



Sen. Michael W. Frerichs

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09800SB2218sam001

LRB098 07840 MGM 43605 a

1 AMENDMENT TO SENATE BILL 2218

2 AMENDMENT NO. _____. Amend Senate Bill 2218 by replacing
3 everything after the enacting clause with the following:

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7 (Section scheduled to be repealed on January 1, 2017)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

1 dispensing, or management of contact lenses; vision therapy;
2 visual rehabilitation; or any other procedures taught in
3 schools and colleges of optometry approved by the Department,
4 and not specifically restricted in this Act, subject to
5 demonstrated competency and training as required by the Board,
6 and pursuant to rule or regulation approved by the Board and
7 adopted by the Department.

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

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

12 (2) Performs refractions or employs any other
13 determinants of visual function.

14 (3) Employs any means for the adaptation of lenses or
15 prisms.

16 (4) Prescribes corrective lenses, prisms, vision
17 therapy, visual rehabilitation, or ocular pharmaceutical
18 agents.

19 (5) Prescribes or manages contact lenses for
20 refractive, cosmetic, or therapeutic purposes.

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

23 (7) Diagnoses or treats any ocular abnormality,
24 disease, or visual or muscular anomaly of the human eye or
25 visual system.

26 (8) Practices, or offers or attempts to practice,

1 optometry as defined in this Act either on his or her own
2 behalf or as an employee of a person, firm, or corporation,
3 whether under the supervision of his or her employer or
4 not.

5 Nothing in this Section shall be interpreted (i) to prevent
6 a person from functioning as an assistant under the direct
7 supervision of a person licensed by the State of Illinois to
8 practice optometry or medicine in all of its branches or (ii)
9 to prohibit visual screening programs that are conducted
10 without a fee (other than voluntary donations), by charitable
11 organizations acting in the public welfare under the
12 supervision of a committee composed of persons licensed by the
13 State of Illinois to practice optometry or persons licensed by
14 the State of Illinois to practice medicine in all of its
15 branches.

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

26 (c) Nothing contained in this Section shall prohibit a

1 person from manufacturing ophthalmic lenses and prisms or the
2 fabrication of contact lenses according to the specifications
3 prescribed by an optometrist or a physician licensed to
4 practice medicine in all of its branches, but shall
5 specifically prohibit (1) the sale or delivery of ophthalmic
6 lenses, prisms, and contact lenses without a prescription
7 signed by an optometrist or a physician licensed to practice
8 medicine in all of its branches and (2) the dispensing of
9 contact lenses by anyone other than a licensed optometrist,
10 licensed pharmacist, or a physician licensed to practice
11 medicine in all of its branches. For the purposes of this Act,
12 "contact lenses" include, but are not limited to, contact
13 lenses with prescriptive power and decorative and plano power
14 contact lenses. Nothing in this Section shall prohibit the sale
15 of contact lenses by an optical firm or corporation primarily
16 engaged in manufacturing or dealing in eyeglasses or contact
17 lenses with an affiliated optometrist who practices and is
18 licensed or has an ancillary registration for the location
19 where the sale occurs.

20 (d) Nothing in this Act shall restrict the filling of a
21 prescription by a pharmacist licensed under the Pharmacy
22 Practice Act.

23 (e) Nothing in this Act shall be construed to restrict the
24 dispensing and sale by an optometrist of ocular devices, such
25 as contact lenses, that contain and deliver ocular
26 pharmaceutical agents permitted for use or prescription under

1 this Act.

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

3 (225 ILCS 80/9) (from Ch. 111, par. 3909)

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

5 Sec. 9. Definitions. In this Act:

6 (1) "Department" means the Department of Financial and
7 Professional Regulation.

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

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

12 (4) "License" means the document issued by the
13 Department authorizing the person named thereon to
14 practice optometry.

15 (5) (Blank).

16 (6) "Direct supervision" means supervision of any
17 person assisting an optometrist, requiring that the
18 optometrist authorize the procedure, remain in the
19 facility while the procedure is performed, approve the work
20 performed by the person assisting before dismissal of the
21 patient, but does not mean that the optometrist must be
22 present with the patient, during the procedure. For the
23 dispensing of contact lenses, "direct supervision" means
24 that the optometrist is responsible for training the person
25 assisting the optometrist in the dispensing or sale of

1 contact lenses, but does not mean that the optometrist must
2 be present in the facility where he or she practices under
3 a license or ancillary registration at the time the
4 contacts are dispensed or sold.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".