§ 7105. Exempt persons. Nothing in this article shall be construed to affect or prevent:

a. A student actively enrolled in a school of optometry with accreditation acceptable to the department from engaging in clinical practice under the supervision of a licensed and currently registered optometrist or physician; or

b. A person licensed to practice optometry from using a degree conferred in course after resident study by an educational institution lawfully authorized by the state in which it is located to confer such a degree.

c. An optometrist licensed in another state or country who is employed on a full-time basis by a registered school of optometry as a faculty member with the rank of assistant professor or higher from conducting research and clinical demonstrations as part of such employment, under the supervision of a licensed optometrist and on the premises of the school. No fee may be charged for the practice of optometry authorized by this subdivision.

d. 1. A person in training or appropriately trained and deemed qualified by the supervising licensed optometrist, to assist a licensed optometrist in the care of a patient for the purpose of instilling mydriatic or cycloplegic eye drops and anesthetic eye drops in conjunction with such dilating drops to the surface of the eye of a patient, provided that the person instilling such eye drops is:

(i) under the on-site supervision of a supervising licensed optometrist;

(ii) at least eighteen years of age; and

(iii) complies with standards issued by the department.

2. The supervising licensed optometrist shall submit a form prescribed by the department, detailing the identity of each person instilling mydriatic or cycloplegic eye drops and anesthetic eye drops in conjunction with such dilating drops to the surface of the eye of a patient, under his or her supervision, attesting to compliance with the

above requirements.

3. The supervising licensed optometrist's use of any such person pursuant to the terms of this subdivision shall be undertaken with professional judgment in order to ensure the safety and well-being of the patient. Such use shall subject the licensed optometrist to the full disciplinary and regulatory authority of the board of regents and the department pursuant to this title. The licensed optometrist must notify the patient or the patient's designated health care surrogate that the licensed optometrist may utilize the services of an individual to administer certain eye drops and must provide the patient or the patient's designated health care surrogate the opportunity to refuse the licensed optometrist's plan to utilize such person.