

# SB3607



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB3607

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

#### SYNOPSIS AS INTRODUCED:

225 ILCS 80/3

from Ch. 111, par. 3903

Amends the Illinois Optometric Practice Act of 1987. Provides requirements for the rules that the Department of Financial and Professional Regulation shall adopt concerning educational requirements for advanced optometric procedures. Defines "surgery" and "advanced optometric procedures". Provides that an optometrist may not perform advanced optometric procedures on a patient under 18 years of age.

LRB100 21828 XWW 39564 b

A BILL FOR

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, The Illinois General Assembly's principal  
7 activities are to enact, amend, or repeal laws, pass  
8 resolutions, adopt appropriation bills, and conduct inquiries  
9 on proposed 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 Section 3 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19 (Section scheduled to be repealed on January 1, 2027)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           Nothing in this Section shall be interpreted (A) to prevent  
14 a person from functioning as an assistant under the direct  
15 supervision of a person licensed by the State of Illinois to  
16 practice optometry or medicine in all of its branches or (B) to  
17 prohibit visual screening programs that are conducted without a  
18 fee (other than voluntary donations), by charitable  
19 organizations acting in the public welfare under the  
20 supervision of a committee composed of persons licensed by the  
21 State of Illinois to practice optometry or persons licensed by  
22 the State of Illinois to practice medicine in all of its  
23 branches.

24           (b) When, in the course of providing optometric services to  
25 any person, an optometrist licensed under this Act finds an  
26 indication of a disease or condition of the eye which in his or

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

8 (c) Nothing contained in this Section shall prohibit a  
9 person from manufacturing ophthalmic lenses and prisms or the  
10 fabrication of contact lenses according to the specifications  
11 prescribed by an optometrist or a physician licensed to  
12 practice medicine in all of its branches, but shall  
13 specifically prohibit (1) the sale or delivery of ophthalmic  
14 lenses, prisms, and contact lenses without a prescription  
15 signed by an optometrist or a physician licensed to practice  
16 medicine in all of its branches and (2) the dispensing of  
17 contact lenses by anyone other than a licensed optometrist,  
18 licensed pharmacist, or a physician licensed to practice  
19 medicine in all of its branches. For the purposes of this Act,  
20 "contact lenses" include, but are not limited to, contact  
21 lenses with prescriptive power and decorative and plano power  
22 contact lenses. Nothing in this Section shall prohibit the sale  
23 of contact lenses by an optical firm or corporation primarily  
24 engaged in manufacturing or dealing in eyeglasses or contact  
25 lenses with an affiliated optometrist who practices and is  
26 licensed or has an ancillary registration for the location

1 where the sale occurs.

2 (d) Nothing in this Act shall restrict the filling of a  
3 prescription by a pharmacist licensed under the Pharmacy  
4 Practice Act.

5 (e) Nothing in this Act shall be construed to restrict the  
6 dispensing and sale by an optometrist of ocular devices, such  
7 as contact lenses, that contain and deliver ocular  
8 pharmaceutical agents permitted for use or prescription under  
9 this Act.

10 (f) Nothing ~~On and after January 1, 2018, nothing~~ in this  
11 Act shall prohibit an optometrist who is certified by ~~a school~~  
12 ~~of optometry approved by~~ the Department from performing  
13 advanced optometric procedures, pursuant to educational  
14 requirements established by rule, provided that such rule  
15 incorporates sufficient didactic and clinical training to  
16 develop the technical skills needed to properly perform the  
17 advanced optometric procedure, including any complications  
18 that may arise, the knowledge to properly diagnose the  
19 condition requiring use of an advanced optometric procedure,  
20 and the judgment necessary to determine when an advanced  
21 optometric procedure should and should not be used ~~that are~~  
22 ~~consistent with the recommendations of the Collaborative~~  
23 ~~Optometric/Ophthalmological Task Force created in Section 15.3~~  
24 ~~of this Act and that are taught (1) at an accredited, private~~  
25 ~~4-year school of optometry that is located in a city in~~  
26 ~~Illinois with a population in excess of 1,500,000, or (2) at a~~

1 ~~school of optometry with a curriculum that is substantially~~  
2 ~~similar to the curriculum taught at the school of optometry~~  
3 ~~described in item (1) of this subsection. Advanced optometric~~  
4 ~~procedures do not include the use of lasers.~~

5 (g) As used in this Act, "surgery" means any procedure  
6 employed to treat diseases or conditions of the human eye and  
7 adjoining tissues or structures, to correct refractive error,  
8 or to alter or enhance structures of the eye or adnexa for  
9 cosmetic purposes in which human tissue is cut, ablated,  
10 vaporized, punctured, burned, frozen, or otherwise permanently  
11 altered or penetrated by instruments, laser, ultrasound,  
12 ultraviolet light, cryotherapy, electrocautery, chemicals,  
13 ionizing radiation, or by other means, including placement and  
14 removal of sutures, transplanting or applying human or other  
15 tissue, and inserting an instrument into or placement of a  
16 device into a natural opening of the body.

17 "Surgery" does not include the use of a scanning laser for  
18 purely diagnostic purposes to create an image.

19 (h) Notwithstanding the provisions of subsection (g),  
20 "advanced optometric procedures" includes: removal of a  
21 superficial foreign body from the surface of the eye or adnexa;  
22 removal using a topical anesthetic of non-perforating foreign  
23 bodies from the cornea no deeper than the midstroma, the  
24 conjunctiva, or eyelid; dilation and irrigation of the lacrimal  
25 ducts; insertion and removal of lacrimal plugs; mechanical  
26 epilation of eyelashes; removal of dead corneal epithelium by

1 scraping; scraping of the cornea for culture; application of  
2 self-retaining amniotic membrane on the cornea; removal of a  
3 suture with approval of the surgeon who placed the suture; or  
4 other non-surgical procedures approved by the Department by  
5 rule.

6 "Advanced optometric procedures" does not include any  
7 procedure: (1) requiring the use of general or injectable  
8 anesthesia; (2) in which the globe or orbit of the eye is  
9 penetrated by any means; (3) involving use of a laser, except  
10 as provided for in subsection (g); (4) involving removal of  
11 live epithelial tissue from the cornea; (5) involving the  
12 removal of or disturbing any cancerous or neoplastic tissue;  
13 (6) involving injections, except as provided for in Section  
14 15.1; and (7) requiring placement or removal of sutures, except  
15 as provided for in this subsection.

16 An optometrist may not perform advanced optometric  
17 procedures on a patient under 18 years of age.

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