

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Optometric Practice Act of 1987 is amended by changing Section 9 and by adding Section 15.4 as follows:

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

(Section scheduled to be repealed on January 1, 2027)

Sec. 9. Definitions. In this Act:

(1) "Department" means the Department of Financial and Professional Regulation.

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

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

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

(5) (Blank).

(6) "Direct supervision" means supervision of any person assisting an optometrist, requiring that the optometrist authorize the procedure, remain in the facility while the procedure is performed, approve the

work performed by the person assisting before dismissal of the patient, but does not mean that the optometrist must be present with the patient, during the procedure. For the dispensing of contact lenses, "direct supervision" means that the optometrist is responsible for training the person assisting the optometrist in the dispensing or sale of contact lenses, but does not mean that the optometrist must be present in the facility where he or she practices under a license or ancillary registration at the time the contacts are dispensed or sold. For the practice of optometry through telehealth, "direct supervision" means supervision by an optometrist of any person located at a remote location who is assisting an optometrist with procedures or optometric services administered to a patient at the remote location when the optometrist is at a distant site.

(7) "Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file maintained by the Department's licensure maintenance unit.

(8) "Remote location" means the site at which the patient is located at the time optometric services are rendered through telehealth to that patient.

(9) "Distant site" means the location in Illinois from which an optometrist is rendering services through telehealth.

(10) "Interactive telecommunications system" means an audio and video system permitting 2-way, real-time interactive communication between a patient located at a remote location and an optometrist located at a distant site.

(11) "Telehealth" means the evaluation, diagnosis, or interpretation of patient-specific data that is transmitted by way of an interactive telecommunication system between a remote location and an optometrist located at a distant site that generates interaction or treatment recommendations for a patient located at a remote location. "Telehealth" includes the performance of any of the activities set forth in Sections 3 and 15.1.

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

(225 ILCS 80/15.4 new)

Sec. 15.4. Telehealth.

(a) The General Assembly finds and declares that, because of technological advances and changing practice patterns, the practice of optometry is occurring more frequently across increasing distances within the State of Illinois and that certain technological advances in the practice of optometry are in the public interest. The General Assembly further finds and declares that the practice of optometry is a privilege and that the licensure by this State of practitioners outside this State engaging in the practice of optometry within this State

and the ability to discipline those practitioners is necessary for the protection of the public health, welfare, and safety.

(b) An optometrist may practice optometry through telehealth as authorized by this Act and the Telehealth Act. If there is any conflict between the provisions of this Act and the provisions of the Telehealth Act, the provisions of this Act control.

(c) An optometrist treating a patient located in this State through telehealth must be licensed under this Act.

(d) An optometrist practicing optometry through telehealth is subject to the same standard of care and practice standards that are applicable to optometric services provided in a clinic or office setting.

(e) An optometrist may not provide telehealth services unless the optometrist has established a provider-patient relationship with the patient. In this subsection, "provider-patient relationship" means a relationship in which the optometrist has provided services to the patient at an in-person consultation no more than 3 years prior to the date on which telehealth services are provided. An in-person consultation is not required for new conditions relating to a patient with whom the optometrist has a provider-patient relationship unless the optometrist deems an in-person consultation is necessary to provide appropriate care. An optometrist may treat a patient through telehealth in the absence of a provider-patient relationship when, in the

professional judgment of the optometrist, emergency care is required.

(f) An optometrist treating a patient through telehealth must perform at least a minimum eye examination as required by 68 Ill. Adm. Code 1320.90 before prescribing eyeglasses or contact lenses to the patient. Nothing in this Section authorizes an eye examination that: (i) does not assess the ocular health and visual status of a patient, or (ii) consists solely of objective refractive data or information generated by an automated testing device, including an autorefractor, in order to establish a medical diagnosis or to determine a refractive error.

(g) A person who engages in the practice of optometry through telehealth without a license issued under this Act shall be subject to discipline or penalties provided in Sections 24 and 26.1.

(h) If the Department has reason to believe that a person has violated this Section, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.