

1 AMENDMENT TO SENATE BILL 124

2 AMENDMENT NO. _____. Amend Senate Bill 124 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Optometric Practice Act of 1987
5 is amended by changing Section 15.1 as follows:

6 (225 ILCS 80/15.1)

7 (Section scheduled to be repealed on January 1, 2007)

8 Sec. 15.1. Diagnostic and therapeutic certification.

9 (a) Any licensed optometrist may apply to the
10 Department, in the form the Department may prescribe, for a
11 certificate to use diagnostic topical ocular pharmaceutical
12 agents and the Department shall certify the applicant if:

13 (1) the applicant has received appropriate training
14 and certification from a properly accredited institution
15 of higher learning for the certificate; and

16 (2) the applicant has demonstrated training and
17 competence to use diagnostic topical ocular
18 pharmaceutical agents as required by the Board pursuant
19 to rule or regulation approved by the Board and adopted
20 by the Department.

21 A certificate to use topical ocular pharmaceutical agents
22 for diagnostic purposes previously issued by the Department

1 that is current and valid on the effective date of this
2 amendatory Act of 1995 is valid until its expiration date and
3 entitles the holder of the certificate to use diagnostic
4 topical ocular pharmaceutical agents as provided in this Act.

5 (b) Any licensed optometrist may apply to the
6 Department, in the form the Department may prescribe, for a
7 certificate to use therapeutic ocular pharmaceutical agents
8 and the Department shall certify the applicant if:

9 (1) the applicant has received a certificate to use
10 diagnostic topical ocular pharmaceutical agents under
11 subsection (a);

12 (2) the applicant has received appropriate training
13 and certification from a properly accredited institution
14 of higher learning for the certificate; and

15 (3) the applicant has demonstrated training and
16 competence to use therapeutic ocular pharmaceutical
17 agents as required by the Board pursuant to rule or
18 regulation approved by the Board and adopted by the
19 Department.

20 Except as provided in this paragraph, all applicants for
21 license renewal after January 1, 2006 must apply for and
22 maintain certification to use therapeutic ocular
23 pharmaceutical agents. The Department may, upon request from
24 an applicant, renew a license without certification to use
25 therapeutic ocular pharmaceutical agents if the applicant
26 provides verification to the Department by affidavit that he
27 or she does not use therapeutic ocular pharmaceutical agents
28 in his or her practice.

29 (c) For purposes of the Act, "diagnostic topical ocular
30 pharmaceutical agents" means anesthetics, mydriatics,
31 cycloplegics, and miotics used for diagnostic purposes as
32 defined by the Board pursuant to rule approved by the Board
33 and adopted by the Department.

34 (d) For the purposes of the Act, "therapeutic ocular

1 pharmaceutical agents" means the following when used for
2 diagnostic or therapeutic purposes: topical anti-infective
3 agents, topical anti-allergy agents, topical anti-glaucoma
4 agents, topical anti-inflammatory agents, topical anesthetic
5 agents, over the counter agents, non-narcotic oral analgesic
6 agents, and mydriatic reversing agents.

7 (e) A licensed optometrist who is therapeutically
8 certified may remove superficial foreign bodies from the
9 human eye and adnexa.

10 (e-5) A licensed optometrist who is therapeutically
11 certified may give orders for patient care related to the use
12 of therapeutic ocular pharmaceutical agents to a nurse
13 licensed to practice under Illinois law.

14 (f) An optometrist's certificate to use diagnostic
15 topical ocular pharmaceutical agents shall be revoked or
16 suspended by the Department upon recommendation of the Board
17 based on the misuse of any diagnostic topical ocular
18 pharmaceutical agent.

19 (g) An optometrist's certificate to use therapeutic
20 ocular pharmaceutical agents shall be revoked or suspended by
21 the Department upon recommendation of the Board based on the
22 misuse of any therapeutic ocular pharmaceutical agent.

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

26 (1) grave or repeated misuse of any diagnostic or
27 therapeutic ocular pharmaceutical agent; and

28 (2) the use of any agent or procedure in the course
29 of optometric practice by an optometrist not properly
30 certified under this Section.

31 (i) The provisions of Sections 26.2, 26.3, 26.5, 26.10,
32 26.11, 26.14, and 26.15 of this Act shall apply to all
33 disciplinary proceedings brought under this Section.

34 (j) The Director may temporarily suspend a certificate

1 to use diagnostic topical ocular pharmaceuticals or a
2 certificate to use therapeutic ocular pharmaceuticals or a
3 license to practice optometry, without a hearing,
4 simultaneously with the institution of proceedings for a
5 hearing based upon a violation of subsection (f), (g), or (h)
6 of this Section, if the Director finds that evidence in his
7 or her possession indicates that the continued use of
8 diagnostic topical ocular pharmaceuticals, or therapeutic
9 ocular pharmaceuticals, or continued practice of optometry
10 would constitute an immediate danger to the public. In the
11 event that the Director temporarily suspends a certificate to
12 use diagnostic topical ocular pharmaceuticals, therapeutic
13 ocular pharmaceuticals, or a license to practice optometry
14 without a hearing, a hearing by the Board shall be commenced
15 within 15 days after suspension has occurred, and concluded
16 without appreciable delay.

17 (k) The Director of the Department of Professional
18 Regulation shall notify the Director of the Department of
19 Public Health as to the categories of ocular pharmaceutical
20 agents permitted for use by an optometrist. The Director of
21 the Department of Public Health shall in turn notify every
22 licensed pharmacist in the State of the categories of ocular
23 pharmaceutical agents that can be utilized and prescribed by
24 an optometrist.

25 (l) Nothing in this Act prohibits the use of diagnostic
26 topical ocular pharmaceutical agents or therapeutic ocular
27 pharmaceutical agents in the practice of optometry by
28 optometrists certified for such use under this Section.

29 (Source: P.A. 90-73, eff. 7-8-97; 91-141, eff. 7-16-99.)

30 Section 99. Effective date. This Act takes effect upon
31 becoming law."