



Sen. Jennifer Bertino-Tarrant

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1 AMENDMENT TO SENATE BILL 1504

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1504 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 12, 22, and 24 as follows:

6 (225 ILCS 80/12) (from Ch. 111, par. 3912)

7 (Section scheduled to be repealed on January 1, 2017)

8 Sec. 12. Applications for licenses. Applications for  
9 original licenses shall be made to the Department in writing or  
10 electronically on forms prescribed by the Department and shall  
11 be accompanied by the required fee, which shall not be  
12 refundable. Any such application shall require such  
13 information as in the judgment of the Department will enable  
14 the Department to pass on the qualifications of the applicant  
15 for a license.

16 Applicants have 3 years from the date of application to

1 complete the application process. If the process has not been  
2 completed within 3 years, the application shall be denied, the  
3 application fees shall be forfeited, and the applicant must  
4 reapply and meet the requirements in effect at the time of  
5 reapplication.

6 ~~Applicants who meet all other conditions for licensure and~~  
7 ~~who will be practicing optometry in a residency program~~  
8 ~~approved by the Board may apply for and receive a limited one~~  
9 ~~year license to practice optometry as a resident in the~~  
10 ~~program. The holder of a valid one-year residency license may~~  
11 ~~perform those acts prescribed by and incidental to the~~  
12 ~~residency license holder's program of residency training, with~~  
13 ~~the same privileges and responsibilities as a fully licensed~~  
14 ~~optometrist, but may not otherwise engage in the practice of~~  
15 ~~optometry in this State, unless fully licensed under this Act.~~

16 ~~The Department may revoke a one year residency license upon~~  
17 ~~proof that the residency license holder has engaged in the~~  
18 ~~practice of optometry in this State outside of his or her~~  
19 ~~residency program or if the residency license holder fails to~~  
20 ~~supply the Department, within 10 days after its request, with~~  
21 ~~information concerning his or her current status and activities~~  
22 ~~in the residency program.~~

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

24 (225 ILCS 80/22) (from Ch. 111, par. 3922)

25 (Section scheduled to be repealed on January 1, 2017)

1           Sec. 22. Any person licensed under this Act may advertise  
2 the availability of professional services in the public media  
3 or on the premises where such professional services are  
4 rendered provided that such advertising is truthful and not  
5 misleading and is in conformity with rules promulgated by the  
6 Department.

7           It is unlawful for any person licensed under this Act to  
8 use ~~testimonials or~~ claims of superior quality of care to  
9 entice the public.

10          (Source: P.A. 92-451, eff. 8-21-01.)

11           (225 ILCS 80/24) (from Ch. 111, par. 3924)

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

13           Sec. 24. Grounds for disciplinary action.

14           (a) The Department may refuse to issue or to renew, or may  
15 revoke, suspend, place on probation, reprimand or take other  
16 disciplinary or non-disciplinary action as the Department may  
17 deem appropriate, including fines not to exceed \$10,000 for  
18 each violation, with regard to any license for any one or  
19 combination of the causes set forth in subsection (a-3) of this  
20 Section. All fines collected under this Section shall be  
21 deposited in the Optometric Licensing and Disciplinary Board  
22 Fund.

23           (a-3) Grounds for disciplinary action include the  
24 following:

25           (1) Violations of this Act, or of the rules promulgated

1 hereunder.

2 (2) Conviction of or entry of a plea of guilty to any  
3 crime under the laws of any U.S. jurisdiction thereof that  
4 is a felony or that is a misdemeanor of which an essential  
5 element is dishonesty, or any crime that is directly  
6 related to the practice of the profession.

7 (3) Making any misrepresentation for the purpose of  
8 obtaining a license.

9 (4) Professional incompetence or gross negligence in  
10 the practice of optometry.

11 (5) Gross malpractice, prima facie evidence of which  
12 may be a conviction or judgment of malpractice in any court  
13 of competent jurisdiction.

14 (6) Aiding or assisting another person in violating any  
15 provision of this Act or rules.

16 (7) Failing, within 60 days, to provide information in  
17 response to a written request made by the Department that  
18 has been sent by certified or registered mail to the  
19 licensee's last known address.

20 (8) Engaging in dishonorable, unethical, or  
21 unprofessional conduct of a character likely to deceive,  
22 defraud, or harm the public.

23 (9) Habitual or excessive use or addiction to alcohol,  
24 narcotics, stimulants or any other chemical agent or drug  
25 that results in the inability to practice with reasonable  
26 judgment, skill, or safety.

1           (10) Discipline by another U.S. jurisdiction or  
2 foreign nation, if at least one of the grounds for the  
3 discipline is the same or substantially equivalent to those  
4 set forth herein.

5           (11) Violation of the prohibition against fee  
6 splitting in Section 24.2 of this Act.

7           (12) A finding by the Department that the licensee,  
8 after having his or her license placed on probationary  
9 status has violated the terms of probation.

10          (13) Abandonment of a patient.

11          (14) Willfully making or filing false records or  
12 reports in his or her practice, including but not limited  
13 to false records filed with State agencies or departments.

14          (15) Willfully failing to report an instance of  
15 suspected abuse or neglect as required by law.

16          (16) Physical illness, including but not limited to,  
17 deterioration through the aging process, or loss of motor  
18 skill, mental illness, or disability that results in the  
19 inability to practice the profession with reasonable  
20 judgment, skill, or safety.

21          (17) Solicitation of professional services other than  
22 permitted advertising.

23          (18) Failure to provide a patient with a copy of his or  
24 her record or prescription in accordance with federal law.

25          (19) Conviction by any court of competent  
26 jurisdiction, either within or without this State, of any

1 violation of any law governing the practice of optometry,  
2 conviction in this or another State of any crime that is a  
3 felony under the laws of this State or conviction of a  
4 felony in a federal court, if the Department determines,  
5 after investigation, that such person has not been  
6 sufficiently rehabilitated to warrant the public trust.

7 (20) A finding that licensure has been applied for or  
8 obtained by fraudulent means.

9 (21) Continued practice by a person knowingly having an  
10 infectious or contagious disease.

11 (22) Being named as a perpetrator in an indicated  
12 report by the Department of Children and Family Services  
13 under the Abused and Neglected Child Reporting Act, and  
14 upon proof by clear and convincing evidence that the  
15 licensee has caused a child to be an abused child or a  
16 neglected child as defined in the Abused and Neglected  
17 Child Reporting Act.

18 (23) Practicing or attempting to practice under a name  
19 other than the full name as shown on his or her license.

20 (24) Immoral conduct in the commission of any act, such  
21 as sexual abuse, sexual misconduct or sexual exploitation,  
22 related to the licensee's practice.

23 (25) Maintaining a professional relationship with any  
24 person, firm, or corporation when the optometrist knows, or  
25 should know, that such person, firm, or corporation is  
26 violating this Act.

1           (26) Promotion of the sale of drugs, devices,  
2 appliances or goods provided for a client or patient in  
3 such manner as to exploit the patient or client for  
4 financial gain of the licensee.

5           (27) Using the title "Doctor" or its abbreviation  
6 without further qualifying that title or abbreviation with  
7 the word "optometry" or "optometrist".

8           (28) Use by a licensed optometrist of the word  
9 "infirmary", "hospital", "school", "university", in  
10 English or any other language, in connection with the place  
11 where optometry may be practiced or demonstrated unless the  
12 licensee is employed by and practicing at a location that  
13 is licensed as a hospital or accredited as a school or  
14 university.

15           (29) Continuance of an optometrist in the employ of any  
16 person, firm or corporation, or as an assistant to any  
17 optometrist or optometrists, directly or indirectly, after  
18 his or her employer or superior has been found guilty of  
19 violating or has been enjoined from violating the laws of  
20 the State of Illinois relating to the practice of  
21 optometry, when the employer or superior persists in that  
22 violation.

23           (30) The performance of optometric service in  
24 conjunction with a scheme or plan with another person, firm  
25 or corporation known to be advertising in a manner contrary  
26 to this Act or otherwise violating the laws of the State of

1 Illinois concerning the practice of optometry.

2 (31) Failure to provide satisfactory proof of having  
3 participated in approved continuing education programs as  
4 determined by the Board and approved by the Secretary.  
5 Exceptions for extreme hardships are to be defined by the  
6 rules of the Department.

7 (32) Willfully making or filing false records or  
8 reports in the practice of optometry, including, but not  
9 limited to false records to support claims against the  
10 medical assistance program of the Department of Healthcare  
11 and Family Services (formerly Department of Public Aid)  
12 under the Illinois Public Aid Code.

13 (33) Gross and willful overcharging for professional  
14 services including filing false statements for collection  
15 of fees for which services are not rendered, including, but  
16 not limited to filing false statements for collection of  
17 monies for services not rendered from the medical  
18 assistance program of the Department of Healthcare and  
19 Family Services (formerly Department of Public Aid) under  
20 the Illinois Public Aid Code.

21 (34) In the absence of good reasons to the contrary,  
22 failure to perform a minimum eye examination as required by  
23 the rules of the Department.

24 (35) Violation of the Health Care Worker Self-Referral  
25 Act.

26 The Department may refuse to issue or may suspend the



1 license of any person who fails to file a return, or to pay the  
2 tax, penalty or interest shown in a filed return, or to pay any  
3 final assessment of the tax, penalty or interest, as required  
4 by any tax Act administered by the Illinois Department of  
5 Revenue, until such time as the requirements of any such tax  
6 Act are satisfied.

7 (a-5) In enforcing this Section, the Board upon a showing  
8 of a possible violation, may compel any individual licensed to  
9 practice under this Act, or who has applied for licensure or  
10 certification pursuant to this Act, to submit to a mental or  
11 physical examination, or both, as required by and at the  
12 expense of the Department. The examining physicians or clinical  
13 psychologists shall be those specifically designated by the  
14 Board. The Board or the Department may order the examining  
15 physician or clinical psychologist to present testimony  
16 concerning this mental or physical examination of the licensee  
17 or applicant. No information shall be excluded by reason of any  
18 common law or statutory privilege relating to communications  
19 between the licensee or applicant and the examining physician  
20 or clinical psychologist. Eye examinations may be provided by a  
21 licensed optometrist. The individual to be examined may have,  
22 at his or her own expense, another physician of his or her  
23 choice present during all aspects of the examination. Failure  
24 of any individual to submit to a mental or physical  
25 examination, when directed, shall be grounds for suspension of  
26 a license until such time as the individual submits to the

1 examination if the Board finds, after notice and hearing, that  
2 the refusal to submit to the examination was without reasonable  
3 cause.

4 If the Board finds an individual unable to practice because  
5 of the reasons set forth in this Section, the Board shall  
6 require such individual to submit to care, counseling, or  
7 treatment by physicians or clinical psychologists approved or  
8 designated by the Board, as a condition, term, or restriction  
9 for continued, reinstated, or renewed licensure to practice, or  
10 in lieu of care, counseling, or treatment, the Board may  
11 recommend to the Department to file a complaint to immediately  
12 suspend, revoke, or otherwise discipline the license of the  
13 individual, or the Board may recommend to the Department to  
14 file a complaint to suspend, revoke, or otherwise discipline  
15 the license of the individual. Any individual whose license was  
16 granted pursuant to this Act, or continued, reinstated,  
17 renewed, disciplined, or supervised, subject to such  
18 conditions, terms, or restrictions, who shall fail to comply  
19 with such conditions, terms, or restrictions, shall be referred  
20 to the Secretary for a determination as to whether the  
21 individual shall have his or her license suspended immediately,  
22 pending a hearing by the Board.

23 (b) The determination by a circuit court that a licensee is  
24 subject to involuntary admission or judicial admission as  
25 provided in the Mental Health and Developmental Disabilities  
26 Code operates as an automatic suspension. The suspension will

1 end only upon a finding by a court that the patient is no  
2 longer subject to involuntary admission or judicial admission  
3 and issues an order so finding and discharging the patient; and  
4 upon the recommendation of the Board to the Secretary that the  
5 licensee be allowed to resume his or her practice.

6 (Source: P.A. 96-378, eff. 1-1-10; 96-608, eff. 8-24-09;  
7 96-1000, eff. 7-2-10; 97-1028, eff. 1-1-13.)".