



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2286

Introduced 2/18/2009, by Rep. Dan Reitz

#### SYNOPSIS AS INTRODUCED:

225 ILCS 80/7	from Ch. 111, par. 3907
225 ILCS 80/11	from Ch. 111, par. 3911
225 ILCS 80/16	from Ch. 111, par. 3916
225 ILCS 80/24.1 new	
225 ILCS 80/15.2 rep.	

Amends the Illinois Optometric Practice Act of 1987. Replaces the requirement for licensees to apply for additional licenses in order to practice optometry at more than one address with the new requirement that licensees report to the Department every additional location where the licensee engages in the practice of optometry. Provides that failure to report a practice location or registering a location where a licensee does not practice constitutes a violation of the Act. In a provision concerning license renewal, provides that all licensees on March 31, 2010 without a certification of completion of an oral pharmaceutical course as required by the Act shall be placed on non-renewed status and may only be renewed after the licensee meets those requirements established by the Department. Provides that licensees may apply for expungement from their disciplinary record any offense relating to the failure to complete continuing education requirements, the failure to have an ancillary license, or the failure to report a practice location if they meet certain conditions. Repeals a Section concerning limited optometry licenses. Makes other changes.

LRB096 07516 ASK 17611 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 Optometric Practice Act of 1987 is  
5 amended by changing Sections 7, 11, and 16 and by adding  
6 Section 24.1 as follows:

7 (225 ILCS 80/7) (from Ch. 111, par. 3907)

8 (Section scheduled to be repealed on January 1, 2017)

9 Sec. 7. Additional practice locations ~~licenses~~. Every  
10 holder of a license under this Act shall report to the  
11 Department every additional location where the licensee  
12 engages in the practice of optometry. Such reports shall be  
13 made prior to practicing at the location and shall be done in a  
14 manner prescribed by the Department. Failure to report a  
15 practice location or to maintain evidence of such a report at  
16 the practice location shall be a violation of this Act and  
17 shall be considered the unlicensed practice of optometry.  
18 Registering a location where a licensee does not practice shall  
19 also be a violation of this Act. ~~Upon proper application and~~  
20 ~~payment of the prescribed fee, additional licenses may be~~  
21 ~~issued to active practitioners who are engaged in the practice~~  
22 ~~of optometry at more than one address. A license must be~~  
23 ~~displayed at each location where the licensee engages in the~~

1 ~~practice of optometry.~~ Nothing contained herein, however,  
2 shall be construed to require a licensed optometrist in active  
3 practice to report a location to the Department when ~~obtain an~~  
4 ~~additional license for the purpose of~~ serving on the staff of a  
5 hospital or an institution that receives no fees (other than  
6 entrance registration fees) for the services rendered by the  
7 optometrist and for which the optometrist receives no fees or  
8 compensation directly or indirectly for such services  
9 rendered. Nothing contained herein shall be construed to  
10 require a licensed optometrist to report a location to the  
11 Department when ~~obtain an additional license for the purpose of~~  
12 rendering necessary optometric services for his or her patients  
13 confined to their homes, hospitals or institutions, or to act  
14 in an advisory capacity, with or without remuneration, in any  
15 industry, school or institution.

16 (Source: P.A. 94-787, eff. 5-19-06.)

17 (225 ILCS 80/11) (from Ch. 111, par. 3911)

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

19 Sec. 11. Optometric Licensing and Disciplinary Board. The  
20 Secretary shall appoint an Illinois Optometric Licensing and  
21 Disciplinary Board as follows: Seven persons who shall be  
22 appointed by and shall serve in an advisory capacity to the  
23 Secretary. Five members must be lawfully and actively engaged  
24 in the practice of optometry in this State, one member shall be  
25 a licensed optometrist, with a full-time faculty appointment

1 with the Illinois College of Optometry, and one member must be  
2 a member of the public who shall be a voting member and is not  
3 licensed under this Act, or a similar Act of another  
4 jurisdiction, or have any connection with the profession.  
5 Neither the public member nor the faculty member shall  
6 participate in the preparation or administration of the  
7 examination of applicants for licensure, ~~or certification.~~

8 Members shall serve 4-year terms and until their successors  
9 are appointed and qualified. No member shall be appointed to  
10 the Board for more than 2 successive 4-year terms, not counting  
11 any partial terms when appointed to fill the unexpired portion  
12 of a vacated term. Appointments to fill vacancies shall be made  
13 in the same manner as original appointments, for the unexpired  
14 portion of the vacated term.

15 The Board shall annually elect a chairperson and a  
16 vice-chairperson, both of whom shall be licensed optometrists.

17 The membership of the Board should reasonably reflect  
18 representation from the geographic areas in this State.

19 A majority of the Board members currently appointed shall  
20 constitute a quorum. A vacancy in the membership of the Board  
21 shall not impair the right of a quorum to perform all of the  
22 duties of the Board.

23 The Secretary may terminate the appointment of any member  
24 for cause.

25 The Secretary shall give due consideration to all  
26 recommendations of the Board, and in the event that the

1 Secretary disagrees with or takes action contrary to the  
2 recommendation of the Board, he or she shall provide the Board  
3 with a written and specific explanation of this action. None of  
4 the functions, powers or duties of the Department with respect  
5 to policy matters relating to licensure, discipline, and  
6 examination, including the promulgation of such rules as may be  
7 necessary for the administration of this Act, shall be  
8 exercised by the Department except upon review of the Board.

9 Without, in any manner, limiting the power of the  
10 Department to conduct investigations, the Board may recommend  
11 to the Secretary that one or more licensed optometrists be  
12 selected by the Secretary to conduct or assist in any  
13 investigation pursuant to this Act. Such licensed optometrist  
14 may receive remuneration as determined by the Secretary.

15 (Source: P.A. 94-787, eff. 5-19-06.)

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

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

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

22 All renewal applicants shall provide proof of having met  
23 the requirements of continuing education set forth in the rules  
24 of the Department. The Department shall, by rule, provide for  
25 an orderly process for the reinstatement of licenses which have

1 not been renewed due to failure to meet the continuing  
2 education requirements. The continuing education requirement  
3 may be waived for such good cause, including but not limited to  
4 illness or hardship, as defined by rules of the Department.

5 The Department shall establish by rule a means for the  
6 verification of completion of the continuing education  
7 required by this Section. This verification may be accomplished  
8 through audits of records maintained by registrants; by  
9 requiring the filing of continuing education certificates with  
10 the Department; or by other means established by the  
11 Department.

12 Any licensee seeking renewal of his or her license during  
13 the renewal cycle beginning April 1, 2008 must first complete a  
14 tested educational course in the use of oral pharmaceutical  
15 agents for the management of ocular conditions, as approved by  
16 the Board.

17 Any optometrist who has permitted his or her license to  
18 expire or who has had his or her license on inactive status may  
19 have his or her license restored by making application to the  
20 Department and filing proof acceptable to the Department of his  
21 or her fitness to have his or her license restored and by  
22 paying the required fees. Such proof of fitness may include  
23 evidence certifying to active lawful practice in another  
24 jurisdiction and must include proof of the completion of the  
25 continuing education requirements specified in the rules for  
26 the preceding license renewal period that has been completed

1 during the 2 years prior to the application for license  
2 restoration.

3 The Department shall determine, by an evaluation program  
4 established by rule, his or her fitness for restoration of his  
5 or her license and shall establish procedures and requirements  
6 for such restoration.

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

18 All licenses without "Therapeutic Certification" on March  
19 31, 2006 shall be placed on non-renewed status and may only be  
20 renewed after the licensee meets those requirements  
21 established by the Department that may not be waived. All  
22 licensees on March 31, 2010 without a certification of  
23 completion of an oral pharmaceutical course as required by this  
24 Section shall be placed on non-renewed status and may only be  
25 renewed after the licensee meets those requirements  
26 established by the Department that may not be waived.

1 (Source: P.A. 94-787, eff. 5-19-06; 95-242, eff. 1-1-08.)

2 (225 ILCS 80/24.1 new)

3 Sec. 24.1. Expungement of disciplinary offenses. Any  
4 licensee disciplined under this Act for an offense relating to  
5 the failure to complete continuing education requirements, the  
6 failure to have an ancillary license, or the failure to report  
7 a practice location may apply to the Department to have the  
8 offense expunged from the licensee's disciplinary record. An  
9 application for expungement shall only be considered by the  
10 Department if the application is submitted more than 6 years  
11 after the disciplinary offense occurred and the licensee has  
12 not been disciplined for another offense under this Act since  
13 the disciplinary offense occurred. Requests for expungement  
14 shall be submitted to and considered by the Illinois Licensing  
15 and Disciplinary Board in accordance with requirements that the  
16 Department shall set by rule.

17 (225 ILCS 80/15.2 rep.)

18 Section 10. The Illinois Optometric Practice Act of 1987 is  
19 amended by repealing Section 15.2.