

1 AN ACT concerning 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 6 and 24 as follows:

6 (225 ILCS 80/6) (from Ch. 111, par. 3906)

7 (Section scheduled to be repealed on January 1, 2017)

8 Sec. 6. Display of license; change of address; record of  
9 examinations and prescriptions. Every holder of a license under  
10 this Act shall display such license on a conspicuous place in  
11 the office or offices wherein such holder practices optometry  
12 and every holder shall, whenever requested, exhibit such  
13 license to any representative of the Department, and shall  
14 notify the Department of the address or addresses and of every  
15 change thereof, where such holder shall practice optometry.

16 Every licensed optometrist shall keep a record of  
17 examinations made and prescriptions issued, which record shall  
18 include the names of persons examined and for whom  
19 prescriptions were prepared, and shall be signed by the  
20 licensed optometrist and shall be retained by him in the office  
21 in which such professional service was rendered or in a secure  
22 offsite storage facility. Such records shall be preserved by  
23 the optometrist for a period designated by the Department. A

1 copy of such records shall be provided, upon written request,  
2 to the person examined, or his or her designee.

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

4 (225 ILCS 80/24) (from Ch. 111, par. 3924)

5 (Section scheduled to be repealed on January 1, 2017)

6 Sec. 24. Grounds for disciplinary action.

7 (a) The Department may refuse to issue or to renew, or may  
8 revoke, suspend, place on probation, reprimand or take other  
9 disciplinary or non-disciplinary action as the Department may  
10 deem appropriate ~~proper~~, including fines not to exceed \$10,000  
11 for each violation, with regard to any license for any one or  
12 combination of the ~~following~~ causes set forth in subsection  
13 (a-3) of this Section. All fines collected under this Section  
14 shall be deposited in the Optometric Licensing and Disciplinary  
15 Board Fund.†

16 (a-3) Grounds for disciplinary action include the  
17 following:

18 (1) Violations of this Act, or of the rules promulgated  
19 hereunder.

20 (2) Conviction of or entry of a plea of guilty to any  
21 crime under the laws of any U.S. jurisdiction thereof that  
22 is a felony or that is a misdemeanor of which an essential  
23 element is dishonesty, or any crime that is directly  
24 related to the practice of the profession.

25 (3) Making any misrepresentation for the purpose of

1 obtaining a license.

2 (4) Professional incompetence or gross negligence in  
3 the practice of optometry.

4 (5) Gross malpractice, prima facie evidence of which  
5 may be a conviction or judgment of malpractice in any court  
6 of competent jurisdiction.

7 (6) Aiding or assisting another person in violating any  
8 provision of this Act or rules.

9 (7) Failing, within 60 days, to provide information in  
10 response to a written request made by the Department that  
11 has been sent by certified or registered mail to the  
12 licensee's last known address.

13 (8) Engaging in dishonorable, unethical, or  
14 unprofessional conduct of a character likely to deceive,  
15 defraud, or harm the public.

16 (9) Habitual or excessive use or addiction to alcohol,  
17 narcotics, stimulants or any other chemical agent or drug  
18 that results in the inability to practice with reasonable  
19 judgment, skill, or safety.

20 (10) Discipline by another U.S. jurisdiction or  
21 foreign nation, if at least one of the grounds for the  
22 discipline is the same or substantially equivalent to those  
23 set forth herein.

24 (11) Violation of the prohibition against fee  
25 splitting in Section 24.2 of this Act.

26 (12) A finding by the Department that the licensee,

1 after having his or her license placed on probationary  
2 status has violated the terms of probation.

3 (13) Abandonment of a patient.

4 (14) Willfully making or filing false records or  
5 reports in his or her practice, including but not limited  
6 to false records filed with State agencies or departments.

7 (15) Willfully failing to report an instance of  
8 suspected abuse or neglect as required by law.

9 (16) Physical illness, including but not limited to,  
10 deterioration through the aging process, or loss of motor  
11 skill, mental illness, or disability that results in the  
12 inability to practice the profession with reasonable  
13 judgment, skill, or safety.

14 (17) Solicitation of professional services other than  
15 permitted advertising.

16 (18) Failure to provide a patient with a copy of his or  
17 her record or prescription in accordance with federal law.

18 (19) Conviction by any court of competent  
19 jurisdiction, either within or without this State, of any  
20 violation of any law governing the practice of optometry,  
21 conviction in this or another State of any crime that is a  
22 felony under the laws of this State or conviction of a  
23 felony in a federal court, if the Department determines,  
24 after investigation, that such person has not been  
25 sufficiently rehabilitated to warrant the public trust.

26 (20) A finding that licensure has been applied for or

1           obtained by fraudulent means.

2           (21) Continued practice by a person knowingly having an  
3           infectious or contagious disease.

4           (22) Being named as a perpetrator in an indicated  
5           report by the Department of Children and Family Services  
6           under the Abused and Neglected Child Reporting Act, and  
7           upon proof by clear and convincing evidence that the  
8           licensee has caused a child to be an abused child or a  
9           neglected child as defined in the Abused and Neglected  
10          Child Reporting Act.

11          (23) Practicing or attempting to practice under a name  
12          other than the full name as shown on his or her license.

13          (24) Immoral conduct in the commission of any act, such  
14          as sexual abuse, sexual misconduct or sexual exploitation,  
15          related to the licensee's practice.

16          (25) Maintaining a professional relationship with any  
17          person, firm, or corporation when the optometrist knows, or  
18          should know, that such person, firm, or corporation is  
19          violating this Act.

20          (26) Promotion of the sale of drugs, devices,  
21          appliances or goods provided for a client or patient in  
22          such manner as to exploit the patient or client for  
23          financial gain of the licensee.

24          (27) Using the title "Doctor" or its abbreviation  
25          without further qualifying that title or abbreviation with  
26          the word "optometry" or "optometrist".

1           (28) Use by a licensed optometrist of the word  
2 "infirmary", "hospital", "school", "university", in  
3 English or any other language, in connection with the place  
4 where optometry may be practiced or demonstrated.

5           (29) Continuance of an optometrist in the employ of any  
6 person, firm or corporation, or as an assistant to any  
7 optometrist or optometrists, directly or indirectly, after  
8 his or her employer or superior has been found guilty of  
9 violating or has been enjoined from violating the laws of  
10 the State of Illinois relating to the practice of  
11 optometry, when the employer or superior persists in that  
12 violation.

13           (30) The performance of optometric service in  
14 conjunction with a scheme or plan with another person, firm  
15 or corporation known to be advertising in a manner contrary  
16 to this Act or otherwise violating the laws of the State of  
17 Illinois concerning the practice of optometry.

18           (31) Failure to provide satisfactory proof of having  
19 participated in approved continuing education programs as  
20 determined by the Board and approved by the Secretary.  
21 Exceptions for extreme hardships are to be defined by the  
22 rules of the Department.

23           (32) Willfully making or filing false records or  
24 reports in the practice of optometry, including, but not  
25 limited to false records to support claims against the  
26 medical assistance program of the Department of Healthcare

1 and Family Services (formerly Department of Public Aid)  
2 under the Illinois Public Aid Code.

3 (33) Gross and willful overcharging for professional  
4 services including filing false statements for collection  
5 of fees for which services are not rendered, including, but  
6 not limited to filing false statements for collection of  
7 monies for services not rendered from the medical  
8 assistance program of the Department of Healthcare and  
9 Family Services (formerly Department of Public Aid) under  
10 the Illinois Public Aid Code.

11 (34) In the absence of good reasons to the contrary,  
12 failure to perform a minimum eye examination as required by  
13 the rules of the Department.

14 (35) Violation of the Health Care Worker Self-Referral  
15 Act.

16 The Department may refuse to issue or may suspend the  
17 license of any person who fails to file a return, or to pay the  
18 tax, penalty or interest shown in a filed return, or to pay any  
19 final assessment of the tax, penalty or interest, as required  
20 by any tax Act administered by the Illinois Department of  
21 Revenue, until such time as the requirements of any such tax  
22 Act are satisfied.

23 (a-5) In enforcing this Section, the Board upon a showing  
24 of a possible violation, may compel any individual licensed to  
25 practice under this Act, or who has applied for licensure or  
26 certification pursuant to this Act, to submit to a mental or

1 physical examination, or both, as required by and at the  
2 expense of the Department. The examining physicians or clinical  
3 psychologists shall be those specifically designated by the  
4 Board. The Board or the Department may order the examining  
5 physician or clinical psychologist to present testimony  
6 concerning this mental or physical examination of the licensee  
7 or applicant. No information shall be excluded by reason of any  
8 common law or statutory privilege relating to communications  
9 between the licensee or applicant and the examining physician  
10 or clinical psychologist. Eye examinations may be provided by a  
11 licensed optometrist. The individual to be examined may have,  
12 at his or her own expense, another physician of his or her  
13 choice present during all aspects of the examination. Failure  
14 of any individual to submit to a mental or physical  
15 examination, when directed, shall be grounds for suspension of  
16 a license until such time as the individual submits to the  
17 examination if the Board finds, after notice and hearing, that  
18 the refusal to submit to the examination was without reasonable  
19 cause.

20 If the Board finds an individual unable to practice because  
21 of the reasons set forth in this Section, the Board shall  
22 require such individual to submit to care, counseling, or  
23 treatment by physicians or clinical psychologists approved or  
24 designated by the Board, as a condition, term, or restriction  
25 for continued, reinstated, or renewed licensure to practice, or  
26 in lieu of care, counseling, or treatment, the Board may



1 recommend to the Department to file a complaint to immediately  
2 suspend, revoke, or otherwise discipline the license of the  
3 individual, or the Board may recommend to the Department to  
4 file a complaint to suspend, revoke, or otherwise discipline  
5 the license of the individual. Any individual whose license was  
6 granted pursuant to this Act, or continued, reinstated,  
7 renewed, disciplined, or supervised, subject to such  
8 conditions, terms, or restrictions, who shall fail to comply  
9 with such conditions, terms, or restrictions, shall be referred  
10 to the Secretary for a determination as to whether the  
11 individual shall have his or her license suspended immediately,  
12 pending a hearing by the Board.

13 (b) The determination by a circuit court that a licensee is  
14 subject to involuntary admission or judicial admission as  
15 provided in the Mental Health and Developmental Disabilities  
16 Code operates as an automatic suspension. The suspension will  
17 end only upon a finding by a court that the patient is no  
18 longer subject to involuntary admission or judicial admission  
19 and issues an order so finding and discharging the patient; and  
20 upon the recommendation of the Board to the Secretary that the  
21 licensee be allowed to resume his or her practice.

22 (Source: P.A. 96-378, eff. 1-1-10; 96-608, eff. 8-24-09;  
23 96-1000, eff. 7-2-10.)