

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Section 4.17 and by adding Section 4.27 as follows:

(5 ILCS 80/4.17)

Sec. 4.17. Acts repealed on January 1, 2007. The following are repealed on January 1, 2007:

The Boiler and Pressure Vessel Repairer Regulation Act.

The Structural Pest Control Act.

Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB, VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

The Clinical Psychologist Licensing Act.

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

The Medical Practice Act of 1987.

The Environmental Health Practitioner Licensing Act.

(Source: P.A. 92-837, eff. 8-22-02.)

(5 ILCS 80/4.27 new)

Sec. 4.27. Act repealed on January 1, 2017. The following Act is repealed on January 1, 2017:

The Illinois Optometric Practice Act of 1987.

Section 10. The Illinois Optometric Practice Act of 1987 is amended by changing Sections 3, 4.5, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15.1, 16, 17, 19, 20, 21, 23, 24, 25, 26.1, 26.2, 26.5, 26.6, 26.7, 26.8, 26.9, 26.10, 26.11, 26.12, 26.13, and 28 and by adding Sections 11.5 and 15.2 as follows:

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

(Section scheduled to be repealed on January 1, 2007)

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

(a) The practice of optometry is defined as the employment of any and all means for the examination, diagnosis, and treatment of the human visual system, the human eye, and its appendages without the use of surgery, including but not limited to: the appropriate use of ~~diagnostic ocular pharmaceutical agents and therapeutic~~ ocular pharmaceutical agents; refraction and other determinants of visual function; prescribing corrective lenses or prisms; prescribing, dispensing, or management of contact lenses; vision therapy; visual rehabilitation; or any other procedures taught in schools and colleges of optometry approved by the Department, and not specifically restricted in this Act, subject to demonstrated competency and training as required by the Board, and pursuant to rule or regulation approved by the Board and adopted by the Department.

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

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

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

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

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

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

(6) Evaluates the need for, or prescribes, low vision aids to partially sighted persons.

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

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

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

(b) When, in the course of providing optometric services to any person, an optometrist licensed under this Act finds an indication of a disease or condition of the eye which in his or her professional judgment requires professional service outside the scope of practice as defined in this Act, he or she shall refer such person to a physician licensed to practice medicine in all of its branches, or other appropriate health care practitioner. Nothing in this Act shall preclude an optometrist ~~who is therapeutically certified~~ from rendering appropriate nonsurgical ~~ophthalmic~~ emergency care.

(c) Nothing contained in this Section shall prohibit a person from manufacturing ophthalmic lenses and prisms or the fabrication of contact lenses according to the specifications prescribed by an optometrist or a physician licensed to practice medicine in all of its branches, but shall specifically prohibit the sale or delivery of ophthalmic lenses, prisms, and contact lenses without a prescription signed by an optometrist or a physician licensed to practice medicine in all of its branches.

(d) Nothing in this Act shall restrict the filling of a

prescription by a pharmacist licensed under the Pharmacy Practice Act of 1987.

(Source: P.A. 90-655, eff. 7-30-99; 91-141, eff. 7-16-99.)

(225 ILCS 80/4.5)

(Section scheduled to be repealed on January 1, 2007)

Sec. 4.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice optometry without being licensed under this Act or any individual or entity that causes or attempts to cause a licensed optometrist or any other person under that individual's or entity's control to violate this Act or any other State or federal law or rule related to the practice of optometry shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 93-754, eff. 7-16-04.)

(225 ILCS 80/5) (from Ch. 111, par. 3905)

(Section scheduled to be repealed on January 1, 2007)

Sec. 5. Title and designation of licensed optometrists. Every person to whom a valid existing license as an optometrist has been issued under this Act, shall be designated professionally as an "optometrist" and not otherwise, and any such licensed optometrist may, in connection with the practice

of his or her profession, use the title or designation of "optometrist", and, if entitled by degree from a college or university recognized by the Department of Financial and Professional Regulation, may use the title of "Doctor of Optometry", or the abbreviation "O.D.". When the name of such licensed optometrist is used professionally in oral, written, or printed announcements, prescriptions, professional cards, or publications for the information of the public, and is preceded by the title "Doctor" or the abbreviation "Dr.", the explanatory designation of "optometrist", "optometry", or "Doctor of Optometry" shall be added immediately following such title and name. When such announcement, prescription, professional care or publication is in writing or in print, such explanatory addition shall be in writing, type, or print not less than one-half the size of that used in said name and title. No person other than the holder of a valid existing license under this Act shall use the title and designation of "Doctor of Optometry", "O.D.", or "optometrist", either directly or indirectly in connection with his or her profession or business.

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

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

(Section scheduled to be repealed on January 1, 2007)

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

Every licensed optometrist shall keep a record of examinations made and prescriptions issued, which record shall include the names of persons examined and for whom

prescriptions were prepared, and shall be signed by the licensed optometrist and retained by him in the office in which such professional service was rendered. Such records shall be preserved by the optometrist for a period designated by the Department. A copy of such records shall be provided, upon written request, to the person examined, or his or her designee.

(Source: P.A. 91-141, eff. 7-16-99.)

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

(Section scheduled to be repealed on January 1, 2007)

Sec. 7. Additional licenses ~~and certificates~~. Upon proper application and payment of the prescribed fee, additional licenses ~~and certificates~~ may be issued to active practitioners who are engaged in the practice of optometry at more than one address. A license must be displayed at each location where the licensee engages in the practice of optometry. Nothing contained herein, however, shall be construed to require a licensed optometrist in active practice to obtain an additional license ~~or certificate~~ for the purpose of serving on the staff of a hospital or an institution that receives no fees (other than entrance registration fees) for the services rendered by the optometrist and for which the optometrist receives no fees or compensation directly or indirectly for such services rendered. Nothing contained herein shall be construed to require a licensed optometrist to obtain an additional license ~~or certificate~~ for the purpose of rendering necessary optometric services for his or her patients confined to their homes, hospitals or institutions, or to act in an advisory capacity, with or without remuneration, in any industry, school or institution.

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

(225 ILCS 80/8) (from Ch. 111, par. 3908)

(Section scheduled to be repealed on January 1, 2007)

Sec. 8. Permitted activities. This Act does not prohibit:

(1) Any person licensed in this State under any other Act from engaging in the practice for which he or she is licensed.

(2) The practice of optometry by a person who is employed by the United States government or any bureau, division or agency thereof while in the discharge of the employee's official duties.

(3) The practice of optometry that is included in their program of study by students enrolled in schools of optometry or in continuing education ~~refresher~~ courses approved by the Department.

(4) Persons, firms, and corporations who manufacture or deal in eye glasses or spectacles in a store, shop, or other permanently established place of business, and who neither practice nor attempt to practice optometry from engaging the services of one or more licensed optometrists, nor prohibit any such licensed optometrist when so engaged, to practice optometry as defined in Section 3 of this Act, when the person, or firm, or corporation so conducts his or her or its business in a permanently established place and in such manner that his or her or its activities, in any department in which such optometrist is engaged, insofar as the practice of optometry is concerned, are in keeping with the limitations imposed upon individual practitioners of optometry by subparagraphs 17, 23, 26, 27, 28, 29, and 30 of Section 24 of this Act; provided, that such licensed optometrist or optometrists shall not be exempt, by reason of such relationship, from compliance with the provisions of this Act as prescribed for individual practitioners of optometry.

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

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

(Section scheduled to be repealed on January 1, 2007)

Sec. 9. Definitions. In this Act:

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

(2) "Secretary ~~Director~~" means the Secretary ~~Director~~

of Financial and Professional Regulation.

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

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

(5) (Blank). ~~"Certificate" means the document issued by the Department authorizing the person named thereon as a certified optometrist qualified to use diagnostic topical ocular pharmaceutical agents or therapeutic ocular pharmaceutical agents.~~

(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.

(Source: P.A. 89-140, eff. 1-1-96; 89-702, eff. 7-1-97.)

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

(Section scheduled to be repealed on January 1, 2007)

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

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

The Department shall consult with the Board in promulgating



rules. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's responses and any recommendations made therein. The Department shall notify the Board in writing with explanations of deviations from the Board's recommendations and responses. The Department may solicit the advice of the Board on any matter relating to the administration and enforcement of this Act.

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

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

(Section scheduled to be repealed on January 1, 2007)

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

Members shall serve 4-year terms and until their successors are appointed and qualified. No member shall be appointed to the Board for more than 2 successive 4-year terms, not counting any partial terms when appointed to fill the unexpired portion of a vacated term. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. ~~Initial terms shall begin upon the effective date of this Act. Board members in office on that date may be appointed to specific terms as indicated herein.~~

The Board shall annually elect a chairperson and a

vice-chairperson, both of whom shall be licensed optometrists.

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

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

The Secretary ~~Director~~ may terminate the appointment of any member for cause.

The Secretary ~~Director~~ shall give due consideration to all recommendations of the Board, and in the event that the Secretary ~~Director~~ disagrees with or takes action contrary to the recommendation of the Board, he or she shall provide the Board with a written and specific explanation of this action. None of the functions, powers or duties of the Department with respect to policy matters relating to licensure, discipline, and examination, including the promulgation of such rules as may be necessary for the administration of this Act, shall be exercised by the Department except upon review of the Board.

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

(Source: P.A. 91-141, eff. 7-16-99.)

(225 ILCS 80/11.5 new)

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

Sec. 11.5. Optometric coordinator. The Secretary shall, upon consultation with the Board and with consideration of credentials and experience commensurate with the requirements of the position, select an optometric coordinator who shall not be a member of the Board. The optometric coordinator shall be an optometrist licensed to practice in Illinois and shall be

employed by the Department contractually or in conformance with the Personnel Code. The optometric coordinator shall be the chief enforcement officer of this Act.

(225 ILCS 80/12) (from Ch. 111, par. 3912)

(Section scheduled to be repealed on January 1, 2007)

Sec. 12. Applications for licenses ~~and certificates~~. Applications for original licenses ~~and certificates~~ shall be made to the Department in writing or electronically on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license ~~or certificate~~.

~~An applicant for initial licensure in Illinois shall apply for and be qualified to receive and shall maintain certification to use diagnostic and therapeutic ocular pharmaceuticals.~~

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the application fees shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Applicants who meet all other conditions for licensure and who will be practicing optometry in a residency program approved by the Board may apply for and receive a limited one year license to practice optometry as a resident in the program. The holder of a valid one-year residency license may perform those acts prescribed by and incidental to the residency license holder's program of residency training, with the same privileges and responsibilities as a fully licensed optometrist, but may not otherwise engage in the practice of optometry in this State, unless fully licensed under this Act. ~~A licensee who receives a limited license under this Section shall have the same privileges and responsibilities as a~~

~~therapeutically certified licensee.~~

The Department may revoke a one-year residency license upon proof that the residency license holder has engaged in the practice of optometry in this State outside of his or her residency program or if the residency license holder fails to supply the Department, within 10 days after its request, with information concerning his or her current status and activities in the residency program.

(Source: P.A. 91-141, eff. 7-16-99; 92-451, eff. 8-21-01.)

(225 ILCS 80/13) (from Ch. 111, par. 3913)

(Section scheduled to be repealed on January 1, 2007)

Sec. 13. Examination of applicants. The Department shall promulgate rules establishing examination requirements for applicants as optometrists. The examination shall accurately evaluate the applicant's ability to perform to the minimum standards of the practice of optometry ~~of applicants shall be of a character to give a fair test of the qualifications of the applicant to practice optometry.~~

Applicants for examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. ~~Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.~~

The Department may employ consultants for the purpose of preparing and conducting examinations.

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

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

(Section scheduled to be repealed on January 1, 2007)

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

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

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

(3) (blank); and

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

(Source: P.A. 89-387, eff. 8-20-95.)

(225 ILCS 80/15.1)

(Section scheduled to be repealed on January 1, 2007)

Sec. 15.1. Diagnostic and therapeutic authority certification.

(a) For purposes of the Act, "ocular pharmaceutical agents" means topical anesthetics, topical mydriatics, topical cycloplegics, topical miotics, topical anti-infective agents, topical anti-allergy agents, topical anti-glaucoma agents, topical anti-inflammatory agents, topical anesthetic agents, over-the-counter agents, non-narcotic oral analgesic agents, and mydriatic reversing agents when used for diagnostic or therapeutic purposes.

(b) A licensed optometrist may remove superficial foreign bodies from the human eye and adnexa and may give orders for patient care to a nurse licensed to practice under Illinois law.

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

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

(2) the use of any agent or procedure in the course of

optometric practice by an optometrist not properly authorized under this Act.

(d) The Secretary of Financial and Professional Regulation shall notify the Director of Public Health as to the categories of ocular pharmaceutical agents permitted for use by an optometrist. The Director of Public Health shall in turn notify every licensed pharmacist in the State of the categories of ocular pharmaceutical agents that can be utilized and prescribed by an optometrist. ~~Any licensed optometrist may apply to the Department, in the form the Department may prescribe, for a certificate to use diagnostic topical ocular pharmaceutical agents and the Department shall certify the applicant if:~~

~~(1) the applicant has received appropriate training and certification from a properly accredited institution of higher learning for the certificate; and~~

~~(2) the applicant has demonstrated training and competence to use diagnostic topical ocular pharmaceutical agents as required by the Board pursuant to rule or regulation approved by the Board and adopted by the Department.~~

~~A certificate to use topical ocular pharmaceutical agents for diagnostic purposes previously issued by the Department that is current and valid on the effective date of this amendatory Act of 1995 is valid until its expiration date and entitles the holder of the certificate to use diagnostic topical ocular pharmaceutical agents as provided in this Act.~~

~~(b) Any licensed optometrist may apply to the Department, in the form the Department may prescribe, for a certificate to use therapeutic ocular pharmaceutical agents and the Department shall certify the applicant if:~~

~~(1) the applicant has received a certificate to use diagnostic topical ocular pharmaceutical agents under subsection (a);~~

~~(2) the applicant has received appropriate training and certification from a properly accredited institution~~

~~of higher learning for the certificate; and~~

~~(3) the applicant has demonstrated training and competence to use therapeutic ocular pharmaceutical agents as required by the Board pursuant to rule or regulation approved by the Board and adopted by the Department.~~

~~All applicants for license renewal after January 1, 2006 must apply for and maintain certification to use therapeutic ocular pharmaceutical agents.~~

~~(c) For purposes of the Act, "diagnostic topical ocular pharmaceutical agents" means anesthetics, mydriatics, cycloplegics, and miotics used for diagnostic purposes as defined by the Board pursuant to rule approved by the Board and adopted by the Department.~~

~~(d) For the purposes of the Act, "therapeutic ocular pharmaceutical agents" means the following when used for diagnostic or therapeutic purposes: topical anti-infective agents, topical anti-allergy agents, topical anti-glaucoma agents, topical anti-inflammatory agents, topical anesthetic agents, over-the-counter agents, non-narcotic oral analgesic agents, and mydriatic-reversing agents.~~

~~(e) A licensed optometrist who is therapeutically certified may remove superficial foreign bodies from the human eye and adnexa.~~

~~(e-5) A licensed optometrist who is therapeutically certified may give orders for patient care related to the use of therapeutic ocular pharmaceutical agents to a nurse licensed to practice under Illinois law.~~

~~(f) An optometrist's certificate to use diagnostic topical ocular pharmaceutical agents shall be revoked or suspended by the Department upon recommendation of the Board based on the misuse of any diagnostic topical ocular pharmaceutical agent.~~

~~(g) An optometrist's certificate to use therapeutic ocular pharmaceutical agents shall be revoked or suspended by the Department upon recommendation of the Board based on the misuse of any therapeutic ocular pharmaceutical agent.~~

~~(h) An optometrist's license shall be revoked or suspended~~

~~by the Department upon recommendation of the Board based upon either of the following causes:~~

~~(1) grave or repeated misuse of any diagnostic or therapeutic ocular pharmaceutical agent; and~~

~~(2) the use of any agent or procedure in the course of optometric practice by an optometrist not properly certified under this Section.~~

~~(i) The provisions of Sections 26.2, 26.3, 26.5, 26.10, 26.11, 26.14, and 26.15 of this Act shall apply to all disciplinary proceedings brought under this Section.~~

~~(j) The Director may temporarily suspend a certificate to use diagnostic topical ocular pharmaceuticals or a certificate to use therapeutic ocular pharmaceuticals or a license to practice optometry, without a hearing, simultaneously with the institution of proceedings for a hearing based upon a violation of subsection (f), (g), or (h) of this Section, if the Director finds that evidence in his or her possession indicates that the continued use of diagnostic topical ocular pharmaceuticals, or therapeutic ocular pharmaceuticals, or continued practice of optometry would constitute an immediate danger to the public. In the event that the Director temporarily suspends a certificate to use diagnostic topical ocular pharmaceuticals, therapeutic ocular pharmaceuticals, or a license to practice optometry without a hearing, a hearing by the Board shall be commenced within 15 days after suspension has occurred, and concluded without appreciable delay.~~

~~(k) The Director of the Department of Professional Regulation shall notify the Director of the Department of Public Health as to the categories of ocular pharmaceutical agents permitted for use by an optometrist. The Director of the Department of Public Health shall in turn notify every licensed pharmacist in the State of the categories of ocular pharmaceutical agents that can be utilized and prescribed by an optometrist.~~

~~(l) Nothing in this Act prohibits the use of diagnostic topical ocular pharmaceutical agents or therapeutic ocular~~



~~pharmaceutical agents in the practice of optometry by optometrists certified for such use under this Section.~~

(Source: P.A. 90-73, eff. 7-8-97; 91-141, eff. 7-16-99.)

(225 ILCS 80/15.2 new)

(Section scheduled to be repealed on January 1, 2007)

Sec. 15.2. Limited optometry license. Any licensed optometrist who (i) was originally licensed under a predecessor Act prior to 1965 and (ii) was not certified to use therapeutic ocular pharmaceutical agents as of January 1, 2006, shall, upon application and payment of a non-prorated fee of \$200, be issued a limited optometry license by the Department to practice optometry until January 1, 2007, as provided for in this Section.

A limited optometry licensee may not diagnose or treat eye disease, remove foreign bodies from the eye, or use or prescribe pharmaceutical agents, but shall have all other rights and responsibilities of a licensee under this Act.

This Section is repealed on January 1, 2007.

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

(Section scheduled to be repealed on January 1, 2007)

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

All renewal applicants shall provide proof of having met the requirements of continuing education set forth in the rules of the Department. The Department shall, by rule, provide for an orderly process for the reinstatement of licenses which have not been renewed due to failure to meet the continuing education requirements. The continuing education requirement may be waived for such good cause, including but not limited to illness or hardship, as defined by rules of the Department.

The Department shall establish by rule a means for the verification of completion of the continuing education

required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

Any optometrist who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored and by paying the required fees. Such proof of fitness may include evidence certifying to active lawful practice in another jurisdiction and must include proof of the completion of the continuing education requirements specified in the rules for the preceding license renewal period ~~for the applicant's level of certification~~ that has been completed during the 2 years prior to the application for license restoration.

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

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

All licenses without "Therapeutic Certification" on March 31, 2006 shall be placed on non-renewed status and may only be renewed after the licensee meets those requirements established by the Department that may not be waived.

(Source: P.A. 92-451, eff. 8-21-01; 92-750, eff. 1-1-03.)

(225 ILCS 80/17) (from Ch. 111, par. 3917)

(Section scheduled to be repealed on January 1, 2007)

Sec. 17. Inactive status. Any optometrist who notifies the Department in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall be excused from payment of renewal fees until he or she notifies the Department in writing of his intent to restore his or her license.

Any optometrist requesting restoration from inactive status shall be required to pay the current renewal fee, to provide proof of completion of the continuing education requirements specified in the rules for the preceding license renewal period ~~for the applicant's level of certification~~ that has been completed during the 2 years prior to the application for restoration, and to restore his or her license as provided by rule of the Department. All licenses without "Therapeutic Certification" that are on inactive status as of March 31, 2006 shall be placed on non-renewed status and may only be restored after the licensee meets those requirements established by the Department that may not be waived.

Any optometrist whose license is in an inactive status shall not practice optometry in the State of Illinois.

Any licensee who shall practice while his or her license is lapsed or on inactive status shall be considered to be practicing without a license which shall be grounds for discipline under Section 24 subsection (a) of this Act.

(Source: P.A. 92-451, eff. 8-21-01.)

(225 ILCS 80/19) (from Ch. 111, par. 3919)

(Section scheduled to be repealed on January 1, 2007)

Sec. 19. Fees. The Department shall provide by rule, for a schedule of fees to be paid for licenses or certificates of registration by all applicants.

The ~~(a) Except as provided in paragraph (b) below, the fees~~

for the administration and enforcement of this Act, including but not limited to, original licensure and certification, renewal and restoration, shall be set by rule. The fees shall not be refundable.

~~(b) Applicants for examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of initial screening to determine eligibility and for providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.~~

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

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

(Section scheduled to be repealed on January 1, 2007)

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

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

2105/2105-300).

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

~~Any monies in the Optometric Examining and Disciplinary Board Fund on the effective date of this Act shall be transferred to the Optometric Licensing and Disciplinary Board Fund.~~

~~Any obligations of the Optometric Examining and Disciplinary Board Fund unpaid on the effective date of this Act shall be paid from the Optometric Licensing and Disciplinary Board Fund.~~

(Source: P.A. 91-239, eff. 1-1-00; 92-569, eff. 6-26-02.)

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

(Section scheduled to be repealed on January 1, 2007)

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

(Source: P.A. 85-896.)

(225 ILCS 80/23) (from Ch. 111, par. 3923)

(Section scheduled to be repealed on January 1, 2007)

Sec. 23. Practice by corporations. No license shall be issued by the Department to any corporation that (i) has a stated purpose that includes, or (ii) practices or holds itself out as available to practice, optometry or any of the functions described in Section 3 of the Act, ~~unless it is organized under the Professional Service Corporation Act.~~

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

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

(Section scheduled to be repealed on January 1, 2007)

Sec. 24. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed \$10,000 ~~\$5,000~~ for each violation, with regard to any license ~~or certificate~~ for any one or combination of the following causes:

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

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

(3) Making any misrepresentation for the purpose of obtaining a license ~~or certificate~~.

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

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

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

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

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

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

(10) Discipline by another U.S. jurisdiction or

foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

(11) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered. This shall not be deemed to include (i) rent or other remunerations paid to an individual, partnership, or corporation by an optometrist for the lease, rental, or use of space, owned or controlled, by the individual, partnership, corporation or association, and (ii) the division of fees between an optometrist and related professional service providers with whom the optometrist practices in a professional corporation organized under Section 3.6 of the Professional Service Corporation Act.

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

(13) Abandonment of a patient.

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

(15) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

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

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

(18) Failure to provide a patient with a copy of his or her record or prescription in accordance with federal law ~~upon the written request of the patient.~~

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

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

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

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

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

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

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

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

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

(28) Use by a licensed optometrist of the word



"infirmary", "hospital", "school", "university", in English or any other language, in connection with the place where optometry may be practiced or demonstrated.

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

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

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

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

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

(34) In the absence of good reasons to the contrary,

failure to perform a minimum eye examination as required by the rules of the Department.

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

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

(a-5) In enforcing this Section, the Board upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The Board or the Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. Eye examinations may be provided by a licensed ~~and certified therapeutic~~ optometrist. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until such time as the individual submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board shall

require such individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice, or in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual, or the Board may recommend to the Department to file a complaint to suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted pursuant to this Act, or continued, reinstated, renewed, disciplined, or supervised, subject to such conditions, terms, or restrictions, who shall fail to comply with such conditions, terms, or restrictions, shall be referred to the Secretary ~~Director~~ for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

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

(Source: P.A. 89-702, eff. 7-1-97; 90-230, eff. 1-1-98; 90-655, eff. 7-30-98; revised 12-15-05.)

(225 ILCS 80/25) (from Ch. 111, par. 3925)

(Section scheduled to be repealed on January 1, 2007)

Sec. 25. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines

imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license ~~or certificate~~ or deny the application, without hearing. If, after termination or denial, the person seeks a license ~~or certificate~~, he or she shall apply to the Department for restoration or issuance of the license ~~or certificate~~ and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license ~~or certificate~~ to pay all expenses of processing this application. The Secretary ~~Director~~ may waive the fines due under this Section in individual cases where the Secretary ~~Director~~ finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 80/26.1) (from Ch. 111, par. 3926.1)

(Section scheduled to be repealed on January 1, 2007)

Sec. 26.1. Injunctions; criminal offenses; cease and desist orders.

(a) If any person violates the provision of this Act, the Secretary ~~Director~~ may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in which the action is brought, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the Court may punish the offender for

contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person shall practice as an optometrist or hold himself or herself out as an optometrist without being licensed under the provisions of this Act then any licensed optometrist, any interested party or any person injured thereby may, in addition to the Secretary ~~Director~~, petition for relief as provided in subsection (a) of this Section.

Whoever knowingly practices or offers to practice optometry in this State without being licensed for that purpose shall be guilty of a Class A misdemeanor and for each subsequent conviction, shall be guilty of a Class 4 felony. Notwithstanding any other provision of this Act, all criminal fines, monies, or other property collected or received by the Department under this Section or any other State or federal statute, including, but not limited to, property forfeited to the Department under Section 505 of the Illinois Controlled Substances Act or Section 85 of the Methamphetamine Control and Community Protection Act, shall be deposited into the Optometric Licensing and Disciplinary Board Fund ~~Professional Regulation Evidence Fund~~.

(c) Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. 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 forthwith.

(Source: P.A. 94-556, eff. 9-11-05.)

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

(Section scheduled to be repealed on January 1, 2007)

Sec. 26.2. Investigation; notice. The Department may

investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license ~~or certificate~~, at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Board, direct him or her to file his or her written answer to the Board under oath within 20 days after the service on him or her of the notice and inform him or her that if he or she fails to file an answer default will be taken against him or her and his or her license ~~or certificate~~ may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of his or her practice, as the Department may deem proper taken with regard thereto. Such written notice may be served by personal delivery or certified delivery or certified or registered mail to the Department. In case the person fails to file an answer after receiving notice, his or her license ~~or certificate~~ may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Department may continue the hearing from time to time. At the discretion of the Secretary ~~Director~~ after having first received the recommendation of the Board, the accused person's license may be suspended, revoked, placed on probationary status, or whatever disciplinary action as the Secretary ~~Director~~ may deem

proper, including limiting the scope, nature, or extent of said person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

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

(225 ILCS 80/26.5) (from Ch. 111, par. 3926.5)

(Section scheduled to be repealed on January 1, 2007)

Sec. 26.5. Subpoena; oaths. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Secretary ~~Director~~, the hearing officer and any member of the Board designated by the Secretary ~~Director~~ shall each have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct under this Act, and any other oaths required or authorized to be administered by the Department hereunder.

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

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

(Section scheduled to be repealed on January 1, 2007)

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

The report of findings of fact, conclusions of law and recommendations of the Board shall be the basis for the Department's order. If the Secretary ~~Director~~ disagrees in any

regard with the report of the Board, the Secretary ~~Director~~ may issue an order in contravention thereof. The Secretary ~~Director~~ shall provide within 60 days of taking such action a written report to the Board on any such deviation, and shall specify with particularity the reasons for said action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

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

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

(Section scheduled to be repealed on January 1, 2007)

Sec. 26.7. Hearing officer. Notwithstanding the provisions of Section 26.6 of this Act, the Secretary ~~Director~~ shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for discipline of a license. The Secretary ~~Director~~ shall notify the Board of any such appointment. The hearing officer shall have full authority to conduct the hearing. The Board shall have the right to have at least one member present at any hearing conducted by such hearing officer. The hearing officer shall report his or her findings of fact, conclusions of law and recommendations to the Board and the Secretary ~~Director~~. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary ~~Director~~. If the Board fails to present its report within the 60 day period, the Secretary ~~Director~~ shall issue an order based on the report of the hearing officer. If the Secretary ~~Director~~ disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof. The Secretary ~~Director~~ shall provide a written explanation to the Board on any such deviation, and shall specify with particularity the reasons for such action in the final order.



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

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

(Section scheduled to be repealed on January 1, 2007)

Sec. 26.8. Service of report; rehearing; order. In any case involving the discipline of a license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial the Secretary ~~Director~~ may enter an order in accordance with this Act. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

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

(225 ILCS 80/26.9) (from Ch. 111, par. 3926.9)

(Section scheduled to be repealed on January 1, 2007)

Sec. 26.9. Substantial justice; rehearing. Whenever the Secretary ~~Director~~ is satisfied that substantial justice has not been done in the revocation, suspension or refusal to issue or renew a license, the Secretary ~~Director~~ may order a rehearing by the same or another hearing officer or by the Board.

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

(225 ILCS 80/26.10) (from Ch. 111, par. 3926.10)

(Section scheduled to be repealed on January 1, 2007)

Sec. 26.10. Order or certified copy as prima facie proof. An order or a certified copy thereof, over the seal of the

Department and purporting to be signed by the Secretary ~~Director~~, shall be prima facie proof that:

(a) the signature is the genuine signature of the Secretary ~~Director~~;

(b) the Secretary ~~Director~~ is duly appointed and qualified; and

(c) the Board and the members thereof are qualified to act.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 80/26.11) (from Ch. 111, par. 3926.11)

(Section scheduled to be repealed on January 1, 2007)

Sec. 26.11. At any time after the suspension or revocation of any license ~~or certificate~~ the Department may restore it to the accused person, unless after an investigation and a hearing, the Department determines that restoration is not in the public interest.

(Source: P.A. 85-896.)

(225 ILCS 80/26.12) (from Ch. 111, par. 3926.12)

(Section scheduled to be repealed on January 1, 2007)

Sec. 26.12. Upon the revocation or suspension of any license ~~or certificate~~, the licensee ~~or certificate holder~~ shall forthwith surrender the license to the Department and if the licensee fails to do so, the Department shall have the right to seize the license ~~or certificate~~.

(Source: P.A. 85-896.)

(225 ILCS 80/26.13) (from Ch. 111, par. 3926.13)

(Section scheduled to be repealed on January 1, 2007)

Sec. 26.13. Temporary suspension. The Secretary ~~Director~~ may temporarily suspend the license ~~or certificate~~ of an optometrist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 26.2 of this Act, if the Secretary ~~Director~~ finds that evidence in his or her possession indicates that continuation

in practice would constitute an imminent danger to the public. In the event that the Secretary ~~Director~~ suspends, temporarily, this license ~~or certificate~~ without a hearing, a hearing by the Department must be held within 30 days after such suspension has occurred, and be concluded without appreciable delay.

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

(225 ILCS 80/28) (from Ch. 111, par. 3928)

(Section scheduled to be repealed on January 1, 2007)

Sec. 28. It is declared to be the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly ~~director~~ or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act.

(Source: P.A. 85-896.)

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