



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1954

Introduced 2/15/2019, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

225 ILCS 80/3

from Ch. 111, par. 3903

225 ILCS 80/24.6 new

Amends the Illinois Optometric Practice Act of 1987. Provides that nothing in the Act prohibits an optometrist who is certified by the Department of Financial and Professional Regulation from performing advanced optometric procedures pursuant to a cooperative practice agreement if the optometrist has completed specified training requirements. Provides that an optometrist may not perform advanced optometric procedures on a patient under 18 years of age. Defines "surgery" and "advanced optometric procedures". Sets forth requirements for the cooperative practice agreement, conditions for cooperative practice, and training requirements for advanced optometric procedures. Requires the Department to develop a 12-month educational course that incorporates sufficient didactic and clinical training to develop the technical skills needed to properly perform the advanced optometric procedures. Makes other changes.

LRB101 10906 RAB 56053 b

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Optometric Practice Act of 1987 is
5 amended by changing Section 3 and by adding Section 24.6 as
6 follows:

7 (225 ILCS 80/3) (from Ch. 111, par. 3903)

8 (Section scheduled to be repealed on January 1, 2027)

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

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

1 adopted by the Department.

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

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

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

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

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

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

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

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

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

25 Nothing in this Section shall be interpreted (A) to prevent
26 a person from functioning as an assistant under the direct

1 supervision of a person licensed by the State of Illinois to
2 practice optometry or medicine in all of its branches or (B) to
3 prohibit visual screening programs that are conducted without a
4 fee (other than voluntary donations), by charitable
5 organizations acting in the public welfare under the
6 supervision of a committee composed of persons licensed by the
7 State of Illinois to practice optometry or persons licensed by
8 the State of Illinois to practice medicine in all of its
9 branches.

10 (b) When, in the course of providing optometric services to
11 any person, an optometrist licensed under this Act finds an
12 indication of a disease or condition of the eye which in his or
13 her professional judgment requires professional service
14 outside the scope of practice as defined in this Act, he or she
15 shall refer such person to a physician licensed to practice
16 medicine in all of its branches, or other appropriate health
17 care practitioner. Nothing in this Act shall preclude an
18 optometrist from rendering appropriate nonsurgical emergency
19 care.

20 (c) Nothing contained in this Section shall prohibit a
21 person from manufacturing ophthalmic lenses and prisms or the
22 fabrication of contact lenses according to the specifications
23 prescribed by an optometrist or a physician licensed to
24 practice medicine in all of its branches, but shall
25 specifically prohibit (1) the sale or delivery of ophthalmic
26 lenses, prisms, and contact lenses without a prescription

1 signed by an optometrist or a physician licensed to practice
2 medicine in all of its branches and (2) the dispensing of
3 contact lenses by anyone other than a licensed optometrist,
4 licensed pharmacist, or a physician licensed to practice
5 medicine in all of its branches. For the purposes of this Act,
6 "contact lenses" include, but are not limited to, contact
7 lenses with prescriptive power and decorative and plano power
8 contact lenses. Nothing in this Section shall prohibit the sale
9 of contact lenses by an optical firm or corporation primarily
10 engaged in manufacturing or dealing in eyeglasses or contact
11 lenses with an affiliated optometrist who practices and is
12 licensed or has an ancillary registration for the location
13 where the sale occurs.

14 (d) Nothing in this Act shall restrict the filling of a
15 prescription by a pharmacist licensed under the Pharmacy
16 Practice Act.

17 (e) Nothing in this Act shall be construed to restrict the
18 dispensing and sale by an optometrist of ocular devices, such
19 as contact lenses, that contain and deliver ocular
20 pharmaceutical agents permitted for use or prescription under
21 this Act.

22 (f) Nothing ~~On and after January 1, 2018, nothing~~ in this
23 Act shall prohibit an optometrist who is certified by ~~a school~~
24 ~~of optometry approved by~~ the Department from performing
25 advanced optometric procedures pursuant to a cooperative
26 practice agreement if the optometrist has completed the

1 ~~training requirements under Section 24.6, pursuant to~~
2 ~~educational requirements established by rule, that are~~
3 ~~consistent with the recommendations of the Collaborative~~
4 ~~Optometric/Ophthalmological Task Force created in Section 15.3~~
5 ~~of this Act and that are taught (1) at an accredited, private~~
6 ~~4 year school of optometry that is located in a city in~~
7 ~~Illinois with a population in excess of 1,500,000, or (2) at a~~
8 ~~school of optometry with a curriculum that is substantially~~
9 ~~similar to the curriculum taught at the school of optometry~~
10 ~~described in item (1) of this subsection. Advanced optometric~~
11 ~~procedures do not include the use of lasers.~~

12 (g) As used in this Act, "surgery" means any procedure
13 employed to treat diseases or conditions of the human eye and
14 adjoining tissues or structures, to correct refractive error,
15 or to alter or enhance structures of the eye or adnexa for
16 cosmetic purposes in which human tissue is cut, ablated,
17 vaporized, punctured, burned, frozen, or otherwise permanently
18 altered or penetrated by instruments, laser, ultrasound,
19 ultraviolet light, cryotherapy, electrocautery, chemicals,
20 ionizing radiation, or by other means, including placement and
21 removal of sutures, transplanting or applying human or other
22 tissue, and inserting an instrument into or placement of a
23 device into a natural opening of the body. "Surgery" does not
24 include advanced optometric procedures as defined in this Act,
25 the use of a scanning laser for purely diagnostic purposes to
26 create an image, irrigation of the lacrimal duct, insertion and

1 removal of plugs in the tear duct to treat dry eye, removal of
2 eye lashes with the use of forceps, scraping of the cornea to
3 remove dead tissue including incidental live tissue, scraping
4 external tissues including the cornea with a dull device such
5 as a swab or a spatula for the purpose of collecting a specimen
6 for culture, and shaping the cornea with an external device
7 such as a contact lens.

8 (h) Notwithstanding the provisions of subsection (g),
9 "advanced optometric procedures" includes:

10 (1) Category A: Removal of non-perforating foreign
11 bodies from the cornea no deeper than the midstroma, the
12 conjunctiva, or the eyelid; radio frequency ablation of
13 eyelashes; application of self-retaining amniotic membrane
14 on the cornea without the use of sutures; and removal of a
15 suture with approval of the surgeon who placed the suture
16 or according to a protocol established as part of a
17 co-management agreement for post-operative care. Category
18 A advanced optometric procedures may be performed by a
19 licensed optometrist with a topical anesthetic upon
20 satisfactory completion of a course of not less than 32
21 hours of instruction, and demonstration of competence, as
22 defined by rule.

23 (2) Category B: Removal of acrochordon (skin tags) in
24 the area around the eye, but not on the eyelid; debridement
25 of live corneal epithelium, excluding corneal cross
26 linking; excision, removal or destruction of chalazion;

1 excision, removal or destruction of benign, superficial
2 lesions; incision and drainage of cysts; and biopsy,
3 excluding corneal biopsy. Category B advanced optometric
4 procedures are subject to educational and collaboration
5 requirements as defined in Section 24.6.

6 "Advanced optometric procedures" does not include any
7 procedure: (1) requiring the use of general or injectable
8 anesthesia; (2) in which the globe or orbit of the eye is
9 penetrated by any means; (3) involving use of a scalpel; (4)
10 involving the use of a laser, except as provided for in
11 subsection (g); (5) involving the removal of or disturbing any
12 cancerous or neoplastic tissue, or removal of pterygium and
13 pinguecula; (6) involving injections, except as provided for in
14 Section 15.1; and (7) requiring placement or removal of
15 sutures, except as provided for in this subsection.

16 An optometrist may not perform advanced optometric
17 procedures on a patient under 18 years of age.

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

19 (225 ILCS 80/24.6 new)

20 Sec. 24.6. Cooperative practice and training requirements
21 for advanced optometric procedures.

22 (a) In this Section, "cooperating physician" means a
23 physician licensed to practice medicine in all of its branches
24 in Illinois who is certified by the American Board of
25 Ophthalmology and who practices ophthalmology in Illinois and

1 prescribes medications and performs those items listed as
2 advanced optometric procedures in the normal course of his or
3 her clinical practice.

4 (b) A written cooperative practice agreement is required
5 for any optometrist licensed to practice under this Act to
6 complete advanced optometric procedures as defined under this
7 Act.

8 When working together to provide care, an optometrist and
9 cooperating physician shall enter into a cooperative practice
10 agreement. The cooperative practice agreement shall describe
11 the working relationship of the cooperating physician and the
12 optometrist. Cooperation does not require an employment
13 relationship between the cooperating physician and
14 optometrist. Absent an employment relationship, an agreement
15 may not restrict third-party payment sources accepted by the
16 optometrist. In this subsection, "cooperative practice
17 agreement" means the relationship between a cooperating
18 physician and the optometrist with respect to the delivery of
19 advanced optometric procedures in accordance with (1) the
20 optometrist's training, education, and experience and (2)
21 cooperation and consultation as documented in a jointly
22 developed written cooperative practice agreement.

23 The cooperative practice agreement shall not be construed
24 to require the personal presence of a cooperating physician at
25 the place where services are rendered. Methods of communication
26 shall be available for cooperation and consultation with the

1 cooperating physician in person or by telecommunications in
2 accordance with established written guidelines as set forth in
3 the written agreement.

4 The cooperating physician must:

5 (1) be available to provide an appropriate level of
6 contact, communication, collaboration, and consultation
7 with the optometrist and must meet in-person or by
8 telecommunication with the optometrist at least quarterly
9 for review and consultation;

10 (2) have specific standing orders or policy guidelines
11 for procedures that are to be carried out for each location
12 or program, although the cooperating physician need not be
13 present when the procedures are being performed;

14 (3) provide for the patient's additional necessary
15 care in consultation with the optometrist;

16 (4) file agreements and notifications as required; and

17 (5) include procedures for creating and maintaining
18 patient records, including protocols for transmission of
19 all records between the optometrist and the cooperating
20 physician following each treatment, which shall include a
21 notation regarding communication between the cooperating
22 physician and the optometrist prior to performing an
23 advanced optometric procedure and the location where those
24 records are to be kept.

25 Each cooperating physician and optometrist who enters into
26 a cooperative practice agreement must document and maintain a

1 copy of any change or termination of that agreement.

2 Patient records shall be owned and maintained by both the
3 optometrist and the cooperating physician for all patients
4 treated under a cooperative practice agreement.

5 A cooperating physician entering into an agreement under
6 this subsection may enter into agreements for cooperative
7 practice with no more than 5 optometrists. Nothing shall
8 prohibit an optometrist from entering into one or more written
9 cooperative practice agreements under this Section.

10 An optometrist providing services under a written
11 cooperative practice agreement may perform only those duties as
12 defined as advanced optometric procedures under this Act under
13 a cooperative practice agreement.

14 An optometrist providing services under a cooperative
15 practice agreement must:

16 (1) provide to the patient or guardian a written plan
17 for referral or an agreement for follow-up that records all
18 conditions observed that should be called to the attention
19 of a cooperating physician for further diagnosis;

20 (2) inform each patient who may require further care by
21 a cooperating physician of that need;

22 (3) maintain an appropriate level of contact and
23 communication with the cooperating physician providing
24 supervision; and

25 (4) complete an additional training and education as
26 required under subsection (c) and receive a certification

1 from the Department that such required training has been
2 completed.

3 (c) An optometrist must complete clinical training
4 consisting of at least 10 cases with actual patients who are
5 diagnosed with the condition needing treatment for each
6 advanced optometric procedure supervised by a licensed
7 physician who meets the qualifications of a cooperating
8 physician under subsection (a).

9 In addition to the 10 supervised cases for each advanced
10 optometric procedure, the Department shall develop a 12-month
11 educational course that incorporates sufficient didactic and
12 clinical training to develop the technical skills needed to
13 properly perform the advanced optometric procedures, including
14 any complications that may arise, the knowledge to properly
15 diagnose the condition requiring use of an advanced optometric
16 procedure, and the judgment necessary to determine when an
17 advanced optometric procedure should and should not be used.
18 The education course that is developed by the Department shall
19 be provided by an accredited medical school. Instructors must
20 be physicians licensed to practice medicine in all its branches
21 in Illinois.

22 The Department shall create a certification by rule to
23 recognize the completion of the training required under this
24 Section.