

7440--A

I N S E N A T E

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Introduced by Sens. FUNKE, ADDABBO, ESPAILLAT, GALLIVAN, LITTLE, MARCHIONE, O'MARA, ORTT, RITCHIE, SERINO, SEWARD, VALESKY, YOUNG -- read twice and ordered printed, and when printed to be committed 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:

20 (f) [Phase two therapeutic] THERAPEUTIC pharmaceutical agents FOR  
21 TREATMENT OF GLAUCOMA AND OCULAR HYPERTENSION. [Phase two] THERAPEUTIC  
22 pharmaceutical agents FOR TREATMENT OF GLAUCOMA AND OCULAR HYPERTENSION  
23 shall mean those drugs which shall be limited to topical application to  
24 the surface of the eye and shall be limited to:

- 25 (i) beta blockers;
- 26 (ii) alpha agonists;

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

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- 1 (iii) direct acting cholinergic agents;  
2 (IV) PROSTAGLANDIN ANALOGS; AND  
3 (V) CARBONIC ANHYDRASE INHIBITORS.

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

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

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

- 12 (1) AUGMENTIN;  
13 (2) KEFLEX;  
14 (3) AZITHROMYCIN;  
15 (4) BACTRIM;  
16 (5) DOXYCYCLINE; AND  
17 (6) TETRACYCLINE;

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

- 20 (1) CLARINEX;  
21 (2) XYZAL; AND  
22 (3) SINGULAIR;

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

- 29 (1) DIAMOX; AND  
30 (2) NEPTAZANE;

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

- 39 (1) VALACYCLOVIR; AND  
40 (2) ACYCLOVIR; AND

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

- 42 (1) COX-2 INHIBITORS;  
43 (2) IBUPROFEN; AND  
44 (3) NAPROXEN.

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

48 [Phase one] TOPICAL therapeutic pharmaceutical agents. (a) Before  
49 using or prescribing [phase one] TOPICAL therapeutic pharmaceutical  
50 agents, each optometrist shall have completed at least three hundred  
51 hours of clinical training in the diagnosis, treatment and management of  
52 patients with ocular disease other than glaucoma and ocular hyperten-  
53 sion, not fewer than twenty-five hours of such training shall have been  
54 completed subsequent to June thirtieth, nineteen hundred ninety-three  
55 and additionally shall either have taken and successfully passed the  
56 treatment and management of ocular diseases portion of the National

1 Board of Examiners in Optometry test or have taken and successfully  
2 passed an examination acceptable to the board.

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

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

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

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

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

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

38 (III) THE EXAMINATION SHALL TEST THE KNOWLEDGE OF MATERIALS IN THE  
39 CURRICULUM.

40 (IV) IF AN OPTOMETRIST FAILS TO PASS THE EXAMINATION, SUCH OPTOMETRIST  
41 MAY RETAKE THE EXAMINATION FOLLOWING COMPLETION OF THE CERTIFICATION  
42 COURSE, AND MAY RETAKE THE EXAMINATION A MAXIMUM OF TWO ADDITIONAL  
43 TIMES, PROVIDED THAT AN OPTOMETRIST MAY BE AUTHORIZED TO RETAKE THE  
44 EXAMINATION BEYOND SUCH MAXIMUM NUMBER UPON APPLICATION BY THE OPTOME-  
45 TRIST AND A DETERMINATION OF GOOD CAUSE SHOWN BY THE COMMISSIONER.

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

48 (VI) THE REQUIREMENT FOR THE ORAL THERAPEUTIC PHARMACEUTICAL AGENT  
49 CERTIFICATION COURSE AND EXAMINATION SHALL NOT APPLY TO THOSE OPTOME-  
50 TRISTS WHO GRADUATED FROM AN ACCREDITED COLLEGE OF OPTOMETRY SUBSEQUENT  
51 TO JANUARY FIRST, TWO THOUSAND SIX AND HAVE TAKEN AND SUCCESSFULLY  
52 PASSED THE NATIONAL BOARD OF EXAMINERS IN OPTOMETRY TEST OR AN EXAMINA-  
53 TION ACCEPTABLE TO THE BOARD.

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

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

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

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

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

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

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

34 Notice to patient WITH THE USE OR PRESCRIPTION OF TOPICAL THERAPEUTIC  
35 PHARMACEUTICAL AGENTS AND THERAPEUTIC PHARMACEUTICAL AGENTS FOR TREAT-  
36 MENT OF GLAUCOMA AND OCULAR HYPERTENSION.

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

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

43 10. Pharmaceutical agents. Optometrists who have been approved and  
44 certified by the department shall be permitted to use the following  
45 drugs:

46 (a) Diagnostic pharmaceuticals.

47 (b) Those optometrists having been certified for [phase one] TOPICAL  
48 therapeutic pharmaceutical agents shall be authorized [(i) to use and  
49 recommend all nonprescription medications appropriate for ocular disease  
50 whether intended for topical or oral use; and (ii)] to use and prescribe  
51 all [phase one] TOPICAL therapeutic pharmaceutical agents SPECIFIED IN  
52 PARAGRAPH (E) OF SUBDIVISION ONE OF THIS SECTION, which are FDA approved  
53 and commercially available FOR TOPICAL USE.

54 In the event an optometrist treats a patient with topical antiviral or  
55 steroidal drugs and the patient's condition either fails to improve or

1 worsens within five days, the optometrist shall notify a physician  
2 designated by the patient or, if none, by the treating optometrist.

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

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

16 (E) THOSE OPTOMETRISTS HAVING BEEN CERTIFIED FOR TOPICAL THERAPEUTIC  
17 PHARMACEUTICAL AGENTS, THERAPEUTIC PHARMACEUTICAL AGENTS FOR TREATMENT  
18 OF GLAUCOMA AND OCULAR HYPERTENSION OR ORAL THERAPEUTIC PHARMACEUTICAL  
19 AGENTS SHALL BE AUTHORIZED TO USE AND RECOMMEND ALL NONPRESCRIPTION  
20 MEDICATIONS, WHETHER INTENDED FOR TOPICAL OR ORAL USE, APPROPRIATE FOR  
21 THE TREATMENT OF THE EYE AND ADNEXA.

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

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

51 (B) THE COMMISSIONER SHALL APPOINT A COMMITTEE TO ADVISE AND ASSIST  
52 THE COMMISSIONER IN EVALUATING COMPLIANCE WITH THE PROVISIONS OF THIS  
53 SECTION AND TO IDENTIFY ANY NECESSARY ENHANCEMENTS TO THE CURRICULUM  
54 PROVIDED FOR IN THIS SECTION AND OTHER EDUCATIONAL MATERIALS AND TO  
55 ASSIST IN ENSURING PATIENT SAFETY. THE COMMITTEE SHALL CONSIST OF ONE  
56 PHARMACIST, ONE OPTOMETRIST UPON THE RECOMMENDATION OF A STATEWIDE

1 PROFESSIONAL ORGANIZATION CONSISTING OF OPTOMETRISTS, ONE OPHTHALMOLO-  
2 GIST UPON THE RECOMMENDATION OF A STATEWIDE PROFESSIONAL ORGANIZATION  
3 CONSISTING OF OPHTHALMOLOGISTS, AND ONE EXPERT IN THE FIELD OF PUBLIC  
4 HEALTH WHO SHALL BE DESIGNATED AS CHAIR BY THE COMMISSIONER IN CONSULTA-  
5 TION WITH THE COMMISSIONER OF THE DEPARTMENT OF HEALTH AND WHO SHALL BE  
6 NEITHER AN OPHTHALMOLOGIST NOR AN OPTOMETRIST.

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

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

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

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

40 (a) subdivision 13 of section 7101-a of the education law added by  
41 section twelve of this act shall expire and be deemed repealed five  
42 years following the approval by the department of education of the  
43 initial certification course and examination pursuant to paragraph (c)  
44 of subdivision 4 of section 7101-a of the education law as added by  
45 section six of this act;

46 (b) the commissioner of education shall notify the legislative bill  
47 drafting commission upon approval of the initial certification course  
48 and examination required in section six of this act in order that the  
49 commission may maintain an accurate and timely effective data base of  
50 the official text of the laws of the state of New York in furtherance of  
51 effectuating the provisions of section 44 of the legislative law and  
52 section 70-b of the public officers law; and

53 (c) any rule or regulation necessary for the timely implementation of  
54 this act on its effective date shall be promulgated on or before such  
55 effective date.