**Section 1320.300 Definitions and Standards**

a) Emergency care involves an acute condition that in the judgment of the optometrist may be life or sight threatening, requires the optometrist to initiate non-surgical emergency procedures and may require patient referral and consultation with another appropriate health care professional.

b) Any optometrist shall be authorized to obtain diagnostic and therapeutic ocular pharmaceutical agents and to utilize and to prescribe such drugs in the regular course of practicing optometry. The prescribing of the drugs shall be the personal act of the optometrist and may not be delegated to any other person. The use of such drugs may only be delegated to another person under the direct supervision of the optometrist. A signed written prescription for legend drugs must be presented to the patient, if applicable, and the optometrist shall be required to keep a copy of all prescriptions written.

c) An optometrist's license may be revoked, suspended or placed on probation and fines levied by the Division upon recommendation of the Board based upon any of the following causes:

1) The use of any diagnostic or therapeutic ocular pharmaceutical agent that is not approved for use;

2) The misuse of any diagnostic or therapeutic ocular pharmaceutical agent or procedure where the optometrist knew or should have known that such use was improper or contraindicated;

3) Failure to take reasonable steps to ensure or arrange for follow-up care or for referral of a patient to an appropriate health care professional after providing ophthalmic emergency care;

4) Failure to take reasonable steps to ensure or arrange for the care or referral of a patient when the optometrist is not available;

5) Any other violations of the Act or this Part.

d) In determining what constitutes grave or repeated misuse of any ocular pharmaceutical agent, the Board shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include but not be limited to:

1) A consideration of whether the act or acts of the person are of a glaringly obvious nature or are repetitiously committed and resulted in a breach of standards of practice.

2) A consideration that said act or acts committed constituted a breach of standards of practice to possess and apply knowledge, skill and care in using approved diagnostic or therapeutic ocular pharmaceutical agents for the purpose of aiding in the diagnosis and treatment of abnormal conditions that are ordinarily used by an optometrist.

3) A consideration that a mere mistake that is not indicative of a lack of knowledge, skill and care does not constitute misuse. Nor is a bad or unexpected result evidence of misuse unless such a result would not ordinarily occur in the absence of misuse.

4) A consideration that, in determining the applicable standard of use, the Board shall consider the opinion and the testimony of experts.

(Source: Amended at 32 Ill. Reg. 3243, effective February 21, 2008)