

# HB5066



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5066

by Rep. Angelo Saviano

#### SYNOPSIS AS INTRODUCED:

225 ILCS 80/3

from Ch. 111, par. 3903

Amends the Illinois Optometric Practice Act of 1987. Provides that nothing in the Act shall be construed to restrict the dispensing and sale by an optometrist of ocular devices, such as contact lenses, that contain and deliver ocular pharmaceutical agents permitted for use or prescription under the Act.

LRB095 19552 RAS 45875 b

A BILL FOR

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 as follows:

6 (225 ILCS 80/3) (from Ch. 111, par. 3903)

7 (Section scheduled to be repealed on January 1, 2017)

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

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

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

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

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

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

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

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

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

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

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

24 Nothing in this Section shall be interpreted (i) to prevent  
25 a person from functioning as an assistant under the direct  
26 supervision of a person licensed by the State of Illinois to

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

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

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

1 medicine in all of its branches.

2 (d) Nothing in this Act shall restrict the filling of a  
3 prescription by a pharmacist licensed under the Pharmacy  
4 Practice Act.

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

10 (Source: P.A. 94-787, eff. 5-19-06; 95-689, eff. 10-29-07.)