



Sen. Pamela J. Althoff

**Filed: 4/19/2016**

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LRB099 20425 SMS 47724 a

1 AMENDMENT TO SENATE BILL 2899

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2899 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.27 and adding 4.37 as follows:

6 (5 ILCS 80/4.27)

7 Sec. 4.27. Acts repealed on January 1, 2017. The following  
8 are repealed on January 1, 2017:

9 ~~The Illinois Optometric Practice Act of 1987.~~

10 The Clinical Psychologist Licensing Act.

11 The Boiler and Pressure Vessel Repairer Regulation Act.

12 Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI,  
13 XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

14 (Source: P.A. 99-78, eff. 7-20-15.)

15 (5 ILCS 80/4.37 new)

1           Sec. 4.37. Act repealed on January 1, 2027. The following  
2 Act is repealed on January 1, 2027:

3           The Optometric Practice Act of 1984.

4           Section 10. The Illinois Optometric Practice Act of 1987 is  
5 amended by changing the title of the Act and Sections 3, 9, 10,  
6 11, 14, 15.1, 18, 20, 21, 24, 26.2, 26.6, 26.7, 26.8, 26.15,  
7 and 27 and by adding Sections 9.5 and 30 as follows:

8           (225 ILCS 80/3) (from Ch. 111, par. 3903)

9           (Section scheduled to be repealed on January 1, 2017)

10          Sec. 3. Practice of optometry defined; referrals;  
11 manufacture of lenses and prisms.

12          (a) The practice of optometry is defined as the employment  
13 of any and all means for the examination, diagnosis, and  
14 treatment of the human visual system, the human eye, and its  
15 appendages without the use of surgery, including, but not  
16 limited to: the appropriate use of ocular pharmaceutical  
17 agents; refraction and other determinants of visual function;  
18 prescribing corrective lenses or prisms; prescribing,  
19 dispensing, or management of contact lenses; vision therapy;  
20 visual rehabilitation; or any other procedures taught in  
21 schools and colleges of optometry approved by the Department,  
22 and not specifically restricted in this Act, subject to  
23 demonstrated competency and training as required by the Board,  
24 and pursuant to rule or regulation approved by the Board and

1 adopted by the Department.

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

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

6 (2) Performs refractions or employs any other  
7 determinants of visual function.

8 (3) Employs any means for the adaptation of lenses or  
9 prisms.

10 (4) Prescribes corrective lenses, prisms, vision  
11 therapy, visual rehabilitation, or ocular pharmaceutical  
12 agents.

13 (5) Prescribes or manages contact lenses for  
14 refractive, cosmetic, or therapeutic purposes.

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

17 (7) Diagnoses or treats any ocular abnormality,  
18 disease, or visual or muscular anomaly of the human eye or  
19 visual system.

20 (8) Practices, or offers or attempts to practice,  
21 optometry as defined in this Act either on his or her own  
22 behalf or as an employee of a person, firm, or corporation,  
23 whether under the supervision of his or her employer or  
24 not.

25 Nothing in this Section shall be interpreted (A) ~~(i)~~ to  
26 prevent a person from functioning as an assistant under the

1 direct supervision of a person licensed by the State of  
2 Illinois to practice optometry or medicine in all of its  
3 branches or (B) ~~(ii)~~ to prohibit visual screening programs that  
4 are conducted without a fee (other than voluntary donations),  
5 by charitable organizations acting in the public welfare under  
6 the supervision of a committee composed of persons licensed by  
7 the State of Illinois to practice optometry or persons licensed  
8 by the State of Illinois to practice medicine in all of its  
9 branches.

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

20 (c) Nothing contained in this Section shall prohibit a  
21 person from manufacturing ophthalmic lenses and prisms or the  
22 fabrication of contact lenses according to the specifications  
23 prescribed by an optometrist or a physician licensed to  
24 practice medicine in all of its branches, but shall  
25 specifically prohibit (1) the sale or delivery of ophthalmic  
26 lenses, prisms, and contact lenses without a prescription

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

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

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

22 (f) Nothing in this Act shall prohibit an optometrist from:  
23 (1) the probing, dilation, and irrigation of the lacrimal ducts  
24 or insertion and removal of lacrimal plugs; (2) removal of a  
25 superficial foreign body; (3) suture removal; (4) removal of  
26 eyelashes; (5) removal, destruction, or drainage of

1 superficial lesions and conjunctival cysts, including  
2 chalazion; (6) corneal debridement, culture, scrape, or  
3 anterior puncture, not including removal of pterygium, corneal  
4 biopsy, or corneal neoplasias; and (7) corneal shaping with  
5 external devices, such as contact lenses.

6 Removal, destruction, or drainage of superficial lesions  
7 and conjunctival cysts and corneal debridement, culture,  
8 scrape, or anterior puncture are only permitted by an  
9 optometrist who meets the educational requirements established  
10 by the Department in rule, which shall include both clinical  
11 training and didactic education.

12 (Source: P.A. 98-186, eff. 8-5-13.)

13 (225 ILCS 80/9) (from Ch. 111, par. 3909)

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

15 Sec. 9. Definitions. In this Act:

16 (1) "Department" means the Department of Financial and  
17 Professional Regulation.

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

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

22 (4) "License" means the document issued by the  
23 Department authorizing the person named thereon to  
24 practice optometry.

25 (5) (Blank).

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

15          (7) "Address of record" means the designated address  
16          recorded by the Department in the applicant's application  
17          file or the licensee's license file maintained by the  
18          Department's licensure maintenance unit.

19          (Source: P.A. 98-186, eff. 8-5-13.)

20          (225 ILCS 80/9.5 new)

21          Sec. 9.5. Change of address. It is the duty of the  
22          applicant or licensee to inform the Department of any change of  
23          address within 14 days after such change either through the  
24          Department's website or by contacting the Department's  
25          licensure maintenance unit.

1 (225 ILCS 80/10) (from Ch. 111, par. 3910)

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

3 Sec. 10. Powers and duties of Department; rules; report.

4 The Department shall exercise the powers and duties prescribed  
5 by the Civil Administrative Code of Illinois for the  
6 administration of Licensing Acts and shall exercise such other  
7 powers and duties necessary for effectuating the purpose of  
8 this Act.

9 The Secretary shall promulgate Rules consistent with the  
10 provisions of this Act, for the administration and enforcement  
11 thereof and may prescribe forms that shall be issued in  
12 connection therewith. The rules shall include standards and  
13 criteria for licensure and certification, and professional  
14 conduct and discipline.

15 The Department shall consult with the Board in promulgating  
16 rules. Notice of proposed rulemaking shall be transmitted to  
17 the Board and the Department shall review the Board's responses  
18 and any recommendations made therein. ~~The Department shall~~  
19 ~~notify the Board in writing with explanations of deviations~~  
20 ~~from the Board's recommendations and responses.~~ The Department  
21 may solicit the advice of the Board on any matter relating to  
22 the administration and enforcement of this Act.

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

24 (225 ILCS 80/11) (from Ch. 111, par. 3911)

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

2 Sec. 11. Optometric Licensing and Disciplinary Board. The  
3 Secretary shall appoint an Illinois Optometric Licensing and  
4 Disciplinary Board as follows: Seven persons who shall be  
5 appointed by and shall serve in an advisory capacity to the  
6 Secretary. Five members must be lawfully and actively engaged  
7 in the practice of optometry in this State, one member shall be  
8 a licensed optometrist, with a full-time faculty appointment  
9 with the Illinois College of Optometry, and one member must be  
10 a member of the public who shall be a voting member and is not  
11 licensed under this Act, or a similar Act of another  
12 jurisdiction, or have any connection with the profession.  
13 Neither the public member nor the faculty member shall  
14 participate in the preparation or administration of the  
15 examination of applicants for licensure.

16 Members shall serve 4-year terms and until their successors  
17 are appointed and qualified. No member shall be appointed to  
18 the Board for more than 2 successive 4-year terms, not counting  
19 any partial terms when appointed to fill the unexpired portion  
20 of a vacated term. Appointments to fill vacancies shall be made  
21 in the same manner as original appointments, for the unexpired  
22 portion of the vacated term.

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

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

1 A majority of the Board members currently appointed shall  
2 constitute a quorum. A vacancy in the membership of the Board  
3 shall not impair the right of a quorum to perform all of the  
4 duties of the Board.

5 The Secretary may terminate the appointment of any member  
6 for cause.

7 The members of the Board shall be reimbursed for all  
8 authorized legitimate and necessary expenses incurred in  
9 attending the meetings of the Board.

10 Members of the Board shall have no liability in any action  
11 based upon any disciplinary proceeding or other activity  
12 performed in good faith as a member of the Board.

13 The Secretary shall give due consideration to all  
14 recommendations of the Board, ~~and in the event that the~~  
15 ~~Secretary disagrees with or takes action contrary to the~~  
16 ~~recommendation of the Board, he or she shall provide the Board~~  
17 ~~with a written and specific explanation of this action. None of~~  
18 ~~the functions, powers or duties of the Department with respect~~  
19 ~~to policy matters relating to licensure, discipline, and~~  
20 ~~examination, including the promulgation of such rules as may be~~  
21 ~~necessary for the administration of this Act, shall be~~  
22 ~~exercised by the Department except upon review of the Board.~~

23 Without, in any manner, limiting the power of the  
24 Department to conduct investigations, the Board may recommend  
25 to the Secretary that one or more licensed optometrists be  
26 selected by the Secretary to conduct or assist in any

1 investigation pursuant to this Act. Such licensed optometrist  
2 may receive remuneration as determined by the Secretary.

3 (Source: P.A. 96-270, eff. 1-1-10.)

4 (225 ILCS 80/14) (from Ch. 111, par. 3914)

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

6 Sec. 14. A person shall be qualified for initial licensure  
7 as an optometrist if that person has applied in writing in form  
8 and substance satisfactory to the Department and who:

9 (1) (blank) ~~has not been convicted of any of the provisions~~  
10 ~~of Section 24 of this Act which would be grounds for discipline~~  
11 ~~under this Act;~~

12 (2) has graduated, after January 1, 1994, from a program of  
13 optometry education approved by the Department or has  
14 graduated, prior to January 1, 1994, and has met substantially  
15 equivalent criteria established by the Department;

16 (3) (blank); and

17 (4) has met all examination requirements including the  
18 passage of a nationally recognized examination authorized by  
19 the Department. Each applicant shall be tested on theoretical  
20 knowledge and clinical practice skills.

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

22 (225 ILCS 80/15.1)

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

24 Sec. 15.1. Diagnostic and therapeutic authority.

1 (a) For purposes of the Act, "ocular pharmaceutical agents"  
2 means topical anesthetics, topical mydriatics, topical  
3 cycloplegics, topical miotics and mydriatic reversing agents,  
4 anti-infective agents, anti-allergy agents, anti-glaucoma  
5 agents (except oral carbonic anhydrase inhibitors, which may be  
6 prescribed only in a quantity sufficient to provide treatment  
7 for up to 72 hours), anti-inflammatory agents (except oral  
8 steroids), over-the-counter agents, analgesic agents, anti-dry  
9 eye agents, and agents for the treatment of hypotrichosis.

10 (a-3) In addition to ocular pharmaceutical agents that fall  
11 within the categories set forth in subsection (a) of this  
12 Section, the Board may add a pharmaceutical agent approved by  
13 the FDA or class of agents for the purpose of the diagnosis or  
14 treatment of conditions of the eye and adnexa after  
15 consideration of the agent's systemic effects, side effects,  
16 and the use of the agent within the practice of optometry. The  
17 Board shall consider requests for additional agents and make  
18 recommendations within 90 days after the receipt of the  
19 request.

20 Within 45 days after the Board's recommendation to the  
21 Department of a pharmaceutical agent or class of agents, the  
22 Department shall promulgate rules necessary to allow for the  
23 prescribing or administering of the pharmaceutical agent or  
24 class of agents under this Act.

25 (a-5) Ocular pharmaceutical agents may be administered by  
26 subcutaneous, subconjunctival, and intramuscular injections by

1 an optometrist who meets the educational requirements  
2 established by the Department by rule, which shall include both  
3 clinical training and didactic education. Retrobulbar,  
4 intraocular, and botulinum injections are not permitted.  
5 Intramuscular injections may be ~~administered by injection may~~  
6 ~~be~~ used only for the treatment of anaphylaxis.

7 (a-10) Oral pharmaceutical agents may be prescribed for a  
8 child under 5 years of age only in consultation with a  
9 physician licensed to practice medicine in all its branches.

10 (a-15) The authority to prescribe a Schedule III, IV, or V  
11 controlled substance shall include analgesic agents only in a  
12 quantity sufficient to provide treatment for up to 72 hours.  
13 The prescription of a Schedule II controlled substance is  
14 prohibited, except for Dihydrocodeinone (Hydrocodone) with one  
15 or more active, non-narcotic ingredients only in a quantity  
16 sufficient to provide treatment for up to 72 hours, and only if  
17 such formulations of Dihydrocodeinone are reclassified as  
18 Schedule II by federal regulation.

19 (b) A licensed optometrist ~~may remove superficial foreign~~  
20 ~~bodies from the human eye and adnexa and~~ may give orders for  
21 patient care to a nurse or other health care provider licensed  
22 to practice under Illinois law.

23 (c) An optometrist's license shall be revoked or suspended  
24 by the Department upon recommendation of the Board based upon  
25 either of the following causes:

26 (1) grave or repeated misuse of any ocular

1 pharmaceutical agent; and

2 (2) the use of any agent or procedure in the course of  
3 optometric practice by an optometrist not properly  
4 authorized under this Act.

5 (d) The Secretary of Financial and Professional Regulation  
6 shall notify the Director of Public Health as to the categories  
7 of ocular pharmaceutical agents permitted for use by an  
8 optometrist. The Director of Public Health shall in turn notify  
9 every licensed pharmacist in the State of the categories of  
10 ocular pharmaceutical agents that can be utilized and  
11 prescribed by an optometrist.

12 (Source: P.A. 97-170, eff. 7-22-11; 98-1111, eff. 8-26-14.)

13 (225 ILCS 80/18) (from Ch. 111, par. 3918)

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

15 Sec. 18. Endorsement. The Department may, in its  
16 discretion, license as an optometrist, without examination on  
17 payment of the required fee, an applicant who is so licensed  
18 under the laws of another state or U.S. jurisdiction of the  
19 United States. The Department may issue a license, upon payment  
20 of the required fee and recommendation of the Board, to an  
21 individual applicant who is licensed in any foreign country or  
22 province whose standards, in the opinion of the Board or  
23 Department, ~~if the requirements for licensure in the~~  
24 jurisdiction in which the applicant was licensed, were, at the  
25 date of his or her licensure, substantially equivalent to the

1 requirements then in force in this State; or if the applicant  
2 possesses individual qualifications and skills which  
3 demonstrate substantial equivalence to current Illinois  
4 requirements.

5 Applicants have 3 years from the date of application to  
6 complete the application process. If the process has not been  
7 completed in 3 years, the application shall be denied, the fee  
8 forfeited and the applicant must reapply and meet the  
9 requirements in effect at the time of reapplication.

10 (Source: P.A. 89-702, eff. 7-1-97.)

11 (225 ILCS 80/20) (from Ch. 111, par. 3920)

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

13 Sec. 20. Fund. All moneys received by the Department  
14 pursuant to this Act shall be deposited in the Optometric  
15 Licensing and Disciplinary Board Fund, which is hereby created  
16 as a special fund in the State Treasury, and shall be used for  
17 the administration of this Act, including: (a) by the Board and  
18 Department in the exercise of its powers and performance of its  
19 duties, ~~as such use is made by the Department with full~~  
20 ~~consideration of all recommendations of the Board;~~ (b) for  
21 costs directly related to license renewal of persons licensed  
22 under this Act; and (c) for direct and allocable indirect costs  
23 related to the public purposes of the Department of Financial  
24 and Professional Regulation. Subject to appropriation, moneys  
25 in the Optometric Licensing and Disciplinary Board Fund may be

1 used for the Optometric Education Scholarship Program  
2 administered by the Illinois Student Assistance Commission  
3 pursuant to Section 65.70 of the Higher Education Student  
4 Assistance Act.

5 Moneys in the Fund may be transferred to the Professions  
6 Indirect Cost Fund as authorized under Section 2105-300 of the  
7 Department of Professional Regulation Law (20 ILCS  
8 2105/2105-300).

9 Money in the Optometric Licensing and Disciplinary Board  
10 Fund may be invested and reinvested, with all earnings received  
11 from such investment to be deposited in the Optometric  
12 Licensing and Disciplinary Board Fund and used for the same  
13 purposes as fees deposited in such fund.

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

15 (225 ILCS 80/21) (from Ch. 111, par. 3921)

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

17 Sec. 21. The Department shall maintain a roster of the  
18 names and addresses of all licensees ~~and of all persons whose~~  
19 ~~licenses have been suspended or revoked.~~ This roster shall be  
20 available upon written request and payment of the required fee.

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

22 (225 ILCS 80/24) (from Ch. 111, par. 3924)

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

24 Sec. 24. Grounds for disciplinary action.

1           (a) The Department may refuse to issue or to renew, or may  
2           revoke, suspend, place on probation, reprimand or take other  
3           disciplinary or non-disciplinary action as the Department may  
4           deem appropriate, including fines not to exceed \$10,000 for  
5           each violation, with regard to any license for any one or  
6           combination of the causes set forth in subsection (a-3) of this  
7           Section. All fines collected under this Section shall be  
8           deposited in the Optometric Licensing and Disciplinary Board  
9           Fund. Any fine imposed shall be payable within 60 days after  
10          the effective date of the order imposing the fine.

11          (a-3) Grounds for disciplinary action include the  
12          following:

13               (1) Violations of this Act, or of the rules promulgated  
14               hereunder.

15               (2) Conviction of or entry of a plea of guilty to any  
16               crime under the laws of any U.S. jurisdiction thereof that  
17               is a felony or that is a misdemeanor of which an essential  
18               element is dishonesty, or any crime that is directly  
19               related to the practice of the profession.

20               (3) Making any misrepresentation for the purpose of  
21               obtaining a license.

22               (4) Professional incompetence or gross negligence in  
23               the practice of optometry.

24               (5) Gross malpractice, prima facie evidence of which  
25               may be a conviction or judgment of malpractice in any court  
26               of competent jurisdiction.

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

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

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

10          (9) Habitual or excessive use or addiction to alcohol,  
11 narcotics, stimulants or any other chemical agent or drug  
12 that results in the inability to practice with reasonable  
13 judgment, skill, or safety.

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

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

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

23          (13) Abandonment of a patient.

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

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

3           (16) Physical illness, including but not limited to,  
4 deterioration through the aging process, or loss of motor  
5 skill, mental illness, or disability that results in the  
6 inability to practice the profession with reasonable  
7 judgment, skill, or safety.

8           (17) Solicitation of professional services other than  
9 permitted advertising.

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

12          (19) Conviction by any court of competent  
13 jurisdiction, either within or without this State, of any  
14 violation of any law governing the practice of optometry,  
15 conviction in this or another State of any crime that is a  
16 felony under the laws of this State or conviction of a  
17 felony in a federal court, if the Department determines,  
18 after investigation, that such person has not been  
19 sufficiently rehabilitated to warrant the public trust.

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

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

24          (22) Being named as a perpetrator in an indicated  
25 report by the Department of Children and Family Services  
26 under the Abused and Neglected Child Reporting Act, and

1 upon proof by clear and convincing evidence that the  
2 licensee has caused a child to be an abused child or a  
3 neglected child as defined in the Abused and Neglected  
4 Child Reporting Act.

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

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

10 (25) Maintaining a professional relationship with any  
11 person, firm, or corporation when the optometrist knows, or  
12 should know, that such person, firm, or corporation is  
13 violating this Act.

14 (26) Promotion of the sale of drugs, devices,  
15 appliances or goods provided for a client or patient in  
16 such manner as to exploit the patient or client for  
17 financial gain of the licensee.

18 (27) Using the title "Doctor" or its abbreviation  
19 without further qualifying that title or abbreviation with  
20 the word "optometry" or "optometrist".

21 (28) Use by a licensed optometrist of the word  
22 "infirmary", "hospital", "school", "university", in  
23 English or any other language, in connection with the place  
24 where optometry may be practiced or demonstrated unless the  
25 licensee is employed by and practicing at a location that  
26 is licensed as a hospital or accredited as a school or

1 university.

2 (29) Continuance of an optometrist in the employ of any  
3 person, firm or corporation, or as an assistant to any  
4 optometrist or optometrists, directly or indirectly, after  
5 his or her employer or superior has been found guilty of  
6 violating or has been enjoined from violating the laws of  
7 the State of Illinois relating to the practice of  
8 optometry, when the employer or superior persists in that  
9 violation.

10 (30) The performance of optometric service in  
11 conjunction with a scheme or plan with another person, firm  
12 or corporation known to be advertising in a manner contrary  
13 to this Act or otherwise violating the laws of the State of  
14 Illinois concerning the practice of optometry.

15 (31) Failure to provide satisfactory proof of having  
16 participated in approved continuing education programs as  
17 determined by the Board and approved by the Secretary.  
18 Exceptions for extreme hardships are to be defined by the  
19 rules of the Department.

20 (32) Willfully making or filing false records or  
21 reports in the practice of optometry, including, but not  
22 limited to false records to support claims against the  
23 medical assistance program of the Department of Healthcare  
24 and Family Services (formerly Department of Public Aid)  
25 under the Illinois Public Aid Code.

26 (33) Gross and willful overcharging for professional

1 services including filing false statements for collection  
2 of fees for which services are not rendered, including, but  
3 not limited to filing false statements for collection of  
4 monies for services not rendered from the medical  
5 assistance program of the Department of Healthcare and  
6 Family Services (formerly Department of Public Aid) under  
7 the Illinois Public Aid Code.

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

11 (35) Violation of the Health Care Worker Self-Referral  
12 Act.

13 The Department shall ~~may~~ refuse to issue or ~~may~~ suspend the  
14 license of any person who fails to file a return, or to pay the  
15 tax, penalty or interest shown in a filed return, or to pay any  
16 final assessment of the tax, penalty or interest, as required  
17 by any tax Act administered by the Illinois Department of  
18 Revenue, until such time as the requirements of any such tax  
19 Act are satisfied.

20 (a-5) In enforcing this Section, the Board or Department,  
21 upon a showing of a possible violation, may compel any  
22 individual licensed to practice under this Act, or who has  
23 applied for licensure or certification pursuant to this Act, to  
24 submit to a mental or physical examination, or both, as  
25 required by and at the expense of the Department. The examining  
26 physicians or clinical psychologists shall be those

1 specifically designated by the Department Board. The Board or  
2 the Department may order the examining physician or clinical  
3 psychologist to present testimony concerning this mental or  
4 physical examination of the licensee or applicant. No  
5 information shall be excluded by reason of any common law or  
6 statutory privilege relating to communications between the  
7 licensee or applicant and the examining physician or clinical  
8 psychologist. Eye examinations may be provided by a licensed  
9 optometrist. The individual to be examined may have, at his or  
10 her own expense, another physician of his or her choice present  
11 during all aspects of the examination. Failure of any  
12 individual to submit to a mental or physical examination, when  
13 directed, shall be grounds for suspension of a license until  
14 such time as the individual submits to the examination if the  
15 Board or Department finds, after notice and hearing, that the  
16 refusal to submit to the examination was without reasonable  
17 cause.

18 If the Board or Department finds an individual unable to  
19 practice because of the reasons set forth in this Section, the  
20 Board or Department shall require such individual to submit to  
21 care, counseling, or treatment by physicians or clinical  
22 psychologists approved or designated by the Department Board,  
23 as a condition, term, or restriction for continued, reinstated,  
24 or renewed licensure to practice, or in lieu of care,  
25 counseling, or treatment, the Board may recommend to the  
26 Department to file a complaint to immediately suspend, revoke,

1 or otherwise discipline the license of the individual, or the  
2 Board may recommend to the Department to file a complaint to  
3 suspend, revoke, or otherwise discipline the license of the  
4 individual. Any individual whose license was granted pursuant  
5 to this Act, or continued, reinstated, renewed, disciplined, or  
6 supervised, subject to such conditions, terms, or  
7 restrictions, who shall fail to comply with such conditions,  
8 terms, or restrictions, shall be referred to the Secretary for  
9 a determination as to whether the individual shall have his or  
10 her license suspended immediately, pending a hearing by the  
11 Board.

12 (b) The determination by a circuit court that a licensee is  
13 subject to involuntary admission or judicial admission as  
14 provided in the Mental Health and Developmental Disabilities  
15 Code operates as an automatic suspension. The suspension will  
16 end only upon a finding by a court that the patient is no  
17 longer subject to involuntary admission or judicial admission  
18 and issues an order so finding and discharging the patient; and  
19 upon the recommendation of the Board to the Secretary that the  
20 licensee be allowed to resume his or her practice.

21 (Source: P.A. 99-43, eff. 1-1-16.)

22 (225 ILCS 80/26.2) (from Ch. 111, par. 3926.2)

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

24 Sec. 26.2. Investigation; notice. The Department may  
25 investigate the actions of any applicant or of any person or

1 persons holding or claiming to hold a license. The Department  
2 shall, before suspending, revoking, placing on probationary  
3 status, or taking any other disciplinary action as the  
4 Department may deem proper with regard to any license, at least  
5 30 days prior to the date set for the hearing, notify the  
6 accused in writing of any charges made and the time and place  
7 for a hearing of the charges before the Board, direct him or  
8 her to file his or her written answer to the Board under oath  
9 within 20 days after the service on him or her of the notice  
10 and inform him or her that if he or she fails to file an answer  
11 default will be taken against him or her and his or her license  
12 may be suspended, revoked, placed on probationary status, or  
13 have other disciplinary action, including limiting the scope,  
14 nature or extent of his or her practice, as the Department may  
15 deem proper taken with regard thereto. The ~~Such~~ written notice  
16 and any notice in the subsequent proceeding may be served by  
17 personal delivery or by regular or certified ~~delivery or~~  
18 ~~certified or registered~~ mail to the applicant's or licensee's  
19 address of record ~~Department~~. In case the person fails to file  
20 an answer after receiving notice, his or her license may, in  
21 the discretion of the Department, be suspended, revoked, or  
22 placed on probationary status, or the Department may take  
23 whatever disciplinary action deemed proper, including limiting  
24 the scope, nature, or extent of the person's practice or the  
25 imposition of a fine, without a hearing, if the act or acts  
26 charged constitute sufficient grounds for such action under

1 this Act. At the time and place fixed in the notice, the  
2 Department shall proceed to hear the charges and the parties or  
3 their counsel shall be accorded ample opportunity to present  
4 such statements, testimony, evidence and argument as may be  
5 pertinent to the charges or to their defense. The Department  
6 may continue the hearing from time to time. At the discretion  
7 of the Secretary after having first received the recommendation  
8 of the Board, the accused person's license may be suspended,  
9 revoked, placed on probationary status, or whatever  
10 disciplinary action as the Secretary may deem proper, including  
11 limiting the scope, nature, or extent of said person's  
12 practice, without a hearing, if the act or acts charged  
13 constitute sufficient grounds for such action under this Act.

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

15 (225 ILCS 80/26.6) (from Ch. 111, par. 3926.6)

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

17 Sec. 26.6. Findings of fact, conclusions of law, and  
18 recommendations. At the conclusion of the hearing the Board  
19 shall present to the Secretary a written report of its findings  
20 of fact, conclusions of law and recommendations. ~~The report~~  
21 ~~shall contain a finding whether or not the accused person~~  
22 ~~violated this Act or failed to comply with the conditions~~  
23 ~~required in this Act. The Board shall specify the nature of the~~  
24 ~~violation or failure to comply, and shall make its~~  
25 ~~recommendations to the Secretary.~~

1           The report of findings of fact, conclusions of law and  
2           recommendations of the Board shall be the basis for the  
3           Department's order. If the Secretary disagrees in any regard  
4           with the report of the Board, the Secretary may issue an order  
5           in contravention thereof. The Secretary shall ~~provide within 60~~  
6           ~~days of taking such action a written report to the Board on any~~  
7           ~~such deviation, and shall~~ specify with particularity the  
8           reasons for said action in the final order. The finding is not  
9           admissible in evidence against the person in a criminal  
10          prosecution brought for the violation of this Act, but the  
11          hearing and findings are not a bar to a criminal prosecution  
12          brought for the violation of this Act.

13          At any point in any investigation or disciplinary  
14          proceeding provided for in this Act, both parties may agree to  
15          a negotiated consent order. The consent order shall be final  
16          upon the signature of the Secretary.

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

18                 (225 ILCS 80/26.7) (from Ch. 111, par. 3926.7)

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

20          Sec. 26.7. Hearing officer. Notwithstanding the provisions  
21          of Section 26.6 of this Act, the Secretary shall have the  
22          authority to appoint any attorney duly licensed to practice law  
23          in the State of Illinois to serve as the hearing officer in any  
24          action for discipline of a license. ~~The Secretary shall notify~~  
25          ~~the Board of any such appointment.~~ The hearing officer shall

1 have full authority to conduct the hearing. The Board shall  
2 have the right to have at least one member present at any  
3 hearing conducted by such hearing officer. The hearing officer  
4 shall report his or her findings of fact, conclusions of law  
5 and recommendations to the Board and the Secretary. The Board  
6 shall ~~have 60 days from receipt of the report to~~ review the  
7 report of the hearing officer and present its findings of fact,  
8 conclusions of law and recommendations to the Secretary. ~~If the~~  
9 ~~Board fails to present its report within the 60 day period, the~~  
10 ~~Secretary shall issue an order based on the report of the~~  
11 ~~hearing officer.~~ If the Secretary disagrees in any regard with  
12 the report of the Board or hearing officer, he or she may issue  
13 an order in contravention thereof. The Secretary shall ~~provide~~  
14 ~~a written explanation to the Board on any such deviation, and~~  
15 ~~shall~~ specify with particularity the reasons for such action in  
16 the final order.

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

18 (225 ILCS 80/26.8) (from Ch. 111, par. 3926.8)

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

20 Sec. 26.8. Service of report; rehearing; order. In any case  
21 involving the discipline of a license, a copy of the Board's  
22 and hearing officer's report shall be served upon the  
23 respondent by the Department, either personally or as provided  
24 in this Act for the service of the notice of hearing. Within 20  
25 days after such service, the respondent may present to the

1 Department a motion in writing for a rehearing, which motion  
2 shall specify the particular grounds therefor. If no motion for  
3 rehearing is filed, then upon the expiration of the time  
4 specified for filing such a motion, or if a motion for  
5 rehearing is denied, then upon such denial the Secretary may  
6 enter an order in accordance with this Act. If the respondent  
7 shall order from the reporting service, and pay for a  
8 transcript of the record within the time for filing a motion  
9 for rehearing, the 20 day period within which such a motion may  
10 be filed shall commence upon the delivery of the transcript to  
11 the respondent.

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

13 (225 ILCS 80/26.15) (from Ch. 111, par. 3926.15)

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

15 Sec. 26.15. Certification of record. The Department shall  
16 not be required to certify any record to the Court or file any  
17 answer in court or otherwise appear in any court in a judicial  
18 review proceeding, unless and until the Department has received  
19 from the plaintiff there is filed in the court, with the  
20 complaint, a receipt from the Department acknowledging payment  
21 of the costs of furnishing and certifying the record, which  
22 costs shall be determined by the Department. Failure on the  
23 part of the plaintiff to file a receipt in Court shall be  
24 grounds for dismissal of the action.

25 (Source: P.A. 87-1031.)

1 (225 ILCS 80/27) (from Ch. 111, par. 3927)

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

3 Sec. 27. Administrative Procedure Act. The Illinois  
4 Administrative Procedure Act is hereby expressly adopted and  
5 incorporated herein as if all of the provisions of that Act  
6 were included in this Act, except that the provision of  
7 subsection (d) of Section 10-65 of the Illinois Administrative  
8 Procedure Act that provides that at hearings the licensee has  
9 the right to show compliance with all lawful requirements for  
10 retention, continuation or renewal of the license is  
11 specifically excluded. ~~For the purpose of this Act the notice~~  
12 ~~required under Section 10-25 of the Administrative Procedure~~  
13 ~~Act is deemed sufficient when mailed to the last known address~~  
14 ~~of a party.~~

15 (Source: P.A. 88-45.)

16 (225 ILCS 80/30 new)

17 Sec. 30. Confidentiality. All information collected by the  
18 Department in the course of an examination or investigation of  
19 a licensee or applicant, including, but not limited to, any  
20 complaint against a license filed with the Department and  
21 information collected to investigate any such complaint, shall  
22 be maintained for the confidential use of the Department and  
23 shall not be disclosed. The Department may not disclose the  
24 information to anyone other than law enforcement officials,

1 other regulatory agencies that have an appropriate regulatory  
2 interest as determined by the Secretary, or a party presenting  
3 a lawful subpoena to the Department. Information and documents  
4 disclosed to a federal, State, county, or local law enforcement  
5 agency shall not be disclosed by the agency for any purpose to  
6 any other agency or person. A formal complaint filed against a  
7 licensee by the Department or any order issued by the  
8 Department against a licensee or applicant shall be a public  
9 record, except as otherwise prohibited by law.

10 Section 99. Effective date. This Act takes effect January  
11 1, 2017."