



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB5053

Introduced 1/24/2006, by Rep. Michael J. Madigan - Barbara Flynn Currie - Angelo Saviano

#### SYNOPSIS AS INTRODUCED:

225 ILCS 80/15.1

Amends the Illinois Optometric Practice Act of 1987. Makes a technical change in a Section concerning diagnostic and therapeutic certification.

LRB094 14507 RCE 49444 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Optometric Practice Act of 1987 is  
5 amended by changing Section 15.1 as follows:

6 (225 ILCS 80/15.1)

7 (Section scheduled to be repealed on January 1, 2007)

8 Sec. 15.1. Diagnostic and therapeutic certification.

9 (a) Any licensed optometrist may apply to the ~~the~~  
10 Department, in the form the Department may prescribe, for a  
11 certificate to use diagnostic topical ocular pharmaceutical  
12 agents and the Department shall certify the applicant if:

13 (1) the applicant has received appropriate training  
14 and certification from a properly accredited institution  
15 of higher learning for the certificate; and

16 (2) the applicant has demonstrated training and  
17 competence to use diagnostic topical ocular pharmaceutical  
18 agents as required by the Board pursuant to rule or  
19 regulation approved by the Board and adopted by the  
20 Department.

21 A certificate to use topical ocular pharmaceutical agents  
22 for diagnostic purposes previously issued by the Department  
23 that is current and valid on the effective date of this  
24 amendatory Act of 1995 is valid until its expiration date and  
25 entitles the holder of the certificate to use diagnostic  
26 topical ocular pharmaceutical agents as provided in this Act.

27 (b) Any licensed optometrist may apply to the Department,  
28 in the form the Department may prescribe, for a certificate to  
29 use therapeutic ocular pharmaceutical agents and the  
30 Department shall certify the applicant if:

31 (1) the applicant has received a certificate to use  
32 diagnostic topical ocular pharmaceutical agents under

1 subsection (a);

2 (2) the applicant has received appropriate training  
3 and certification from a properly accredited institution  
4 of higher learning for the certificate; and

5 (3) the applicant has demonstrated training and  
6 competence to use therapeutic ocular pharmaceutical agents  
7 as required by the Board pursuant to rule or regulation  
8 approved by the Board and adopted by the Department.

9 All applicants for license renewal after January 1, 2006  
10 must apply for and maintain certification to use therapeutic  
11 ocular pharmaceutical agents.

12 (c) For purposes of the Act, "diagnostic topical ocular  
13 pharmaceutical agents" means anesthetics, mydriatics,  
14 cycloplegics, and miotics used for diagnostic purposes as  
15 defined by the Board pursuant to rule approved by the Board and  
16 adopted by the Department.

17 (d) For the purposes of the Act, "therapeutic ocular  
18 pharmaceutical agents" means the following when used for  
19 diagnostic or therapeutic purposes: topical anti-infective  
20 agents, topical anti-allergy agents, topical anti-glaucoma  
21 agents, topical anti-inflammatory agents, topical anesthetic  
22 agents, over the counter agents, non-narcotic oral analgesic  
23 agents, and mydriatic reversing agents.

24 (e) A licensed optometrist who is therapeutically  
25 certified may remove superficial foreign bodies from the human  
26 eye and adnexa.

27 (e-5) A licensed optometrist who is therapeutically  
28 certified may give orders for patient care related to the use  
29 of therapeutic ocular pharmaceutical agents to a nurse licensed  
30 to practice under Illinois law.

31 (f) An optometrist's certificate to use diagnostic topical  
32 ocular pharmaceutical agents shall be revoked or suspended by  
33 the Department upon recommendation of the Board based on the  
34 misuse of any diagnostic topical ocular pharmaceutical agent.

35 (g) An optometrist's certificate to use therapeutic ocular  
36 pharmaceutical agents shall be revoked or suspended by the

1 Department upon recommendation of the Board based on the misuse  
2 of any therapeutic ocular pharmaceutical agent.

3 (h) An optometrist's license shall be revoked or suspended  
4 by the Department upon recommendation of the Board based upon  
5 either of the following causes:

6 (1) grave or repeated misuse of any diagnostic or  
7 therapeutic ocular pharmaceutical agent; and

8 (2) the use of any agent or procedure in the course of  
9 optometric practice by an optometrist not properly  
10 certified under this Section.

11 (i) The provisions of Sections 26.2, 26.3, 26.5, 26.10,  
12 26.11, 26.14, and 26.15 of this Act shall apply to all  
13 disciplinary proceedings brought under this Section.

14 (j) The Director may temporarily suspend a certificate to  
15 use diagnostic topical ocular pharmaceuticals or a certificate  
16 to use therapeutic ocular pharmaceuticals or a license to  
17 practice optometry, without a hearing, simultaneously with the  
18 institution of proceedings for a hearing based upon a violation  
19 of subsection (f), (g), or (h) of this Section, if the Director  
20 finds that evidence in his or her possession indicates that the  
21 continued use of diagnostic topical ocular pharmaceuticals, or  
22 therapeutic ocular pharmaceuticals, or continued practice of  
23 optometry would constitute an immediate danger to the public.  
24 In the event that the Director temporarily suspends a  
25 certificate to use diagnostic topical ocular pharmaceuticals,  
26 therapeutic ocular pharmaceuticals, or a license to practice  
27 optometry without a hearing, a hearing by the Board shall be  
28 commenced within 15 days after suspension has occurred, and  
29 concluded without appreciable delay.

30 (k) The Director of the Department of Professional  
31 Regulation shall notify the Director of the Department of  
32 Public Health as to the categories of ocular pharmaceutical  
33 agents permitted for use by an optometrist. The Director of the  
34 Department of Public Health shall in turn notify every licensed  
35 pharmacist in the State of the categories of ocular  
36 pharmaceutical agents that can be utilized and prescribed by an

1 optometrist.

2 (1) Nothing in this Act prohibits the use of diagnostic  
3 topical ocular pharmaceutical agents or therapeutic ocular  
4 pharmaceutical agents in the practice of optometry by  
5 optometrists certified for such use under this Section.

6 (Source: P.A. 90-73, eff. 7-8-97; 91-141, eff. 7-16-99.)