



Rep. Michael J. Zalewski

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1 AMENDMENT TO SENATE BILL 870

2 AMENDMENT NO. _____. Amend Senate Bill 870, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Regulatory Sunset Act is amended by
6 changing Sections 4.27 and 4.37 and adding Section 4.27a as
7 follows:

8 (5 ILCS 80/4.27)

9 Sec. 4.27. Acts repealed on January 1, 2017. The following
10 are repealed on January 1, 2017:

11 ~~The Illinois Optometric Practice Act of 1987.~~

12 The Boiler and Pressure Vessel Repairer Regulation Act.

13 Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI,
14 XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

15 (Source: P.A. 99-78, eff. 7-20-15; 99-572, eff. 7-15-16.)

1 (5 ILCS 80/4.27a new)

2 Sec. 4.27a. Act repealed on December 31, 2017. The
3 following Act is repealed on December 31, 2017:

4 The Medical Practice Act of 1987.

5 (5 ILCS 80/4.37)

6 Sec. 4.37. Acts repealed on January 1, 2027. The following
7 Act is repealed on January 1, 2027:

8 The Clinical Psychologist Licensing Act.

9 The Illinois Optometric Practice Act of 1987.

10 (Source: P.A. 99-572, eff. 7-15-16.)

11 (5 ILCS 80/4.26a rep.)

12 Section 10. The Regulatory Sunset Act is amended by
13 repealing Section 4.26a.

14 Section 15. The Medical Practice Act of 1987 is amended by
15 changing Section 21 as follows:

16 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

17 (Section scheduled to be repealed on December 31, 2016)

18 Sec. 21. License renewal; reinstatement; inactive status;
19 disposition and collection of fees.

20 (A) Renewal. The expiration date and renewal period for
21 each license issued under this Act shall be set by rule. The
22 holder of a license may renew the license by paying the

1 required fee. The holder of a license may also renew the
2 license within 90 days after its expiration by complying with
3 the requirements for renewal and payment of an additional fee.
4 A license renewal within 90 days after expiration shall be
5 effective retroactively to the expiration date.

6 The Department shall attempt to provide through electronic
7 means ~~mail~~ to each licensee under this Act, ~~at his or her~~
8 ~~address of record~~, at least 60 days in advance of the
9 expiration date of his or her license, a renewal notice. No
10 such license shall be deemed to have lapsed until 90 days after
11 the expiration date and after the Department has attempted to
12 provide such notice ~~has been mailed by the Department~~ as herein
13 provided.

14 (B) Reinstatement. Any licensee who has permitted his or
15 her license to lapse or who has had his or her license on
16 inactive status may have his or her license reinstated by
17 making application to the Department and filing proof
18 acceptable to the Department of his or her fitness to have the
19 license reinstated, including evidence certifying to active
20 practice in another jurisdiction satisfactory to the
21 Department, proof of meeting the continuing education
22 requirements for one renewal period, and by paying the required
23 reinstatement fee.

24 If the licensee has not maintained an active practice in
25 another jurisdiction satisfactory to the Department, the
26 Licensing Board shall determine, by an evaluation program

1 established by rule, the applicant's fitness to resume active
2 status and may require the licensee to complete a period of
3 evaluated clinical experience and may require successful
4 completion of a practical examination specified by the
5 Licensing Board.

6 However, any registrant whose license has expired while he
7 or she has been engaged (a) in Federal Service on active duty
8 with the Army of the United States, the United States Navy, the
9 Marine Corps, the Air Force, the Coast Guard, the Public Health
10 Service or the State Militia called into the service or
11 training of the United States of America, or (b) in training or
12 education under the supervision of the United States
13 preliminary to induction into the military service, may have
14 his or her license reinstated without paying any lapsed renewal
15 fees, if within 2 years after honorable termination of such
16 service, training, or education, he or she furnishes to the
17 Department with satisfactory evidence to the effect that he or
18 she has been so engaged and that his or her service, training,
19 or education has been so terminated.

20 (C) Inactive licenses. Any licensee who notifies the
21 Department, in writing on forms prescribed by the Department,
22 may elect to place his or her license on an inactive status and
23 shall, subject to rules of the Department, be excused from
24 payment of renewal fees until he or she notifies the Department
25 in writing of his or her desire to resume active status.

26 Any licensee requesting reinstatement from inactive status

1 shall be required to pay the current renewal fee, provide proof
2 of meeting the continuing education requirements for the period
3 of time the license is inactive not to exceed one renewal
4 period, and shall be required to reinstate his or her license
5 as provided in subsection (B).

6 Any licensee whose license is in an inactive status shall
7 not practice in the State of Illinois.

8 (D) Disposition of monies collected. All monies collected
9 under this Act by the Department shall be deposited in the
10 Illinois State Medical Disciplinary Fund in the State Treasury,
11 and used only for the following purposes: (a) by the
12 Disciplinary Board and Licensing Board in the exercise of its
13 powers and performance of its duties, as such use is made by
14 the Department with full consideration of all recommendations
15 of the Disciplinary Board and Licensing Board, (b) for costs
16 directly related to persons licensed under this Act, and (c)
17 for direct and allocable indirect costs related to the public
18 purposes of the Department.

19 Moneys in the Fund may be transferred to the Professions
20 Indirect Cost Fund as authorized under Section 2105-300 of the
21 Department of Professional Regulation Law (20 ILCS
22 2105/2105-300).

23 The State Comptroller shall order and the State Treasurer
24 shall transfer an amount equal to \$1,100,000 from the Illinois
25 State Medical Disciplinary Fund to the Local Government Tax
26 Fund on each of the following dates: July 1, 2014, October 1,

1 2014, January 1, 2015, July 1, 2017, October 1, 2017, and
2 January 1, 2018. These transfers shall constitute repayment of
3 the \$6,600,000 transfer made under Section 6z-18 of the State
4 Finance Act.

5 All earnings received from investment of monies in the
6 Illinois State Medical Disciplinary Fund shall be deposited in
7 the Illinois State Medical Disciplinary Fund and shall be used
8 for the same purposes as fees deposited in such Fund.

9 (E) Fees. The following fees are nonrefundable.

10 (1) Applicants for any examination shall be required to
11 pay, either to the Department or to the designated testing
12 service, a fee covering the cost of determining the
13 applicant's eligibility and providing the examination.
14 Failure to appear for the examination on the scheduled
15 date, at the time and place specified, after the
16 applicant's application for examination has been received
17 and acknowledged by the Department or the designated
18 testing service, shall result in the forfeiture of the
19 examination fee.

20 (2) Before July 1, 2018, the fee for a license under
21 Section 9 of this Act is \$700. Beginning on July 1, 2018,
22 the fee for a license under Section 9 of this Act is \$500.

23 (3) Before July 1, 2018, the fee for a license under
24 Section 19 of this Act is \$700. Beginning on July 1, 2018,
25 the fee for a license under Section 19 of this Act is \$500.

26 (4) Before July 1, 2018, the fee for the renewal of a

1 license for a resident of Illinois shall be calculated at
2 the rate of \$230 per year, and beginning on July 1, 2018,
3 the fee for the renewal of a license shall be \$167, except
4 for licensees who were issued a license within 12 months of
5 the expiration date of the license, before July 1, 2018,
6 the fee for the renewal shall be \$230, and beginning on
7 July 1, 2018 that fee will be \$167. Before July 1, 2018,
8 the fee for the renewal of a license for a nonresident
9 shall be calculated at the rate of \$460 per year, and
10 beginning on July 1, 2018, the fee for the renewal of a
11 license for a nonresident shall be \$250, except for
12 licensees who were issued a license within 12 months of the
13 expiration date of the license, before July 1, 2018, the
14 fee for the renewal shall be \$460, and beginning on July 1,
15 2018 that fee will be \$250.

16 (5) The fee for the reinstatement of a license other
17 than from inactive status, is \$230. In addition, payment of
18 all lapsed renewal fees not to exceed \$1,400 is required.

19 (6) The fee for a 3-year temporary license under
20 Section 17 is \$230.

21 (7) The fee for the issuance of a duplicate license,
22 for the issuance of a replacement license for a license
23 which has been lost or destroyed, or for the issuance of a
24 license with a change of name or address other than during
25 the renewal period is \$20. No fee is required for name and
26 address changes on Department records when no duplicate

1 license is issued.

2 (8) The fee to be paid for a license record for any
3 purpose is \$20.

4 (9) The fee to be paid to have the scoring of an
5 examination, administered by the Department, reviewed and
6 verified, is \$20 plus any fees charged by the applicable
7 testing service.

8 (10) The fee to be paid by a licensee for a wall
9 certificate showing his or her license shall be the actual
10 cost of producing the certificate as determined by the
11 Department.

12 (11) The fee for a roster of persons licensed as
13 physicians in this State shall be the actual cost of
14 producing such a roster as determined by the Department.

15 (F) Any person who delivers a check or other payment to the
16 Department that is returned to the Department unpaid by the
17 financial institution upon which it is drawn shall pay to the
18 Department, in addition to the amount already owed to the
19 Department, a fine of \$50. The fines imposed by this Section
20 are in addition to any other discipline provided under this Act
21 for unlicensed practice or practice on a nonrenewed license.
22 The Department shall notify the person that payment of fees and
23 fines shall be paid to the Department by certified check or
24 money order within 30 calendar days of the notification. If,
25 after the expiration of 30 days from the date of the
26 notification, the person has failed to submit the necessary

1 remittance, the Department shall automatically terminate the
2 license or permit or deny the application, without hearing. If,
3 after termination or denial, the person seeks a license or
4 permit, he or she shall apply to the Department for
5 reinstatement or issuance of the license or permit and pay all
6 fees and fines due to the Department. The Department may
7 establish a fee for the processing of an application for
8 reinstatement of a license or permit to pay all expenses of
9 processing this application. The Secretary may waive the fines
10 due under this Section in individual cases where the Secretary
11 finds that the fines would be unreasonable or unnecessarily
12 burdensome.

13 (Source: P.A. 97-622, eff. 11-23-11; 98-3, eff. 3-8-13;
14 98-1140, eff. 12-30-14.)

15 Section 20. The Illinois Optometric Practice Act of 1987 is
16 amended by changing Sections 3, 9, 10, 11, 14, 15.1, 18, 20,
17 21, 24, 26.2, 26.6, 26.7, 26.8, 26.15, and 27 and by adding
18 Sections 9.5, 15.3, and 30 as follows:

19 (225 ILCS 80/3) (from Ch. 111, par. 3903)

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

21 Sec. 3. Practice of optometry defined; referrals;
22 manufacture of lenses and prisms.

23 (a) The practice of optometry is defined as the employment
24 of any and all means for the examination, diagnosis, and

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

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

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

17 (2) Performs refractions or employs any other
18 determinants of visual function.

19 (3) Employs any means for the adaptation of lenses or
20 prisms.

21 (4) Prescribes corrective lenses, prisms, vision
22 therapy, visual rehabilitation, or ocular pharmaceutical
23 agents.

24 (5) Prescribes or manages contact lenses for
25 refractive, cosmetic, or therapeutic purposes.

26 (6) Evaluates the need for, or prescribes, low vision

1 aids to partially sighted persons.

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

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

10 Nothing in this Section shall be interpreted (A) ~~(i)~~ to
11 prevent a person from functioning as an assistant under the
12 direct supervision of a person licensed by the State of
13 Illinois to practice optometry or medicine in all of its
14 branches or (B) ~~(ii)~~ to prohibit visual screening programs that
15 are conducted without a fee (other than voluntary donations),
16 by charitable organizations acting in the public welfare under
17 the supervision of a committee composed of persons licensed by
18 the State of Illinois to practice optometry or persons licensed
19 by the State of Illinois to practice medicine in all of its
20 branches.

21 (b) When, in the course of providing optometric services to
22 any person, an optometrist licensed under this Act finds an
23 indication of a disease or condition of the eye which in his or
24 her professional judgment requires professional service
25 outside the scope of practice as defined in this Act, he or she
26 shall refer such person to a physician licensed to practice

1 medicine in all of its branches, or other appropriate health
2 care practitioner. Nothing in this Act shall preclude an
3 optometrist from rendering appropriate nonsurgical emergency
4 care.

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

25 (d) Nothing in this Act shall restrict the filling of a
26 prescription by a pharmacist licensed under the Pharmacy

1 Practice Act.

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

7 (f) On and after January 1, 2018, nothing in this Act shall
8 prohibit an optometrist who is certified by a school of
9 optometry approved by the Department from performing advanced
10 optometric procedures, pursuant to educational requirements
11 established by rule, that are consistent with the
12 recommendations of the Collaborative
13 Optometric/Ophthalmological Task Force created in Section 15.3
14 of this Act and that are taught (1) at an accredited, private
15 4-year school of optometry that is located in a city in
16 Illinois with a population in excess of 1,500,000, or (2) at a
17 school of optometry with a curriculum that is substantially
18 similar to the curriculum taught at the school of optometry
19 described in item (1) of this subsection. Advanced optometric
20 procedures do not include the use of lasers.

21 (Source: P.A. 98-186, eff. 8-5-13.)

22 (225 ILCS 80/9) (from Ch. 111, par. 3909)

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

24 Sec. 9. Definitions. In this Act:

25 (1) "Department" means the Department of Financial and

1 Professional Regulation.

2 (2) "Secretary" means the Secretary of Financial and
3 Professional Regulation.

4 (3) "Board" means the Illinois Optometric Licensing
5 and Disciplinary Board appointed by the Secretary.

6 (4) "License" means the document issued by the
7 Department authorizing the person named thereon to
8 practice optometry.

9 (5) (Blank).

10 (6) "Direct supervision" means supervision of any
11 person assisting an optometrist, requiring that the
12 optometrist authorize the procedure, remain in the
13 facility while the procedure is performed, approve the work
14 performed by the person assisting before dismissal of the
15 patient, but does not mean that the optometrist must be
16 present with the patient, during the procedure. For the
17 dispensing of contact lenses, "direct supervision" means
18 that the optometrist is responsible for training the person
19 assisting the optometrist in the dispensing or sale of
20 contact lenses, but does not mean that the optometrist must
21 be present in the facility where he or she practices under
22 a license or ancillary registration at the time the
23 contacts are dispensed or sold.

24 (7) "Address of record" means the designated address
25 recorded by the Department in the applicant's application
26 file or the licensee's license file maintained by the

1 Department's licensure maintenance unit.

2 (Source: P.A. 98-186, eff. 8-5-13.)

3 (225 ILCS 80/9.5 new)

4 Sec. 9.5. Change of address. It is the duty of the
5 applicant or licensee to inform the Department of any change of
6 address within 14 days after such change either through the
7 Department's website or by contacting the Department's
8 licensure maintenance unit.

9 (225 ILCS 80/10) (from Ch. 111, par. 3910)

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

11 Sec. 10. Powers and duties of Department; rules; report.
12 The Department shall exercise the powers and duties prescribed
13 by the Civil Administrative Code of Illinois for the
14 administration of Licensing Acts and shall exercise such other
15 powers and duties necessary for effectuating the purpose of
16 this Act.

17 The Secretary shall promulgate Rules consistent with the
18 provisions of this Act, for the administration and enforcement
19 thereof and may prescribe forms that shall be issued in
20 connection therewith. The rules shall include standards and
21 criteria for licensure and certification, and professional
22 conduct and discipline.

23 The Department shall consult with the Board in promulgating
24 rules. Notice of proposed rulemaking shall be transmitted to

1 the Board and the Department shall review the Board's responses
2 and any recommendations made therein. ~~The Department shall~~
3 ~~notify the Board in writing with explanations of deviations~~
4 ~~from the Board's recommendations and responses.~~ The Department
5 may solicit the advice of the Board on any matter relating to
6 the administration and enforcement of this Act.

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

8 (225 ILCS 80/11) (from Ch. 111, par. 3911)

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

10 Sec. 11. Optometric Licensing and Disciplinary Board. The
11 Secretary shall appoint an Illinois Optometric Licensing and
12 Disciplinary Board as follows: Seven persons who shall be
13 appointed by and shall serve in an advisory capacity to the
14 Secretary. Five members must be lawfully and actively engaged
15 in the practice of optometry in this State, one member shall be
16 a licensed optometrist, with a full-time faculty appointment
17 with the Illinois College of Optometry, and one member must be
18 a member of the public who shall be a voting member and is not
19 licensed under this Act, or a similar Act of another
20 jurisdiction, or have any connection with the profession.
21 Neither the public member nor the faculty member shall
22 participate in the preparation or administration of the
23 examination of applicants for licensure.

24 Members shall serve 4-year terms and until their successors
25 are appointed and qualified. No member shall be appointed to

1 the Board for more than 2 successive 4-year terms, not counting
2 any partial terms when appointed to fill the unexpired portion
3 of a vacated term. Appointments to fill vacancies shall be made
4 in the same manner as original appointments, for the unexpired
5 portion of the vacated term.

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

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

10 A majority of the Board members currently appointed shall
11 constitute a quorum. A vacancy in the membership of the Board
12 shall not impair the right of a quorum to perform all of the
13 duties of the Board.

14 The Secretary may terminate the appointment of any member
15 for cause.

16 The members of the Board shall be reimbursed for all
17 authorized legitimate and necessary expenses incurred in
18 attending the meetings of the Board.

19 Members of the Board shall have no liability in any action
20 based upon any disciplinary proceeding or other activity
21 performed in good faith as a member of the Board.

22 The Secretary shall give due consideration to all
23 recommendations of the Board, ~~and in the event that the~~
24 ~~Secretary disagrees with or takes action contrary to the~~
25 ~~recommendation of the Board, he or she shall provide the Board~~
26 ~~with a written and specific explanation of this action. None of~~

1 ~~the functions, powers or duties of the Department with respect~~
2 ~~to policy matters relating to licensure, discipline, and~~
3 ~~examination, including the promulgation of such rules as may be~~
4 ~~necessary for the administration of this Act, shall be~~
5 ~~exercised by the Department except upon review of the Board.~~

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

12 (Source: P.A. 96-270, eff. 1-1-10.)

13 (225 ILCS 80/14) (from Ch. 111, par. 3914)

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

15 Sec. 14. A person shall be qualified for initial licensure
16 as an optometrist if that person has applied in writing in form
17 and substance satisfactory to the Department and who:

18 (1) (blank) ~~has not been convicted of any of the provisions~~
19 ~~of Section 24 of this Act which would be grounds for discipline~~
20 ~~under this Act;~~

21 (2) has graduated, after January 1, 1994, from a program of
22 optometry education approved by the Department or has
23 graduated, prior to January 1, 1994, and has met substantially
24 equivalent criteria established by the Department;

25 (3) (blank); and

1 (4) has met all examination requirements including the
2 passage of a nationally recognized examination authorized by
3 the Department. Each applicant shall be tested on theoretical
4 knowledge and clinical practice skills.

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

6 (225 ILCS 80/15.1)

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

8 Sec. 15.1. Diagnostic and therapeutic authority.

9 (a) For purposes of the Act, "ocular pharmaceutical agents"
10 means topical anesthetics, topical mydriatics, topical
11 cycloplegics, topical miotics and mydriatic reversing agents,
12 anti-infective agents, anti-allergy agents, anti-glaucoma
13 agents (except oral carbonic anhydrase inhibitors, which may be
14 prescribed only in a quantity sufficient to provide treatment
15 for up to 30 days ~~72 hours~~), anti-inflammatory agents (except
16 oral steroids, which may be prescribed only in a quantity
17 sufficient to provide treatment for up to 7 days),
18 over-the-counter agents, analgesic agents, anti-dry eye
19 agents, and agents for the treatment of hypotrichosis.

20 (a-3) In addition to ocular pharmaceutical agents that fall
21 within the categories set forth in subsection (a) of this
22 Section, the Board may add a pharmaceutical agent approved by
23 the FDA or class of agents for the purpose of the diagnosis or
24 treatment of conditions of the eye and adnexa after
25 consideration of the agent's systemic effects, side effects,

1 and the use of the agent within the practice of optometry. The
2 Board shall consider requests for additional agents and make
3 recommendations within 90 days after the receipt of the
4 request.

5 Within 45 days after the Board's recommendation to the
6 Department of a pharmaceutical agent or class of agents, the
7 Department shall promulgate rules necessary to allow for the
8 prescribing or administering of the pharmaceutical agent or
9 class of agents under this Act.

10 (a-5) Ocular pharmaceutical agents administered by
11 injection may be used only for the treatment of anaphylaxis.

12 (a-10) Oral pharmaceutical agents may be prescribed for a
13 child under 5 years of age only in consultation with a
14 physician licensed to practice medicine in all its branches.

15 (a-15) The authority to prescribe a Schedule III, IV, or V
16 controlled substance shall include analgesic agents only in a
17 quantity sufficient to provide treatment for up to 72 hours.
18 The prescription of a Schedule II controlled substance is
19 prohibited, except for Dihydrocodeinone (Hydrocodone) with one
20 or more active, non-narcotic ingredients only in a quantity
21 sufficient to provide treatment for up to 72 hours, and only if
22 such formulations of Dihydrocodeinone are reclassified as
23 Schedule II by federal regulation.

24 (b) A licensed optometrist may remove superficial foreign
25 bodies from the human eye and adnexa and may give orders for
26 patient care to a nurse or other health care provider licensed

1 to practice under Illinois law.

2 (c) An optometrist's license shall be revoked or suspended
3 by the Department upon recommendation of the Board based upon
4 either of the following causes:

5 (1) grave or repeated misuse of any ocular
6 pharmaceutical agent; and

7 (2) the use of any agent or procedure in the course of
8 optometric practice by an optometrist not properly
9 authorized under this Act.

10 (d) The Secretary of Financial and Professional Regulation
11 shall notify the Director of Public Health as to the categories
12 of ocular pharmaceutical agents permitted for use by an
13 optometrist. The Director of Public Health shall in turn notify
14 every licensed pharmacist in the State of the categories of
15 ocular pharmaceutical agents that can be utilized and
16 prescribed by an optometrist.

17 (Source: P.A. 97-170, eff. 7-22-11; 98-1111, eff. 8-26-14.)

18 (225 ILCS 80/15.3 new)

19 Sec. 15.3. The Collaborative Optometric/Ophthalmological
20 Task Force. In order to protect the public and provide quality
21 care, a Collaborative Optometric/Ophthalmological Task Force
22 is established. This Task Force shall collaboratively develop
23 minimum educational requirements for an optometrist to perform
24 advanced optometric procedures. Advanced optometric procedures
25 do not include the use of lasers.

1 The Collaborative Optometric/Ophthalmological Task Force
2 shall be comprised of a representative of a statewide
3 organization representing optometry, a representative of a
4 statewide organization representing ophthalmology, a
5 representative of a statewide organization representing
6 physicians licensed to practice medicine in all of its
7 branches, a representative of an accredited, private 4-year
8 school of optometry located in a city in Illinois with a
9 population of more than 1,500,000 persons. The Department shall
10 provide administrative support to the Collaborative
11 Optometric/Ophthalmological Task Force. The Task Force shall
12 meet at least monthly.

13 No later than September 1, 2017, the statewide organization
14 representing ophthalmology shall provide to the Collaborative
15 Optometric/Ophthalmological Task Force its recommended minimum
16 educational requirements for a licensed optometrist to obtain a
17 certification to perform advanced optometric procedures.

18 No later than January 1, 2018, the Department, in direct
19 consultation with the Collaborative
20 Optometric/Ophthalmological Task Force, shall propose rules
21 for adoption that are consistent with the Task Force's
22 recommendations, or recommend legislation to the General
23 Assembly, providing educational requirements that must be met
24 for an optometrist to obtain certification from a school of
25 optometry approved by the Department to perform advanced
26 optometric procedures as taught (1) at an accredited, private

1 4-year school of optometry that is located in a city in
2 Illinois with a population in excess of 1,500,000, or (2) at a
3 school of optometry with a curriculum that is substantially
4 similar to the curriculum taught at the school of optometry
5 described in item (1) of this paragraph.

6 (225 ILCS 80/18) (from Ch. 111, par. 3918)

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

8 Sec. 18. Endorsement. The Department may, in its
9 discretion, license as an optometrist, without examination on
10 payment of the required fee, an applicant who is so licensed
11 under the laws of another state or U.S. jurisdiction of the
12 United States. The Department may issue a license, upon payment
13 of the required fee and recommendation of the Board, to an
14 individual applicant who is licensed in any foreign country or
15 province whose standards, in the opinion of the Board or
16 Department, if the requirements for licensure in the
17 jurisdiction in which the applicant was licensed, were, at the
18 date of his or her licensure, substantially equivalent to the
19 requirements then in force in this State; or if the applicant
20 possesses individual qualifications and skills which
21 demonstrate substantial equivalence to current Illinois
22 requirements.

23 Applicants have 3 years from the date of application to
24 complete the application process. If the process has not been
25 completed in 3 years, the application shall be denied, the fee

1 forfeited and the applicant must reapply and meet the
2 requirements in effect at the time of reapplication.

3 (Source: P.A. 89-702, eff. 7-1-97.)

4 (225 ILCS 80/20) (from Ch. 111, par. 3920)

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

6 Sec. 20. Fund. All moneys received by the Department
7 pursuant to this Act shall be deposited in the Optometric
8 Licensing and Disciplinary Board Fund, which is hereby created
9 as a special fund in the State Treasury, and shall be used for
10 the administration of this Act, including: (a) by the Board and
11 Department in the exercise of its powers and performance of its
12 duties, ~~as such use is made by the Department with full~~
13 ~~consideration of all recommendations of the Board;~~ (b) for
14 costs directly related to license renewal of persons licensed
15 under this Act; and (c) for direct and allocable indirect costs
16 related to the public purposes of the Department of Financial
17 and Professional Regulation. Subject to appropriation, moneys
18 in the Optometric Licensing and Disciplinary Board Fund may be
19 used for the Optometric Education Scholarship Program
20 administered by the Illinois Student Assistance Commission
21 pursuant to Section 65.70 of the Higher Education Student
22 Assistance Act.

23 Moneys in the Fund may be transferred to the Professions
24 Indirect Cost Fund as authorized under Section 2105-300 of the
25 Department of Professional Regulation Law (20 ILCS

1 2105/2105-300).

2 Money in the Optometric Licensing and Disciplinary Board
3 Fund may be invested and reinvested, with all earnings received
4 from such investment to be deposited in the Optometric
5 Licensing and Disciplinary Board Fund and used for the same
6 purposes as fees deposited in such fund.

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

8 (225 ILCS 80/21) (from Ch. 111, par. 3921)

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

10 Sec. 21. The Department shall maintain a roster of the
11 names and addresses of all licensees ~~and of all persons whose~~
12 ~~licenses have been suspended or revoked.~~ This roster shall be
13 available upon written request and payment of the required fee.

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

15 (225 ILCS 80/24) (from Ch. 111, par. 3924)

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

17 Sec. 24. Grounds for disciplinary action.

18 (a) The Department may refuse to issue or to renew, or may
19 revoke, suspend, place on probation, reprimand or take other
20 disciplinary or non-disciplinary action as the Department may
21 deem appropriate, including fines not to exceed \$10,000 for
22 each violation, with regard to any license for any one or
23 combination of the causes set forth in subsection (a-3) of this
24 Section. All fines collected under this Section shall be

1 deposited in the Optometric Licensing and Disciplinary Board
2 Fund. Any fine imposed shall be payable within 60 days after
3 the effective date of the order imposing the fine.

4 (a-3) Grounds for disciplinary action include the
5 following:

6 (1) Violations of this Act, or of the rules promulgated
7 hereunder.

8 (2) Conviction of or entry of a plea of guilty to any
9 crime under the laws of any U.S. jurisdiction thereof that
10 is a felony or that is a misdemeanor of which an essential
11 element is dishonesty, or any crime that is directly
12 related to the practice of the profession.

13 (3) Making any misrepresentation for the purpose of
14 obtaining a license.

15 (4) Professional incompetence or gross negligence in
16 the practice of optometry.

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

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

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

26 (8) Engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,
2 defraud, or harm the public.

3 (9) Habitual or excessive use or addiction to alcohol,
4 narcotics, stimulants or any other chemical agent or drug
5 that results in the inability to practice with reasonable
6 judgment, skill, or safety.

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

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

13 (12) A finding by the Department that the licensee,
14 after having his or her license placed on probationary
15 status has violated the terms of probation.

16 (13) Abandonment of a patient.

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

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

22 (16) Physical illness, including but not limited to,
23 deterioration through the aging process, or loss of motor
24 skill, mental illness, or disability that results in the
25 inability to practice the profession with reasonable
26 judgment, skill, or safety.

1 (17) Solicitation of professional services other than
2 permitted advertising.

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

5 (19) Conviction by any court of competent
6 jurisdiction, either within or without this State, of any
7 violation of any law governing the practice of optometry,
8 conviction in this or another State of any crime that is a
9 felony under the laws of this State or conviction of a
10 felony in a federal court, if the Department determines,
11 after investigation, that such person has not been
12 sufficiently rehabilitated to warrant the public trust.

13 (20) A finding that licensure has been applied for or
14 obtained by fraudulent means.

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

17 (22) Being named as a perpetrator in an indicated
18 report by the Department of Children and Family Services
19 under the Abused and Neglected Child Reporting Act, and
20 upon proof by clear and convincing evidence that the
21 licensee has caused a child to be an abused child or a
22 neglected child as defined in the Abused and Neglected
23 Child Reporting Act.

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

26 (24) Immoral conduct in the commission of any act, such

1 as sexual abuse, sexual misconduct or sexual exploitation,
2 related to the licensee's practice.

3 (25) Maintaining a professional relationship with any
4 person, firm, or corporation when the optometrist knows, or
5 should know, that such person, firm, or corporation is
6 violating this Act.

7 (26) Promotion of the sale of drugs, devices,
8 appliances or goods provided for a client or patient in
9 such manner as to exploit the patient or client for
10 financial gain of the licensee.

11 (27) Using the title "Doctor" or its abbreviation
12 without further qualifying that title or abbreviation with
13 the word "optometry" or "optometrist".

14 (28) Use by a licensed optometrist of the word
15 "infirmary", "hospital", "school", "university", in
16 English or any other language, in connection with the place
17 where optometry may be practiced or demonstrated unless the
18 licensee is employed by and practicing at a location that
19 is licensed as a hospital or accredited as a school or
20 university.

21 (29) Continuance of an optometrist in the employ of any
22 person, firm or corporation, or as an assistant to any
23 optometrist or optometrists, directly or indirectly, after
24 his or her employer or superior has been found guilty of
25 violating or has been enjoined from violating the laws of
26 the State of Illinois relating to the practice of

1 optometry, when the employer or superior persists in that
2 violation.

3 (30) The performance of optometric service in
4 conjunction with a scheme or plan with another person, firm
5 or corporation known to be advertising in a manner contrary
6 to this Act or otherwise violating the laws of the State of
7 Illinois concerning the practice of optometry.

8 (31) Failure to provide satisfactory proof of having
9 participated in approved continuing education programs as
10 determined by the Board and approved by the Secretary.
11 Exceptions for extreme hardships are to be defined by the
12 rules of the Department.

13 (32) Willfully making or filing false records or
14 reports in the practice of optometry, including, but not
15 limited to false records to support claims against the
16 medical assistance program of the Department of Healthcare
17 and Family Services (formerly Department of Public Aid)
18 under the Illinois Public Aid Code.

19 (33) Gross and willful overcharging for professional
20 services including filing false statements for collection
21 of fees for which services are not rendered, including, but
22 not limited to filing false statements for collection of
23 monies for services not rendered from the medical
24 assistance program of the Department of Healthcare and
25 Family Services (formerly Department of Public Aid) under
26 the Illinois Public Aid Code.

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

4 (35) Violation of the Health Care Worker Self-Referral
5 Act.

6 The Department shall ~~may~~ refuse to issue or shall ~~may~~
7 suspend the license of any person who fails to file a return,
8 or to pay the tax, penalty or interest shown in a filed return,
9 or to pay any final assessment of the tax, penalty or interest,
10 as required by any tax Act administered by the Illinois
11 Department of Revenue, until such time as the requirements of
12 any such tax Act are satisfied.

13 (a-5) In enforcing this Section, the Board or Department,
14 upon a showing of a possible violation, may compel any
15 individual licensed to practice under this Act, or who has
16 applied for licensure or certification pursuant to this Act, to
17 submit to a mental or physical examination, or both, as
18 required by and at the expense of the Department. The examining
19 physicians or clinical psychologists shall be those
20 specifically designated by the Department ~~Board~~. The Board or
21 the Department may order the examining physician or clinical
22 psychologist to present testimony concerning this mental or
23 physical examination of the licensee or applicant. No
24 information shall be excluded by reason of any common law or
25 statutory privilege relating to communications between the
26 licensee or applicant and the examining physician or clinical

1 psychologist. Eye examinations may be provided by a licensed
2 optometrist. The individual to be examined may have, at his or
3 her own expense, another physician of his or her choice present
4 during all aspects of the examination. Failure of any
5 individual to submit to a mental or physical examination, when
6 directed, shall be grounds for suspension of a license until
7 such time as the individual submits to the examination if the
8 Board or Department finds, after notice and hearing, that the
9 refusal to submit to the examination was without reasonable
10 cause.

11 If the Board or Department finds an individual unable to
12 practice because of the reasons set forth in this Section, the
13 Board or Department shall require such individual to submit to
14 care, counseling, or treatment by physicians or clinical
15 psychologists approved or designated by the Department Board,
16 as a condition, term, or restriction for continued, reinstated,
17 or renewed licensure to practice, or in lieu of care,
18 counseling, or treatment, the Board may recommend to the
19 Department to file a complaint to immediately suspend, revoke,
20 or otherwise discipline the license of the individual, or the
21 Board may recommend to the Department to file a complaint to
22 suspend, revoke, or otherwise discipline the license of the
23 individual. Any individual whose license was granted pursuant
24 to this Act, or continued, reinstated, renewed, disciplined, or
25 supervised, subject to such conditions, terms, or
26 restrictions, who shall fail to comply with such conditions,

1 terms, or restrictions, shall be referred to the Secretary for
2 a determination as to whether the individual shall have his or
3 her license suspended immediately, pending a hearing by the
4 Board.

5 (b) The determination by a circuit court that a licensee is
6 subject to involuntary admission or judicial admission as
7 provided in the Mental Health and Developmental Disabilities
8 Code operates as an automatic suspension. The suspension will
9 end only upon a finding by a court that the patient is no
10 longer subject to involuntary admission or judicial admission
11 and issues an order so finding and discharging the patient; and
12 upon the recommendation of the Board to the Secretary that the
13 licensee be allowed to resume his or her practice.

14 (Source: P.A. 99-43, eff. 1-1-16.)

15 (225 ILCS 80/26.2) (from Ch. 111, par. 3926.2)

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

17 Sec. 26.2. Investigation; notice. The Department may
18 investigate the actions of any applicant or of any person or
19 persons holding or claiming to hold a license. The Department
20 shall, before suspending, revoking, placing on probationary
21 status, or taking any other disciplinary action as the
22 Department may deem proper with regard to any license, at least
23 30 days prior to the date set for the hearing, notify the
24 accused in writing of any charges made and the time and place
25 for a hearing of the charges before the Board, direct him or

1 her to file his or her written answer to the Board under oath
2 within 20 days after the service on him or her of the notice
3 and inform him or her that if he or she fails to file an answer
4 default will be taken against him or her and his or her license
5 may be suspended, revoked, placed on probationary status, or
6 have other disciplinary action, including limiting the scope,
7 nature or extent of his or her practice, as the Department may
8 deem proper taken with regard thereto. The ~~Such~~ written notice
9 and any notice in the subsequent proceeding may be served by
10 personal delivery or by regular or certified ~~delivery or~~
11 ~~certified or registered~~ mail to the applicant's or licensee's
12 address of record ~~Department~~. In case the person fails to file
13 an answer after receiving notice, his or her license may, in
14 the discretion of the Department, be suspended, revoked, or
15 placed on probationary status, or the Department may take
16 whatever disciplinary action deemed proper, including limiting
17 the scope, nature, or extent of the person's practice or the
18 imposition of a fine, without a hearing, if the act or acts
19 charged constitute sufficient grounds for such action under
20 this Act. At the time and place fixed in the notice, the
21 Department shall proceed to hear the charges and the parties or
22 their counsel shall be accorded ample opportunity to present
23 such statements, testimony, evidence and argument as may be
24 pertinent to the charges or to their defense. The Department
25 may continue the hearing from time to time. At the discretion
26 of the Secretary after having first received the recommendation

1 of the Board, the accused person's license may be suspended,
2 revoked, placed on probationary status, or whatever
3 disciplinary action as the Secretary may deem proper, including
4 limiting the scope, nature, or extent of said person's
5 practice, without a hearing, if the act or acts charged
6 constitute sufficient grounds for such action under this Act.

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

8 (225 ILCS 80/26.6) (from Ch. 111, par. 3926.6)

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

10 Sec. 26.6. Findings of fact, conclusions of law, and
11 recommendations. At the conclusion of the hearing the Board
12 shall present to the Secretary a written report of its findings
13 of fact, conclusions of law and recommendations. ~~The report~~
14 ~~shall contain a finding whether or not the accused person~~
15 ~~violated this Act or failed to comply with the conditions~~
16 ~~required in this Act. The Board shall specify the nature of the~~
17 ~~violation or failure to comply, and shall make its~~
18 ~~recommendations to the Secretary.~~

19 The report of findings of fact, conclusions of law and
20 recommendations of the Board shall be the basis for the
21 Department's order. If the Secretary disagrees in any regard
22 with the report of the Board, the Secretary may issue an order
23 in contravention thereof. The Secretary shall ~~provide within 60~~
24 ~~days of taking such action a written report to the Board on any~~
25 ~~such deviation, and shall specify with particularity the~~

1 reasons for said action in the final order. The finding is not
2 admissible in evidence against the person in a criminal
3 prosecution brought for the violation of this Act, but the
4 hearing and findings are not a bar to a criminal prosecution
5 brought for the violation of this Act.

6 At any point in any investigation or disciplinary
7 proceeding provided for in this Act, both parties may agree to
8 a negotiated consent order. The consent order shall be final
9 upon the signature of the Secretary.

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

11 (225 ILCS 80/26.7) (from Ch. 111, par. 3926.7)

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

13 Sec. 26.7. Hearing officer. Notwithstanding the provisions
14 of Section 26.6 of this Act, the Secretary shall have the
15 authority to appoint any attorney duly licensed to practice law
16 in the State of Illinois to serve as the hearing officer in any
17 action for discipline of a license. ~~The Secretary shall notify~~
18 ~~the Board of any such appointment.~~ The hearing officer shall
19 have full authority to conduct the hearing. The Board shall
20 have the right to have at least one member present at any
21 hearing conducted by such hearing officer. The hearing officer
22 shall report his or her findings of fact, conclusions of law
23 and recommendations to the Board and the Secretary. The Board
24 shall ~~have 60 days from receipt of the report to~~ review the
25 report of the hearing officer and present its findings of fact,

1 conclusions of law and recommendations to the Secretary. ~~If the~~
2 ~~Board fails to present its report within the 60 day period, the~~
3 ~~Secretary shall issue an order based on the report of the~~
4 ~~hearing officer.~~ If the Secretary disagrees in any regard with
5 the report of the Board or hearing officer, he or she may issue
6 an order in contravention thereof. The Secretary shall ~~provide~~
7 ~~a written explanation to the Board on any such deviation, and~~
8 ~~shall~~ specify with particularity the reasons for such action in
9 the final order.

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

11 (225 ILCS 80/26.8) (from Ch. 111, par. 3926.8)

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

13 Sec. 26.8. Service of report; rehearing; order. In any case
14 involving the discipline of a license, a copy of the Board's
15 and hearing officer's report shall be served upon the
16 respondent by the Department, either personally or as provided
17 in this Act for the service of the notice of hearing. Within 20
18 days after such service, the respondent may present to the
19 Department a motion in writing for a rehearing, which motion
20 shall specify the particular grounds therefor. If no motion for
21 rehearing is filed, then upon the expiration of the time
22 specified for filing such a motion, or if a motion for
23 rehearing is denied, then upon such denial the Secretary may
24 enter an order in accordance with this Act. If the respondent
25 shall order from the reporting service, and pay for a

1 transcript of the record within the time for filing a motion
2 for rehearing, the 20 day period within which such a motion may
3 be filed shall commence upon the delivery of the transcript to
4 the respondent.

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

6 (225 ILCS 80/26.15) (from Ch. 111, par. 3926.15)

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

8 Sec. 26.15. Certification of record. The Department shall
9 not be required to certify any record to the Court or file any
10 answer in court or otherwise appear in any court in a judicial
11 review proceeding, unless and until the Department has received
12 from the plaintiff there is filed in the court, with the
13 complaint, a receipt from the Department acknowledging payment
14 of the costs of furnishing and certifying the record, which
15 costs shall be determined by the Department. Failure on the
16 part of the plaintiff to file a receipt in Court shall be
17 grounds for dismissal of the action.

18 (Source: P.A. 87-1031.)

19 (225 ILCS 80/27) (from Ch. 111, par. 3927)

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

21 Sec. 27. Administrative Procedure Act. The Illinois
22 Administrative Procedure Act is hereby expressly adopted and
23 incorporated herein as if all of the provisions of that Act
24 were included in this Act, except that the provision of

1 subsection (d) of Section 10-65 of the Illinois Administrative
2 Procedure Act that provides that at hearings the licensee has
3 the right to show compliance with all lawful requirements for
4 retention, continuation or renewal of the license is
5 specifically excluded. ~~For the purpose of this Act the notice
6 required under Section 10-25 of the Administrative Procedure
7 Act is deemed sufficient when mailed to the last known address
8 of a party.~~

9 (Source: P.A. 88-45.)

10 (225 ILCS 80/30 new)

11 Sec. 30. Confidentiality. All information collected by the
12 Department in the course of an examination or investigation of
13 a licensee or applicant, including, but not limited to, any
14 complaint against a license filed with the Department and
15 information collected to investigate any such complaint, shall
16 be maintained for the confidential use of the Department and
17 shall not be disclosed. The Department may not disclose the
18 information to anyone other than law enforcement officials,
19 other regulatory agencies that have an appropriate regulatory
20 interest as determined by the Secretary, or a party presenting
21 a lawful subpoena to the Department. Information and documents
22 disclosed to a federal, State, county, or local law enforcement
23 agency shall not be disclosed by the agency for any purpose to
24 any other agency or person. A formal complaint filed against a
25 licensee by the Department or any order issued by the

1 Department against a licensee or applicant shall be a public
2 record, except as otherwise prohibited by law.

3 Section 99. Effective date. This Section and Sections 5,
4 10, and 15 take effect upon becoming law. Section 20 takes
5 effect on January 1, 2017, except that the provisions of
6 Section 20 that add Section 15.3 to the Illinois Optometric
7 Practice Act of 1987 take effect upon becoming law.".