



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1976

Introduced 2/17/2021, by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

225 ILCS 80/9

from Ch. 111, par. 3909

225 ILCS 80/15.4 new

Amends the Illinois Optometric Practice Act of 1987. Provides that an optometrist licensed under the Act may practice optometry through telehealth as authorized by the Act and the Telehealth Act. Provides that an optometrist treating a patient located in Illinois through telehealth must be licensed under the Act. Provides that 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. Provides that an optometrist may not provide telehealth services unless the optometrist has established a provider-patient relationship with the patient. Provides that an optometrist treating a patient through telehealth must perform a minimum eye examination as required by the Illinois Administrative Code before prescribing eyeglasses or contact lenses to the patient. Provides that if the Department of Financial and Professional Regulation has reason to believe that a person has violated the provisions of the Act, it may issue a rule to show cause why an order to cease and desist should not be entered against that person. Provides that 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. Provides that failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately. Defines terms.

LRB102 04380 SPS 14398 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 9 and by adding Section 15.4 as
6 follows:

7 (225 ILCS 80/9) (from Ch. 111, par. 3909)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 9. Definitions. In this Act:

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

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

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

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

19 (5) (Blank).

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

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

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

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

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

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

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

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

15 (225 ILCS 80/15.4 new)

16 Sec. 15.4. Telehealth.

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

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

3 (b) An optometrist may practice optometry through
4 telehealth as authorized by this Act and the Telehealth Act.

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

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

11 (e) An optometrist may not provide telehealth services
12 unless the optometrist has established a provider-patient
13 relationship with the patient. In this subsection,
14 "provider-patient relationship" means a relationship in which
15 the optometrist has provided services to the patient at an
16 in-person consultation no more than 3 years prior to the date
17 on which telehealth services are provided. An in-person
18 consultation is not required for new conditions relating to a
19 patient with whom the optometrist has a provider-patient
20 relationship unless the optometrist deems an in-person
21 consultation is necessary to provide appropriate care.

22 (f) An optometrist treating a patient through telehealth
23 must perform a minimum eye examination as required by 68 Ill.
24 Adm. Code 1320.90 before prescribing eyeglasses or contact
25 lenses to the patient. Nothing in this Section authorizes an
26 eye examination that: (i) does not assess the ocular health

1 and visual status of a patient, or (ii) consists solely of
2 objective refractive data or information generated by an
3 automated testing device, including an autorefractor, in order
4 to establish a medical diagnosis or to determine a refractive
5 error.

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

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