



## 96TH GENERAL ASSEMBLY

### State of Illinois

### 2009 and 2010

### HB4876

Introduced 1/15/2010, by Rep. JoAnn D. Osmond

#### SYNOPSIS AS INTRODUCED:

225 ILCS 75/3.1  
225 ILCS 75/3.2  
225 ILCS 80/3

from Ch. 111, par. 3903

Amends the Illinois Occupational Therapy Practice Act. Provides that visual therapy shall not be considered beyond an occupational therapist's scope of practice. Amends the Illinois Optometric Practice Act of 1987. Provides that nothing in the Act shall be construed to prohibit an occupational therapist who is licensed under the Illinois Occupational Therapy Practice Act from practicing visual therapy. Makes other changes. Effective immediately.

LRB096 17066 ASK 32387 b

1 AN ACT concerning professional regulation.

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

4 Section 5. The Illinois Occupational Therapy Practice Act  
5 is amended by changing Sections 3.1 and 3.2 as follows:

6 (225 ILCS 75/3.1)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 3.1. Referrals. A licensed occupational therapist or  
9 licensed occupational therapy assistant may consult with,  
10 educate, evaluate, and monitor services for clients concerning  
11 non-medical occupational therapy needs. Implementation of  
12 direct occupational therapy to individuals for their specific  
13 health care conditions shall be based upon a referral from a  
14 licensed physician, dentist, podiatrist, advanced practice  
15 nurse who has a written collaborative agreement with a  
16 collaborating physician to provide or accept referrals from  
17 licensed occupational therapists, physician assistant who has  
18 been delegated authority to provide or accept referrals from or  
19 to licensed occupational therapists, or optometrist.

20 An occupational therapist shall refer to a licensed  
21 physician, dentist, optometrist, advanced practice nurse,  
22 physician assistant, or podiatrist any patient whose medical  
23 condition should, at the time of evaluation or treatment, be

1 determined to be beyond the scope of practice of the  
2 occupational therapist. Visual therapy shall not be considered  
3 beyond an occupational therapist's scope of practice.

4 (Source: P.A. 92-297, eff. 1-1-02; 93-461, eff. 8-8-03; 93-962,  
5 eff. 8-20-04.)

6 (225 ILCS 75/3.2)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 3.2. Practice of optometry.

9 (a) No rule shall be adopted under this Act that allows an  
10 occupational therapist to perform an act, task, or function  
11 primarily performed in the lawful practice of optometry under  
12 the Illinois Optometric Practice Act of 1987, except for visual  
13 therapy.

14 (b) An occupational therapist may not perform an act, task,  
15 or function primarily performed in the lawful practice of  
16 optometry under the Illinois Optometric Practice Act of 1987,  
17 except for visual therapy.

18 (Source: P.A. 92-297, eff. 1-1-02; 92-366, eff. 1-1-02; 92-651,  
19 eff. 7-11-02.)

20 Section 10. The Illinois Optometric Practice Act of 1987 is  
21 amended by changing Section 3 as follows:

22 (225 ILCS 80/3) (from Ch. 111, par. 3903)

23 (Section scheduled to be repealed on January 1, 2017)

1           Sec. 3. Practice of optometry defined; referrals;  
2 manufacture of lenses and prisms.

3           (a) The practice of optometry is defined as the employment  
4 of any and all means for the examination, diagnosis, and  
5 treatment of the human visual system, the human eye, and its  
6 appendages without the use of surgery, including but not  
7 limited to: the appropriate use of ocular pharmaceutical  
8 agents; refraction and other determinants of visual function;  
9 prescribing corrective lenses or prisms; prescribing,  
10 dispensing, or management of contact lenses; vision therapy;  
11 visual rehabilitation; or any other procedures taught in  
12 schools and colleges of optometry approved by the Department,  
13 and not specifically restricted in this Act, subject to  
14 demonstrated competency and training as required by the Board,  
15 and pursuant to rule or regulation approved by the Board and  
16 adopted by the Department.

17           A person shall be deemed to be practicing optometry within  
18 the meaning of this Act who:

19           (1) In any way presents himself or herself to be  
20 qualified to practice optometry.

21           (2) Performs refractions or employs any other  
22 determinants of visual function.

23           (3) Employs any means for the adaptation of lenses or  
24 prisms.

25           (4) Prescribes corrective lenses, prisms, vision  
26 therapy, visual rehabilitation, or ocular pharmaceutical

1 agents.

2 (5) Prescribes or manages contact lenses for  
3 refractive, cosmetic, or therapeutic purposes.

4 (6) Evaluates the need for, or prescribes, low vision  
5 aids to partially sighted persons.

6 (7) Diagnoses or treats any ocular abnormality,  
7 disease, or visual or muscular anomaly of the human eye or  
8 visual system.

9 (8) Practices, or offers or attempts to practice,  
10 optometry as defined in this Act either on his or her own  
11 behalf or as an employee of a person, firm, or corporation,  
12 whether under the supervision of his or her employer or  
13 not.

14 Nothing in this Section shall be interpreted (i) to prevent  
15 a person from functioning as an assistant under the direct  
16 supervision of a person licensed by the State of Illinois to  
17 practice optometry or medicine in all of its branches or (ii)  
18 to prohibit visual screening programs that are conducted  
19 without a fee (other than voluntary donations), by charitable  
20 organizations acting in the public welfare under the  
21 supervision of a committee composed of persons licensed by the  
22 State of Illinois to practice optometry or persons licensed by  
23 the State of Illinois to practice medicine in all of its  
24 branches.

25 (b) When, in the course of providing optometric services to  
26 any person, an optometrist licensed under this Act finds an

1 indication of a disease or condition of the eye which in his or  
2 her professional judgment requires professional service  
3 outside the scope of practice as defined in this Act, he or she  
4 shall refer such person to a physician licensed to practice  
5 medicine in all of its branches, or other appropriate health  
6 care practitioner. Nothing in this Act shall preclude an  
7 optometrist from rendering appropriate nonsurgical emergency  
8 care.

9 (c) Nothing contained in this Section shall prohibit a  
10 person from manufacturing ophthalmic lenses and prisms or the  
11 fabrication of contact lenses according to the specifications  
12 prescribed by an optometrist or a physician licensed to  
13 practice medicine in all of its branches, but shall  
14 specifically prohibit the sale or delivery of ophthalmic  
15 lenses, prisms, and contact lenses without a prescription  
16 signed by an optometrist or a physician licensed to practice  
17 medicine in all of its branches.

18 (d) Nothing in this Act shall restrict the filling of a  
19 prescription by a pharmacist licensed under the Pharmacy  
20 Practice Act.

21 (e) Nothing in this Act shall be construed to restrict the  
22 dispensing and sale by an optometrist of ocular devices, such  
23 as contact lenses, that contain and deliver ocular  
24 pharmaceutical agents permitted for use or prescription under  
25 this Act.

26 (f) Nothing in this Act shall be construed to prohibit an

1 occupational therapist who is licensed under the Illinois  
2 Occupational Therapy Practice Act from practicing visual  
3 therapy.

4 (Source: P.A. 95-689, eff. 10-29-07; 96-461, eff. 1-1-10.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.