

1 AN ACT concerning professional 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 Sections 7, 11, and 16 and by adding
6 Section 24.1 as follows:

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

8 (Section scheduled to be repealed on January 1, 2017)

9 Sec. 7. Additional practice locations ~~licenses~~. Every
10 holder of a license under this Act shall report to the
11 Department every additional location where the licensee
12 engages in the practice of optometry. Such reports shall be
13 made prior to practicing at the location and shall be done in a
14 manner prescribed by the Department. Failure to report a
15 practice location or to maintain evidence of such a report at
16 the practice location shall be a violation of this Act and
17 shall be considered the unlicensed practice of optometry.
18 Registering a location where a licensee does not practice shall
19 also be a violation of this Act. ~~Upon proper application and~~
20 ~~payment of the prescribed fee, additional licenses may be~~
21 ~~issued to active practitioners who are engaged in the practice~~
22 ~~of optometry at more than one address. A license must be~~
23 ~~displayed at each location where the licensee engages in the~~

1 ~~practice of optometry.~~ Nothing contained herein, however,
2 shall be construed to require a licensed optometrist in active
3 practice to report a location to the Department when ~~obtain an~~
4 ~~additional license for the purpose of~~ serving on the staff of a
5 hospital or an institution that receives no fees (other than
6 entrance registration fees) for the services rendered by the
7 optometrist and for which the optometrist receives no fees or
8 compensation directly or indirectly for such services
9 rendered. Nothing contained herein shall be construed to
10 require a licensed optometrist to report a location to the
11 Department when ~~obtain an additional license for the purpose of~~
12 rendering necessary optometric services for his or her patients
13 confined to their homes, hospitals or institutions, or to act
14 in an advisory capacity, with or without remuneration, in any
15 industry, school or institution.

16 (Source: P.A. 94-787, eff. 5-19-06.)

17 (225 ILCS 80/11) (from Ch. 111, par. 3911)

18 (Section scheduled to be repealed on January 1, 2017)

19 Sec. 11. Optometric Licensing and Disciplinary Board. The
20 Secretary shall appoint an Illinois Optometric Licensing and
21 Disciplinary Board as follows: Seven persons who shall be
22 appointed by and shall serve in an advisory capacity to the
23 Secretary. Five members must be lawfully and actively engaged
24 in the practice of optometry in this State, one member shall be
25 a licensed optometrist, with a full-time faculty appointment

1 with the Illinois College of Optometry, and one member must be
2 a member of the public who shall be a voting member and is not
3 licensed under this Act, or a similar Act of another
4 jurisdiction, or have any connection with the profession.
5 Neither the public member nor the faculty member shall
6 participate in the preparation or administration of the
7 examination of applicants for licensure, ~~or certification.~~

8 Members shall serve 4-year terms and until their successors
9 are appointed and qualified. No member shall be appointed to
10 the Board for more than 2 successive 4-year terms, not counting
11 any partial terms when appointed to fill the unexpired portion
12 of a vacated term. Appointments to fill vacancies shall be made
13 in the same manner as original appointments, for the unexpired
14 portion of the vacated term.

15 The Board shall annually elect a chairperson and a
16 vice-chairperson, both of whom shall be licensed optometrists.

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

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

23 The Secretary may terminate the appointment of any member
24 for cause.

25 The Secretary shall give due consideration to all
26 recommendations of the Board, and in the event that the

1 Secretary disagrees with or takes action contrary to the
2 recommendation of the Board, he or she shall provide the Board
3 with a written and specific explanation of this action. None of
4 the functions, powers or duties of the Department with respect
5 to policy matters relating to licensure, discipline, and
6 examination, including the promulgation of such rules as may be
7 necessary for the administration of this Act, shall be
8 exercised by the Department except upon review of the Board.

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

15 (Source: P.A. 94-787, eff. 5-19-06.)

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

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

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

22 All renewal applicants shall provide proof of having met
23 the requirements of continuing education set forth in the rules
24 of the Department. The Department shall, by rule, provide for
25 an orderly process for the reinstatement of licenses which have

1 not been renewed due to failure to meet the continuing
2 education requirements. The continuing education requirement
3 may be waived for such good cause, including but not limited to
4 illness or hardship, as defined by rules of the Department.

5 The Department shall establish by rule a means for the
6 verification of completion of the continuing education
7 required by this Section. This verification may be accomplished
8 through audits of records maintained by registrants; by
9 requiring the filing of continuing education certificates with
10 the Department; or by other means established by the
11 Department.

12 Any licensee seeking renewal of his or her license during
13 the renewal cycle beginning April 1, 2008 must first complete a
14 tested educational course in the use of oral pharmaceutical
15 agents for the management of ocular conditions, as approved by
16 the Board.

17 Any optometrist who has permitted his or her license to
18 expire or who has had his or her license on inactive status may
19 have his or her license restored by making application to the
20 Department and filing proof acceptable to the Department of his
21 or her fitness to have his or her license restored and by
22 paying the required fees. Such proof of fitness may include
23 evidence certifying to active lawful practice in another
24 jurisdiction and must include proof of the completion of the
25 continuing education requirements specified in the rules for
26 the preceding license renewal period that has been completed

1 during the 2 years prior to the application for license
2 restoration.

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

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

18 All licenses without "Therapeutic Certification" on March
19 31, 2006 shall be placed on non-renewed status and may only be
20 renewed after the licensee meets those requirements
21 established by the Department that may not be waived. All
22 licensees on March 31, 2010 without a certification of
23 completion of an oral pharmaceutical course as required by this
24 Section shall be placed on non-renewed status and may only be
25 renewed after the licensee meets those requirements
26 established by the Department that may not be waived.

1 (Source: P.A. 94-787, eff. 5-19-06; 95-242, eff. 1-1-08.)

2 (225 ILCS 80/24.1 new)

3 Sec. 24.1. Expungement of disciplinary offenses. Any
4 licensee disciplined under this Act for an offense relating to
5 the failure to complete continuing education requirements, the
6 failure to have an ancillary license, or the failure to report
7 a practice location may apply to the Department to have the
8 offense expunged from the licensee's disciplinary record. An
9 application for expungement shall only be considered by the
10 Department if the application is submitted more than 6 years
11 after the disciplinary offense occurred and the licensee has
12 not been disciplined for another offense under this Act since
13 the disciplinary offense occurred. Requests for expungement
14 shall be submitted to and considered by the Illinois Licensing
15 and Disciplinary Board in accordance with requirements that the
16 Department shall set by rule.

17 (225 ILCS 80/15.2 rep.)

18 Section 10. The Illinois Optometric Practice Act of 1987 is
19 amended by repealing Section 15.2.