

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7 (Section scheduled to be repealed on January 1, 2017)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. Notwithstanding any other rulemaking authority that
10 may exist, neither the Governor nor any agency or agency head
11 under the jurisdiction of the Governor has any authority to
12 make or promulgate rules to implement or enforce the provisions
13 of this amendatory Act of the 95th General Assembly. If,
14 however, the Governor believes that rules are necessary to
15 implement or enforce the provisions of this amendatory Act of
16 the 95th General Assembly, the Governor may suggest rules to
17 the General Assembly by filing them with the Clerk of the House
18 and the Secretary of the Senate and by requesting that the
19 General Assembly authorize such rulemaking by law, enact those
20 suggested rules into law, or take any other appropriate action
21 in the General Assembly's discretion. Nothing contained in this
22 amendatory Act of the 95th General Assembly shall be
23 interpreted to grant rulemaking authority under any other
24 Illinois statute where such authority is not otherwise
25 explicitly given. For the purposes of this amendatory Act of
26 the 95th General Assembly, "rules" is given the meaning

1 contained in Section 1-70 of the Illinois Administrative
2 Procedure Act, and "agency" and "agency head" are given the
3 meanings contained in Sections 1-20 and 1-25 of the Illinois
4 Administrative Procedure Act to the extent that such
5 definitions apply to agencies or agency heads under the
6 jurisdiction of the Governor.

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