

1 AN ACT concerning State government.

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 24.2 as follows:

6 (225 ILCS 80/24.2)

7 (Section scheduled to be repealed on January 1, 2017)

8 Sec. 24.2. Prohibition against fee splitting.

9 (a) A licensee under this Act may not directly or  
10 indirectly divide, share or split any professional fee or other  
11 form of compensation for professional services with anyone in  
12 exchange for a referral or otherwise, other than as provided in  
13 this Section 24.2.

14 (b) Nothing contained in this Section abrogates the right  
15 of 2 or more licensed health care workers as defined in the  
16 Health Care Worker Self-referral Act to each receive adequate  
17 compensation for concurrently rendering services to a patient  
18 and to divide the fee for such service, whether or not the  
19 worker is employed, provided that the patient has full  
20 knowledge of the division and the division is made in  
21 proportion to the actual services personally performed and  
22 responsibility assumed by each licensee consistent with his or  
23 her license, except as prohibited by law.

1 (c) Nothing contained in this Section prohibits a licensee  
2 under this Act from practicing optometry through or within any  
3 form of legal entity authorized to conduct business in this  
4 State or from pooling, sharing, dividing, or apportioning the  
5 professional fees and other revenues in accordance with the  
6 agreements and policies of the entity provided:

7 (1) each owner of the entity is licensed under this  
8 Act;

9 (2) the entity is organized under the Professional  
10 Services Corporation Act or ~~7~~ the Professional Association  
11 Act, ~~or the Limited Liability Company Act;~~

12 (3) the entity is (i) ~~allowed by Illinois law to~~  
13 ~~provide optometric services or employ optometrists such as~~  
14 a licensed hospital or hospital affiliate or (ii) a  
15 licensed ambulatory surgical treatment center owned in  
16 full or in part by Illinois-licensed physicians or  
17 optometrists ~~in accordance with Section 8 of this Act;~~ or

18 (4) the entity is a combination or joint venture of the  
19 entities authorized under this subsection (c).

20 (d) Nothing contained in this Section prohibits a licensee  
21 under this Act from paying a fair market value fee to any  
22 person or entity whose purpose is to perform billing,  
23 administrative preparation, or collection services based upon  
24 a percentage of professional service fees billed or collected,  
25 a flat fee, or any other arrangement that directly or  
26 indirectly divides professional fees, for the administrative

1 preparation of the licensee's claims or the collection of the  
2 licensee's charges for professional services, provided that:

3 (i) the licensee or the licensee's practice under  
4 subsection (c) at all times controls the amount of fees  
5 charged and collected; and

6 (ii) all charges collected are paid directly to the  
7 licensee or the licensee's practice or are deposited  
8 directly into an account in the name of and under the sole  
9 control of the licensee or the licensee's practice or  
10 deposited into a "Trust Account" by a licensed collection  
11 agency in accordance with the requirements of Section 8(c)  
12 of the Illinois Collection Agency Act.

13 (e) Nothing contained in this Section prohibits the  
14 granting of a security interest in the accounts receivable or  
15 fees of a licensee under this Act or the licensee's practice  
16 for bona fide advances made to the licensee or licensee's  
17 practice provided the licensee retains control and  
18 responsibility for the collection of the accounts receivable  
19 and fees.

20 (f) Excluding payments that may be made to the owners of or  
21 licensees in the licensee's practice under subsection (c), a  
22 licensee under this Act may not divide, share or split a  
23 professional service fee with, or otherwise directly or  
24 indirectly pay a percentage of the licensee's professional  
25 service fees, revenues or profits to anyone for: (i) the  
26 marketing or management of the licensee's practice, (ii)

1 including the licensee or the licensee's practice on any  
2 preferred provider list, (iii) allowing the licensee to  
3 participate in any network of health care providers, (iv)  
4 negotiating fees, charges or terms of service or payment on  
5 behalf of the licensee, or (v) including the licensee in a  
6 program whereby patients or beneficiaries are provided an  
7 incentive to use the services of the licensee.

8 (g) Nothing contained in this Section prohibits the payment  
9 of rent or other remunerations paid to an individual,  
10 partnership, or corporation by a licensee for the lease,  
11 rental, or use of space, owned or controlled by the individual,  
12 partnership, corporation, or association.

13 (h) Nothing contained in this Section prohibits the  
14 payment, at no more than fair market value, to an individual,  
15 partnership, or corporation by a licensee for the use of staff,  
16 administrative services, franchise agreements, marketing  
17 required by franchise agreements, or equipment owned or  
18 controlled by the individual, partnership, or corporation, or  
19 the receipt thereof by a licensee.

20 (Source: P.A. 96-608, eff. 8-24-09.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.