



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3606

Introduced 5/3/2018, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

225 ILCS 80/3
225 ILCS 80/16

from Ch. 111, par. 3903
from Ch. 111, par. 3916

Amends the Illinois Optometric Practice Act of 1987. Removes language allowing the Department to establish the educational requirements for performing advanced optometric procedures by rule. Provides that the practice of optometry includes advanced optometric procedures only upon successful completion of an advanced optometric training and testing program approved by the Department of Financial and Professional Regulation. Provides that the Department may adopt rules to approve an advanced optometric training and testing program. Provides that schools or colleges of optometry offering the advanced optometric training and testing program shall submit a list of persons who have successfully completed the program to the Department on an annual basis or upon the Department's request. Provides that an applicant seeking licensure renewal shall complete 30 hours of continuing education relevant to the practice of optometry during each pre-renewal period. Provides that an optometrist providing advanced optometric procedures must complete an additional 6 hours of continuing education in advanced optometric procedures during each pre-renewal period. Makes other changes.

LRB100 21827 XWW 39563 b

1 AN ACT concerning regulation.

2 WHEREAS, The legislative power in the State of Illinois is
3 vested in a General Assembly consisting of a Senate and a House
4 of Representatives, elected by the electors from 59 Legislative
5 Districts and 118 Representative Districts; and

6 WHEREAS, It is the Illinois General Assembly's principal
7 activities to enact, amend, or repeal laws, pass resolutions,
8 adopt appropriation bills, and conduct inquiries on proposed
9 legislation; and

10 WHEREAS, It is the General Assembly's belief that
11 boundaries between licensed professions in Illinois should be
12 set by the legislature to ensure the best protection for
13 Illinois citizens and professions; therefore

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

16 Section 5. The Illinois Optometric Practice Act of 1987 is
17 amended by changing Sections 3 and 16 as follows:

18 (225 ILCS 80/3) (from Ch. 111, par. 3903)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 3. Practice of optometry defined; referrals;

1 manufacture of lenses and prisms.

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

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

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

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

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

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

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

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

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

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

13 (a-5) The practice of optometry also includes the following
14 advanced optometric procedures only upon successful completion
15 of an advanced optometric training and testing program approved
16 by the Department:

17 (1) Subcutaneous, intradermal, and subconjunctival
18 injections. However, retrobulbar, intraocular, and
19 botulinum injections are not permitted.

20 (2) Excision, removal, or destruction of a chalazion.

21 (3) Excision, removal, or destruction of benign or
22 superficial lesions.

23 (4) Removal of skin tags.

24 (5) Incision and drainage of cysts.

25 (6) Epilation by means other than forceps.

26 (7) Corneal debridement, other than dead tissue, not

1 including removal of pterygium or corneal neoplasias.

2 (8) Biopsy, excluding corneal biopsy.

3 Advanced optometric procedures do not include the use of
4 lasers or general anesthesia.

5 (a-10) The Department may adopt rules to approve programs
6 offering training and testing in advanced optometric
7 procedures.

8 Nothing in this Section shall require an applicant for
9 licensure at an approved school or college of optometry to
10 complete separate training and testing if, in the course of his
11 or her education, all the requirements adopted by the
12 Department for an approved training and testing program in
13 advanced optometric procedures have been met.

14 Schools or colleges of optometry offering advanced
15 optometric training and testing programs approved by the
16 Department shall submit to the Department, on an annual basis,
17 or more frequently upon the Department's request, a list of
18 persons who have successfully completed the training and
19 testing program described in this subsection (a-10).

20 An optometrist providing advanced optometric procedures
21 must maintain documentations indicating his or her successful
22 completion of the training and testing program described in
23 this subsection (a-10) and must produce such documentations for
24 the Department upon request.

25 (a-15) Nothing in this Section shall be interpreted (A) to
26 prevent a person from functioning as an assistant under the

1 direct supervision of a person licensed by the State of
2 Illinois to practice optometry or medicine in all of its
3 branches or (B) to prohibit visual screening programs that are
4 conducted without a fee (other than voluntary donations), by
5 charitable organizations acting in the public welfare under the
6 supervision of a committee composed of persons licensed by the
7 State of Illinois to practice optometry or persons licensed by
8 the State of Illinois to practice medicine in all of its
9 branches.

10 (b) When, in the course of providing optometric services to
11 any person, an optometrist licensed under this Act finds an
12 indication of a disease or condition of the eye which in his or
13 her professional judgment requires professional service
14 outside the scope of practice as defined in this Act, he or she
15 shall refer such person to a physician licensed to practice
16 medicine in all of its branches, or other appropriate health
17 care practitioner. Nothing in this Act shall preclude an
18 optometrist from rendering appropriate nonsurgical emergency
19 care.

20 (c) Nothing contained in this Section shall prohibit a
21 person from manufacturing ophthalmic lenses and prisms or the
22 fabrication of contact lenses according to the specifications
23 prescribed by an optometrist or a physician licensed to
24 practice medicine in all of its branches, but shall
25 specifically prohibit (1) the sale or delivery of ophthalmic
26 lenses, prisms, and contact lenses without a prescription

1 signed by an optometrist or a physician licensed to practice
2 medicine in all of its branches and (2) the dispensing of
3 contact lenses by anyone other than a licensed optometrist,
4 licensed pharmacist, or a physician licensed to practice
5 medicine in all of its branches. For the purposes of this Act,
6 "contact lenses" include, but are not limited to, contact
7 lenses with prescriptive power and decorative and plano power
8 contact lenses. Nothing in this Section shall prohibit the sale
9 of contact lenses by an optical firm or corporation primarily
10 engaged in manufacturing or dealing in eyeglasses or contact
11 lenses with an affiliated optometrist who practices and is
12 licensed or has an ancillary registration for the location
13 where the sale occurs.

14 (d) Nothing in this Act shall restrict the filling of a
15 prescription by a pharmacist licensed under the Pharmacy
16 Practice Act.

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

22 (f) (Blank). ~~On and after January 1, 2018, nothing in this~~
23 ~~Act shall prohibit an optometrist who is certified by a school~~
24 ~~of optometry approved by the Department from performing~~
25 ~~advanced optometric procedures, pursuant to educational~~
26 ~~requirements established by rule, that are consistent with the~~

1 ~~recommendations of the Collaborative~~
2 ~~Optometric/Ophthalmological Task Force created in Section 15.3~~
3 ~~of this Act and that are taught (1) at an accredited, private~~
4 ~~4-year school of optometry that is located in a city in~~
5 ~~Illinois with a population in excess of 1,500,000, or (2) at a~~
6 ~~school of optometry with a curriculum that is substantially~~
7 ~~similar to the curriculum taught at the school of optometry~~
8 ~~described in item (1) of this subsection. Advanced optometric~~
9 ~~procedures do not include the use of lasers.~~

10 (Source: P.A. 98-186, eff. 8-5-13; 99-909, eff. 1-1-17.)

11 (225 ILCS 80/16) (from Ch. 111, par. 3916)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 16. Renewal, reinstatement or restoration of
14 licenses; military service. The expiration date and renewal
15 period for each license issued under this Act shall be set by
16 rule.

17 All renewal applicants shall provide proof of having met
18 the requirements of continuing education set forth in the rules
19 of the Department. The Department shall, by rule, provide for
20 an orderly process for the reinstatement of licenses which have
21 not been renewed due to failure to meet the continuing
22 education requirements. The continuing education requirement
23 may be waived for such good cause, including but not limited to
24 illness or hardship, as defined by rules of the Department.

25 The Department shall establish by rule a means for the

1 verification of completion of the continuing education
2 required by this Section. This verification may be accomplished
3 through audits of records maintained by registrants; by
4 requiring the filing of continuing education certificates with
5 the Department; or by other means established by the
6 Department.

7 A licensee seeking renewal of his or her license shall
8 complete 30 hours of continuing education relevant to the
9 practice of optometry during each pre-renewal period. As used
10 in this paragraph, "pre-renewal period" means the 24 months
11 preceding March 31 in the year of the renewal. An optometrist
12 providing advanced optometric procedures described in
13 subsection (a-5) of Section 3 must complete an additional 6
14 hours of continuing education in advanced optometric
15 procedures during each pre-renewal period. The 6 additional
16 hours must be certified as defined by rule, and the licensee
17 must otherwise meet all continuing education requirements of
18 this Section.

19 Any licensee seeking renewal of his or her license during
20 the renewal cycle beginning April 1, 2008 must first complete a
21 tested educational course in the use of oral pharmaceutical
22 agents for the management of ocular conditions, as approved by
23 the Board.

24 Any optometrist who has permitted his or her license to
25 expire or who has had his or her license on inactive status may
26 have his or her license restored by making application to the

1 Department and filing proof acceptable to the Department of his
2 or her fitness to have his or her license restored and by
3 paying the required fees. Such proof of fitness may include
4 evidence certifying to active lawful practice in another
5 jurisdiction and must include proof of the completion of the
6 continuing education requirements specified in the rules for
7 the preceding license renewal period that has been completed
8 during the 2 years prior to the application for license
9 restoration.

10 The Department shall determine, by an evaluation program
11 established by rule, his or her fitness for restoration of his
12 or her license and shall establish procedures and requirements
13 for such restoration.

14 However, any optometrist whose license expired while he or
15 she was (1) in Federal Service on active duty with the Armed
16 Forces of the United States, or the State Militia called into
17 service or training, or (2) in training or education under the
18 supervision of the United States preliminary to induction into
19 the military service, may have his or her license restored
20 without paying any lapsed renewal fees if within 2 years after
21 honorable termination of such service, training, or education,
22 he or she furnishes the Department with satisfactory evidence
23 to the effect that he or she has been so engaged and that his or
24 her service, training, or education has been so terminated.

25 All licenses without "Therapeutic Certification" on March
26 31, 2006 shall be placed on non-renewed status and may only be

1 renewed after the licensee meets those requirements
2 established by the Department that may not be waived. All
3 licensees on March 31, 2010 without a certification of
4 completion of an oral pharmaceutical course as required by this
5 Section shall be placed on non-renewed status and may only be
6 renewed after the licensee meets those requirements
7 established by the Department that may not be waived.

8 (Source: P.A. 95-242, eff. 1-1-08; 96-270, eff. 1-1-10.)