

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 Sections 3 and 9 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7 (Section scheduled to be repealed on January 1, 2017)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 (1) 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 and (2) the dispensing of
2 contact lenses by anyone other than a licensed optometrist,
3 licensed pharmacist, or a physician licensed to practice
4 medicine in all of its branches. For the purposes of this Act,
5 "contact lenses" include, but are not limited to, contact
6 lenses with prescriptive power and decorative and plano power
7 contact lenses. Nothing in this Section shall prohibit the sale
8 of contact lenses by an optical firm or corporation primarily
9 engaged in manufacturing or dealing in eyeglasses or contact
10 lenses with an affiliated optometrist who practices and is
11 licensed or has an ancillary registration for the location
12 where the sale occurs.

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

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

21 (Source: P.A. 95-689, eff. 10-29-07; 96-461, eff. 1-1-10.)

22 (225 ILCS 80/9) (from Ch. 111, par. 3909)

23 (Section scheduled to be repealed on January 1, 2017)

24 Sec. 9. Definitions. In this Act:

25 (1) "Department" means the Department of Financial and

1 Professional Regulation.

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

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

6 (4) "License" means the document issued by the
7 Department authorizing the person named thereon to
8 practice optometry.

9 (5) (Blank).

10 (6) "Direct supervision" means supervision of any
11 person assisting an optometrist, requiring that the
12 optometrist authorize the procedure, remain in the
13 facility while the procedure is performed, approve the work
14 performed by the person assisting before dismissal of the
15 patient, but does not mean that the optometrist must be
16 present with the patient, during the procedure. For the
17 dispensing of contact lenses, "direct supervision" means
18 that the optometrist is responsible for training the person
19 assisting the optometrist in the dispensing or sale of
20 contact lenses, but does not mean that the optometrist must
21 be present in the facility where he or she practices under
22 a license or ancillary registration at the time the
23 contacts are dispensed or sold.

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.