BE LIMITED TO:

17 (I) THE FOLLOWING ANTIBIOTICS, INCLUDING, WHERE APPLICABLE, THE GENER-
18 IC EQUIVALENT OF ANY OF THE LISTED DRUGS:

- 19 (1) AUGMENTIN;
- 20 (2) KEFLEX;
- 21 (3) AZITHROMYCIN;
- 22 (4) BACTRIM;
- 23 (5) DOXYCYCLINE; AND
- 24 (6) TETRACYCLINE;

25 (II) THE FOLLOWING DECONGESTANTS/ANTI-ALLERGENIC/ANTI-HISTAMINES,
26 INCLUDING THE GENERIC EQUIVALENTS OF THE LISTED DRUGS:

- 27 (1) CLARINEX;
- 28 (2) XYZAL; AND
- 29 (3) SINGULAIR;

30 (III) THE FOLLOWING ANTIGLAUCOMA AGENTS, INCLUDING THE GENERIC EQUIV-
31 ALENTS OF SUCH AGENTS, USED FOR THE MANAGEMENT OF ACUTE INCREASES IN
32 INTRAOCULAR PRESSURE; PROVIDED, HOWEVER, AN OPTOMETRIST MAY USE OR
33 PRESCRIBE A MAXIMUM OF ONE TWENTY-FOUR HOUR PRESCRIPTION AND SHALL IMME-
34 DIATELY REFER THE PATIENT TO A LICENSED PHYSICIAN SPECIALIZING IN
35 DISEASES OF THE EYE:

- 36 (1) DIAMOX; AND
- 37 (2) NEPTAZANE;

38 (IV) THE FOLLOWING ANTIVIRAL AGENTS FOR HERPES ZOSTER OPHTHALMICUS;
39 PROVIDED AN OPTOMETRIST SHALL USE OR PRESCRIBE IN MAXIMUM, SEVEN-DAY
40 PRESCRIPTIONS; PROVIDED, HOWEVER, IF A PATIENT IS DIAGNOSED WITH HERPES
41 ZOSTER OPHTHALMICUS AND HAS NOT ALREADY BEEN EXAMINED BY A PRIMARY CARE
42 PHYSICIAN OR OTHER APPROPRIATE PHYSICIAN FOR SUCH VIRAL CONDITION, AN
43 OPTOMETRIST SHALL REFER THE PATIENT TO A LICENSED PRIMARY CARE PHYSI-
44 CIAN, LICENSED PHYSICIAN SPECIALIZING IN DISEASES OF THE EYE, OR OTHER
45 APPROPRIATE PHYSICIAN WITHIN THREE DAYS OF SUCH DIAGNOSIS:

- 46 (1) VALACYCLOVIR; AND
- 47 (2) ACYCLOVIR; AND

48 (V) THE FOLLOWING NON-STEROIDAL ANTI-INFLAMMATORY AGENTS:

- 49 (1) COX-2 INHIBITORS;
- 50 (2) IBUPROFEN; AND
- 51 (3) NAPROXEN.

52 S 4. The subdivision heading and paragraph (a) of subdivision 4 of
53 section 7101-a of the education law, as added by chapter 517 of the laws
54 of 1995, is amended to read as follows:

55 [Phase one] TOPICAL therapeutic pharmaceutical agents. (a) Before
56 using or prescribing [phase one] TOPICAL therapeutic pharmaceutical

1 agents, each optometrist shall have completed at least three hundred
2 hours of clinical training in the diagnosis, treatment and management of
3 patients with ocular disease other than glaucoma and ocular hyperten-
4 sion, not fewer than twenty-five hours of such training shall have been
5 completed subsequent to June thirtieth, nineteen hundred ninety-three
6 and additionally shall either have taken and successfully passed the
7 treatment and management of ocular diseases portion of the National
8 Board of Examiners in Optometry test or have taken and successfully
9 passed an examination acceptable to the board.

10 S 5. Paragraph (b) of subdivision 4 of section 7101-a of the education
11 law, as added by chapter 517 of the laws of 1995, is amended to read as
12 follows:

13 (b) Before using or prescribing [phase two] therapeutic pharmaceutical
14 agents FOR TREATMENT OF GLAUCOMA AND OCULAR HYPERTENSION, an optometrist
15 must be certified for diagnostic and [phase one] TOPICAL therapeutic
16 agents and have completed an additional one hundred hours of clinical
17 training in the diagnosis, treatment and management of patients with
18 glaucoma and ocular hypertension, not fewer than twenty-five hours of
19 such training shall have been completed subsequent to July first, nine-
20 teen hundred ninety-four, and shall have taken and successfully passed
21 an oral or written examination acceptable by the board.

22 S 6. Paragraphs (c) and (d) of subdivision 4 of section 7101-a of the
23 education law are relettered paragraphs (d) and (e) and a new paragraph
24 (c) is added to read as follows:

25 (C) BEFORE USING OR PRESCRIBING ORAL THERAPEUTIC PHARMACEUTICAL
26 AGENTS, AN OPTOMETRIST MUST BE CERTIFIED TO PRESCRIBE DIAGNOSTIC PHARMA-
27 CEUTICAL AGENTS AND TOPICAL THERAPEUTIC AND THERAPEUTIC PHARMACEUTICAL
28 AGENTS FOR TREATMENT OF GLAUCOMA AND OCULAR HYPERTENSION, HAVE COMPLETED
29 AN ORAL THERAPEUTIC PHARMACEUTICAL AGENT CERTIFICATION COURSE AND HAVE
30 PASSED AN EXAMINATION, WITH A CURRICULUM AND EXAMINATION DEVELOPED BY
31 ACADEMIC FACULTY REPRESENTATIVES APPROVED BY THE DEPARTMENT FROM A NEW
32 YORK STATE ACCREDITED COLLEGE OF OPTOMETRY, FROM A DEPARTMENT OF
33 OPHTHALMOLOGY AT A NEW YORK STATE ACCREDITED MEDICAL SCHOOL UPON THE
34 RECOMMENDATION OF A STATEWIDE PROFESSIONAL ORGANIZATION CONSISTING OF
35 OPHTHALMOLOGISTS, AND FROM A DEPARTMENT OF PHARMACOLOGY AT A NEW YORK
36 STATE ACCREDITED MEDICAL SCHOOL.

37 (I) THE CURRICULUM SHALL INCLUDE, BUT NOT BE LIMITED TO, INSTRUCTION
38 IN PHARMACOLOGY AND DRUG INTERACTION IN TREATING OCULAR DISEASE AND BE
39 TAUGHT THROUGH CLINICAL CASE SCENARIOS AND EMPHASIZE CLINICAL DECISION
40 MAKING AND SHALL BE NO LESS THAN FORTY HOURS, OF WHICH NO LESS THAN
41 TWENTY-FOUR HOURS SHALL BE LIVE INSTRUCTION.

42 (II) SUCH COURSE SHALL QUALIFY TOWARDS MEETING THE CONTINUING EDUCA-
43 TION PER TRIENNIAL REGISTRATION REQUIREMENT PURSUANT TO SUBDIVISION
44 SEVEN OF THIS SECTION.

45 (III) THE EXAMINATION SHALL TEST THE KNOWLEDGE OF MATERIALS IN THE
46 CURRICULUM.

47 (IV) IF AN OPTOMETRIST FAILS TO PASS THE EXAMINATION, SUCH OPTOMETRIST
48 MAY RETAKE THE EXAMINATION FOLLOWING COMPLETION OF THE CERTIFICATION
49 COURSE, AND MAY RETAKE THE EXAMINATION A MAXIMUM OF TWO ADDITIONAL
50 TIMES, PROVIDED THAT AN OPTOMETRIST MAY BE AUTHORIZED TO RETAKE THE
51 EXAMINATION BEYOND SUCH MAXIMUM NUMBER UPON APPLICATION BY THE OPTOME-
52 TRIST AND A DETERMINATION OF GOOD CAUSE SHOWN BY THE COMMISSIONER.

53 (V) THE INITIAL, AND ANY SUBSEQUENT, CURRICULUM AND EXAMINATION SHALL
54 BE SUBJECT TO REVIEW AND APPROVAL BY THE DEPARTMENT.

55 (VI) THE REQUIREMENT FOR THE ORAL THERAPEUTIC PHARMACEUTICAL AGENT
56 CERTIFICATION COURSE AND EXAMINATION SHALL NOT APPLY TO THOSE OPTOME-

1 TRISTS WHO GRADUATED FROM AN ACCREDITED COLLEGE OF OPTOMETRY SUBSEQUENT
2 TO JANUARY FIRST, TWO THOUSAND SIX AND HAVE TAKEN AND SUCCESSFULLY
3 PASSED THE NATIONAL BOARD OF EXAMINERS IN OPTOMETRY TEST OR AN EXAMINA-
4 TION ACCEPTABLE TO THE BOARD.

5 S 7. Subdivision 5 of section 7101-a of the education law, as added by
6 chapter 517 of the laws of 1995, is amended to read as follows:

7 5. Suspension of certification. The department shall suspend the
8 certification for the use and prescribing of [phase one] TOPICAL thera-
9 peutic agents of any optometrist who fails to receive certification for
10 [phase two] therapeutic pharmaceutical agents FOR TREATMENT OF GLAUCOMA
11 AND OCULAR HYPERTENSION within three years of having been certified for
12 [phase one] TOPICAL therapeutic pharmaceutical agents.

13 S 8. The subdivision heading of subdivision 6 of section 7101-a of the
14 education law, as added by chapter 517 of the laws of 1995, is amended
15 to read as follows:

16 Consultation WITH USE OF CERTAIN TOPICAL THERAPEUTIC PHARMACEUTICAL
17 AGENTS FOR TREATMENT OF GLAUCOMA AND OCULAR HYPERTENSION.

18 S 9. Subdivision 7 of section 7101-a of the education law, as added by
19 chapter 517 of the laws of 1995, is amended to read as follows:

20 7. Continuing education. Each optometrist certified to use [phase one
21 or phase two] TOPICAL THERAPEUTIC PHARMACEUTICAL AGENTS AND therapeutic
22 pharmaceutical agents FOR TREATMENT OF GLAUCOMA AND OCULAR HYPERTENSION,
23 shall complete a minimum of thirty-six hours of continuing education IN
24 THE AREA OF OCULAR DISEASE AND PHARMACOLOGY per triennial registration
25 period. [The education shall be in the area of ocular disease and phar-
26 macology and may include both didactic and clinical components.] EACH
27 OPTOMETRIST CERTIFIED TO USE ORAL THERAPEUTIC PHARMACEUTICAL AGENTS
28 SHALL, IN ADDITION TO THE MINIMUM THIRTY-SIX HOURS OF CONTINUING EDUCA-
29 TION PROVIDED FOR IN THIS SUBDIVISION, COMPLETE AN ADDITIONAL MINIMUM OF
30 THIRTY-NINE HOURS OF CONTINUING EDUCATION RELATED TO SYSTEMIC DISEASE
31 AND THERAPEUTIC TREATMENT PER TRIENNIAL REGISTRATION PERIOD. Such educa-
32 tional programs MAY INCLUDE BOTH DIDACTIC AND CLINICAL COMPONENTS AND
33 shall be approved in advance by the department and evidence of the
34 completion of this requirement shall be submitted with each application
35 for license renewal as required by section sixty-five hundred two of
36 this chapter.

37 S 10. The subdivision heading and subparagraph (i) of paragraph (a) of
38 subdivision 8 of section 7101-a of the education law, as added by chap-
39 ter 517 of the laws of 1995, are amended to read as follows:

40 Notice to patient WITH THE USE OR PRESCRIPTION OF TOPICAL THERAPEUTIC
41 PHARMACEUTICAL AGENTS AND THERAPEUTIC PHARMACEUTICAL AGENTS FOR TREAT-
42 MENT OF GLAUCOMA AND OCULAR HYPERTENSION.

43 (i) An optometrist prescribing TOPICAL steroids or antiviral medica-
44 tion shall inform each patient that in the event the condition does not
45 improve within five days, a physician of the patient's choice will be
46 notified.

47 S 11. Subdivision 10 of section 7101-a of the education law, as added
48 by chapter 517 of the laws of 1995, is amended to read as follows:

49 10. Pharmaceutical agents. Optometrists who have been approved and
50 certified by the department shall be permitted to use the following
51 drugs:

52 (a) Diagnostic pharmaceuticals.

53 (b) Those optometrists having been certified for [phase one] TOPICAL
54 therapeutic pharmaceutical agents shall be authorized [(i) to use and
55 recommend all nonprescription medications appropriate for ocular disease
56 whether intended for topical or oral use; and (ii)] to use and prescribe

1 all [phase one] TOPICAL therapeutic pharmaceutical agents SPECIFIED IN
2 PARAGRAPH (E) OF SUBDIVISION ONE OF THIS SECTION, which are FDA approved
3 and commercially available FOR TOPICAL USE.

4 In the event an optometrist treats a patient with topical antiviral or
5 steroidal drugs and the patient's condition either fails to improve or
6 worsens within five days, the optometrist shall notify a physician
7 designated by the patient or, if none, by the treating optometrist.

8 (c) Those optometrists having been certified for [phase two] therapeu-
9 tic pharmaceutical agents FOR TREATMENT OF GLAUCOMA AND OCULAR HYPERTEN-
10 SION shall be authorized to use and prescribe [phase two] therapeutic
11 pharmaceutical agents FOR TREATMENT OF GLAUCOMA AND OCULAR HYPERTENSION
12 SPECIFIED IN PARAGRAPH (F) OF SUBDIVISION ONE OF THIS SECTION, which are
13 FDA approved and commercially available.

14 (D) THOSE OPTOMETRISTS HAVING BEEN CERTIFIED FOR ORAL THERAPEUTIC
15 PHARMACEUTICAL AGENTS SHALL BE AUTHORIZED TO USE AND PRESCRIBE ORAL
16 THERAPEUTIC PHARMACEUTICAL AGENTS SPECIFIED IN PARAGRAPH (G) OF SUBDIVI-
17 SION ONE OF THIS SECTION, WHICH ARE FDA APPROVED AND COMMERCIALY AVAIL-
18 ABLE AND SHALL COMPLY WITH ALL SAFETY INFORMATION AND SIDE-EFFECT AND
19 WARNING ADVISORIES CONTAINED IN THE MOST CURRENT PHYSICIANS' DESK REFER-
20 ENCE.

21 (E) THOSE OPTOMETRISTS HAVING BEEN CERTIFIED FOR TOPICAL THERAPEUTIC
22 PHARMACEUTICAL AGENTS, THERAPEUTIC PHARMACEUTICAL AGENTS FOR TREATMENT
23 OF GLAUCOMA AND OCULAR HYPERTENSION OR ORAL THERAPEUTIC PHARMACEUTICAL
24 AGENTS SHALL BE AUTHORIZED TO USE AND RECOMMEND ALL NONPRESCRIPTION
25 MEDICATIONS, WHETHER INTENDED FOR TOPICAL OR ORAL USE, APPROPRIATE FOR
26 THE TREATMENT OF THE EYE AND ADNEXA.

27 S 12. Section 7101-a of the education law is amended by adding a new
28 subdivision 13 to read as follows:

29 13. ORAL THERAPEUTIC PHARMACEUTICAL AGENT IMPLEMENTATION REVIEW. (A)
30 EACH OPTOMETRIST CERTIFIED TO USE ORAL THERAPEUTIC PHARMACEUTICAL AGENTS
31 PURSUANT TO PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS SECTION SHALL
32 PROVIDE THE DEPARTMENT WITH INFORMATION, ON A FORM PRESCRIBED BY THE
33 COMMISSIONER, RELATED TO THE PRESCRIPTION OR USE OF ORAL THERAPEUTIC
34 PHARMACEUTICAL AGENTS PROVIDED FOR IN THIS SECTION. SUCH INFORMATION
35 SHALL INCLUDE THE OPTOMETRIST'S NAME, LICENSE NUMBER, WHETHER NO ORAL
36 PRESCRIPTIONS HAVE BEEN ISSUED AND IN THE EVENT THAT ORAL PRESCRIPTIONS
37 HAVE BEEN ISSUED, THEN THE FOLLOWING INFORMATION SHALL BE REQUIRED: THE
38 PRESCRIBED OR USED ORAL THERAPEUTIC PHARMACEUTICAL AGENT, THE DOSAGE OF
39 SUCH AGENT, THE DATE OF THE PRESCRIPTION, THE DIAGNOSIS OF THE PATIENT
40 FOR WHICH THE AGENT WAS PRESCRIBED OR USED, AND WHETHER A REFERRAL WAS
41 MADE IN ACCORDANCE WITH PARAGRAPH (G) OF SUBDIVISION ONE OF THIS
42 SECTION. SUCH INFORMATION SHALL NOT INCLUDE ANY PATIENT IDENTIFYING
43 INFORMATION AND MUST OTHERWISE BE IN COMPLIANCE WITH ALL STATE AND
44 FEDERAL REQUIREMENTS RELATED TO PROTECTED HEALTH INFORMATION. EACH FORM
45 SHALL BE SUBMITTED BY MAIL OR ELECTRONIC MEANS TO THE DEPARTMENT ON A
46 QUARTERLY BASIS. IF A DATABASE OF ALL ORAL THERAPEUTIC PHARMACEUTICAL
47 AGENTS PRESCRIBED OR USED BY OPTOMETRISTS IS, OR BECOMES, AVAILABLE TO
48 THE COMMITTEE PROVIDED FOR IN THIS SUBDIVISION, THEN OPTOMETRISTS WILL
49 BE ADVISED BY THE COMMISSIONER THAT QUARTERLY REPORTING FORMS WILL NO
50 LONGER BE REQUIRED. THE REQUIREMENTS OF THIS PARAGRAPH SHALL REMAIN IN
51 EFFECT FOR FIVE YEARS FOLLOWING APPROVAL BY THE DEPARTMENT OF THE
52 INITIAL ORAL THERAPEUTIC PHARMACEUTICAL AGENT CERTIFICATION COURSE AND
53 EXAMINATION PURSUANT TO PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS
54 SECTION, AFTER WHICH TIME THESE REQUIREMENTS SHALL EXPIRE AND NO LONGER
55 HAVE EFFECT.

1 (B) THE COMMISSIONER SHALL APPOINT A COMMITTEE TO ADVISE AND ASSIST
2 THE COMMISSIONER IN EVALUATING COMPLIANCE WITH THE PROVISIONS OF THIS
3 SECTION AND TO IDENTIFY ANY NECESSARY ENHANCEMENTS TO THE CURRICULUM
4 PROVIDED FOR IN THIS SECTION AND OTHER EDUCATIONAL MATERIALS AND TO
5 ASSIST IN ENSURING PATIENT SAFETY. THE COMMITTEE SHALL CONSIST OF ONE
6 PHARMACIST, ONE OPTOMETRIST UPON THE RECOMMENDATION OF A STATEWIDE
7 PROFESSIONAL ORGANIZATION CONSISTING OF OPTOMETRISTS, ONE OPHTHALMOLO-
8 GIST UPON THE RECOMMENDATION OF A STATEWIDE PROFESSIONAL ORGANIZATION
9 CONSISTING OF OPHTHALMOLOGISTS, AND ONE EXPERT IN THE FIELD OF PUBLIC
10 HEALTH WHO SHALL BE DESIGNATED AS CHAIR BY THE COMMISSIONER IN CONSULTA-
11 TION WITH THE COMMISSIONER OF THE DEPARTMENT OF HEALTH AND WHO SHALL BE
12 NEITHER AN OPHTHALMOLOGIST NOR AN OPTOMETRIST.

13 (C) THE COMMISSIONER SHALL SUBMIT EACH FORM RECEIVED PURSUANT TO THIS
14 SUBDIVISION TO THE COMMITTEE. THE COMMITTEE SHALL REVIEW THE FORMS AND
15 SHALL RANDOMLY CROSS-CHECK SUCH SUBMISSIONS WITH A PUBLICLY AVAILABLE OR
16 OTHER DATABASE CONTAINING ELECTRONIC PRESCRIBER INFORMATION. SHOULD A
17 DATABASE OF ALL ORAL THERAPEUTIC PHARMACEUTICAL AGENTS PRESCRIBED OR
18 USED BY OPTOMETRISTS BECOME AVAILABLE PURSUANT TO THIS SECTION, AND THE
19 COMMISSIONER DETERMINES AND ADVISES OPTOMETRISTS THAT QUARTERLY REPORTS
20 ARE NO LONGER NECESSARY, THEN THE COMMITTEE SHALL REVIEW THE DATABASE
21 AND ASCERTAIN THE PRESCRIBING INFORMATION FOR ALL OPTOMETRISTS CONSIST-
22 ENT WITH THIS SECTION. THE COMMITTEE SHALL ADVISE THE COMMISSIONER AS
23 TO COMPLIANCE WITH THE PROVISIONS OF THIS SECTION FOR THE PURPOSE OF
24 EVALUATING COMPLIANCE WITH THE PROVISIONS OF THIS SECTION INCLUDING THE
25 APPLICABLE REFERRALS AND DOSING LIMITATIONS AND TO IDENTIFY ANY NECES-
26 SARY ENHANCEMENTS TO THE CURRICULUM PROVIDED FOR IN THIS SECTION AND
27 OTHER EDUCATIONAL MATERIALS AND TO ASSIST IN ENSURING PATIENT SAFETY.
28 UPON FINDING EVIDENCE OF NON-COMPLIANCE BY ANY OPTOMETRIST, THE COMMIT-
29 TEE SHALL REFER SUCH INFORMATION TO THE COMMISSIONER AND TO THE OFFICE
30 OF PROFESSIONS FOR INVESTIGATION AND, IF APPLICABLE, DISCIPLINARY
31 ACTION.

32 S 13. Subdivision 8 of section 7104 of the education law, as amended
33 by chapter 517 of the laws of 1995, is amended to read as follows:

34 (8) Fees: pay a fee of two hundred twenty dollars to the department
35 for admission to a department conducted examination and for an initial
36 license, a fee of one hundred fifteen dollars for each reexamination, a
37 fee of one hundred thirty-five dollars for an initial license for
38 persons not requiring admission to a department conducted examination,
39 [and] a fee of two hundred ten dollars for each triennial registration
40 period, [and] for additional authorization for the purpose of utilizing
41 diagnostic pharmaceutical agents, a fee of sixty dollars, AND FOR
42 CERTIFICATION TO USE OR PRESCRIBE ORAL THERAPEUTIC PHARMACEUTICAL
43 AGENTS, A FEE OF ONE HUNDRED DOLLARS.

44 S 14. This act shall take effect one year after it shall have become a
45 law; provided that:

46 (a) subdivision 13 of section 7101-a of the education law added by
47 section twelve of this act shall expire and be deemed repealed five
48 years following the approval by the department of education of the
49 initial certification course and examination pursuant to paragraph (c)
50 of subdivision 4 of section 7101-a of the education law as added by
51 section six of this act;

52 (b) the commissioner of education shall notify the legislative bill
53 drafting commission upon approval of the initial certification course
54 and examination required in section six of this act in order that the
55 commission may maintain an accurate and timely effective data base of
56 the official text of the laws of the state of New York in furtherance of

1 effectuating the provisions of section 44 of the legislative law and
2 section 70-b of the public officers law; and
3 (c) any rule or regulation necessary for the timely implementation of
4 this act on its effective date shall be promulgated on or before such
5 effective date.