

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Optometric Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1320
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1320.20	Amendment
1320.80	Amendment
1320.100	Amendment
- 4) Statutory Authority: The Illinois Optometric Practice Act of 1987 [225 ILCS 80] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].
- 5) A Complete Description of the Subjects and Issues Involved: Effective January 1, 2017, PA 99-909 created the Collaborative Optometric/Ophthalmological Task Force ("Task Force") for the purpose of developing and recommending to the Illinois Department of Financial and Professional Regulation ("IDFPR") minimum education requirements for an optometrist to perform advanced optometric procedures. The Task Force was composed of 4 members, one representative of a statewide organization representing optometry; one representative of a statewide organization representing ophthalmology; one representative of a statewide organization representing physicians licensed to practice medicine in all of its branches; and one representative of an accredited, private 4-year school of optometry located in a city in Illinois with a population of more than 1,500,000 persons. After examining current optometric and ophthalmological curriculum, the statewide organization representing ophthalmologists recommended that practitioners performing advanced optometric procedures undergo medical schooling and ophthalmology residency. The statewide organization representing optometrists recommended completion of a 30-hour course of study and testing taught by qualified instructors at an accredited school of optometry.  
  
PA 99-909 requires that no later than January 1, 2018, the IDFPR, in direct consultation with the Task Force, shall propose rules for adoption that are consistent with the Task Force's recommendations, or recommend legislation to the General Assembly, providing for minimum educational requirements that must be met for an optometrist to perform advanced optometric procedures.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:  
None

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- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice.

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
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Springfield IL 62786

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All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Those providing the services of optometrists may be affected.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: Optometrists seeking to perform advanced optometric procedures must fulfill training and testing requirements set forth in this rule.

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- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017

The full text of the Proposed Amendments begins on the next page:

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## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1320

## OPTOMETRIC PRACTICE ACT OF 1987

## SUBPART A: OPTOMETRY

## Section

1320.20	Approved Programs of Optometry
1320.30	Application for Licensure
1320.35	Application for a Limited Residency License (Repealed)
1320.40	Examinations
1320.45	Fees (Emergency Expired)
1320.50	Endorsement
1320.55	Renewals (Renumbered)
1320.60	Inactive Status
1320.70	Restoration
1320.80	Continuing Education
1320.90	Minimum Eye Examination
1320.95	Minimum Equipment List
1320.100	Practice of Optometry
1320.105	Recordkeeping
1320.110	Advertising
1320.120	Granting Variances (Renumbered)

## SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

## Section

1320.200	Standards (Repealed)
1320.210	Application for Diagnostic Certification (Repealed)
1320.220	Approved Diagnostic Topical Ocular Pharmacological Training (Repealed)
1320.230	Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act (Repealed)
1320.240	Restoration of Diagnostic Certification (Repealed)
1320.250	Endorsement of Diagnostic Certification (Repealed)
1320.260	Renewal of Certification (Repealed)
1320.270	Display of Certification (Repealed)

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SUBPART C: DIAGNOSTIC AND THERAPEUTIC OCULAR  
PHARMACEUTICAL AGENTS

## Section

- 1320.300 Definitions and Standards
- 1320.310 Application for Therapeutic Certification (Repealed)
- 1320.315 Controlled Substance License Requirement
- 1320.320 Approved Therapeutic Ocular Training (Repealed)
- 1320.330 Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
- 1320.335 Oral Pharmaceutical Agents
- 1320.340 Restoration of Therapeutic Certification (Repealed)
- 1320.350 Endorsement of Therapeutic Certification (Repealed)

## SUBPART D: GENERAL

## Section

- 1320.400 Fees
- 1320.410 Ancillary Licenses (Repealed)
- 1320.411 Ancillary Registrations
- 1320.420 Renewals
- 1320.430 Granting Variances

AUTHORITY: Optometric Practice Act of 1987 [225 ILCS 80]; Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128, effective August 15, 1990; amended at 17 Ill. Reg. 18096, effective October 4, 1993; amended at

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17 Ill. Reg. 21501, effective December 1, 1993; amended at 19 Ill. Reg. 17150, effective December 19, 1995; amended at 20 Ill. Reg. 9068, effective July 1, 1996; amended at 21 Ill. Reg. 16040, effective November 24, 1997; amended at 23 Ill. Reg. 5744, effective April 30, 1999; amended at 24 Ill. Reg. 3656, effective February 15, 2000; amended at 27 Ill. Reg. 2677, effective January 31, 2003; amended at 28 Ill. Reg. 4945, effective March 3, 2004; amended at 28 Ill. Reg. 16247, effective December 2, 2004; amended at 29 Ill. Reg. 20616, effective December 6, 2005; amended at 31 Ill. Reg. 4339, effective March 5, 2007; amended at 32 Ill. Reg. 3243, effective February 21, 2008; amended at 34 Ill. Reg. 2883, effective February 18, 2010; amended at 36 Ill. Reg. 10006, effective June 29, 2012; amended at 41 Ill. Reg. 11400, effective September 8, 2017; amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: OPTOMETRY

**Section 1320.20 Approved Programs of Optometry**

- a) The Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall, upon the recommendation of the Illinois Optometric Licensing and Disciplinary Board (the Board), approve an optometry program if it meets the following minimum criteria:
- 1) The educational institution is legally recognized and authorized by the jurisdiction in which it is located to confer the Doctor of Optometry degree.
  - 2) Has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the students are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from professional colleges or institutions.
  - 3) Has a curriculum of at least the following subject areas:
    - Basic Science, including Anatomy, Physiology and Biochemistry
    - Practical Optics
    - Anatomy and Physiology of the Eye
    - Pathology of the Eye

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Physiological Optics

Theoretical Optometry

Practical Optometry

Clinical Optometry

Theory and Practice of Contact Lens

Fitting

Pharmacology

Diagnosis, treatment and management of ocular disease and recognition of systemic diseases with ocular symptoms

- 4) Has a course of study of 4 academic years above the undergraduate level.
  - 5) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- b) In determining whether a school or college should be approved, the Division shall take into consideration but not be bound by accreditation by the Accreditation Council on Optometric Education (ACOE).
  - c) Procedures taught in schools and colleges of optometry approved by the Division that are considered for approval in the practice of optometry shall be adopted pursuant to rule or regulation by the Division upon recommendation of the Board. Before adoption of ~~these~~ rules or regulations, the Board shall first evaluate the procedure in accordance with criteria it has previously adopted. Furthermore, the Board shall specify training and demonstration of competency required before an optometrist may perform ~~these~~ procedures. In any event, the Division, upon recommendation of the Board, has determined that surgery, including surgery performed with a laser, is not an optometric procedure.
  - d) Program Evaluation

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- 1) An applicant from an optometry program that has not been evaluated will be requested by the Division to provide documentation concerning the criteria in this Section.
  - 2) Once the Division has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Board will evaluate the program based on all documentation received from the school and any additional information the Division has received which it deems to be reliable.
- e) **Withdrawal of Approval**
- 1) The Director of the Department of Financial and Professional Regulation-Division of Professional Regulation (Director) may, upon a written recommendation submitted by the Board, withdraw, suspend or place on probation the approval of an optometry program when the quality of the program has been materially affected by any of the following causes:
    - A) Gross or repeated violations of any provision of the Illinois Optometric Practice Act of 1987 [225 ILCS 80] (the Act);
    - B) Gross or repeated violations of any of this Part;
    - C) Fraud or dishonesty in furnishing documentation for evaluation of the optometry program; or
    - D) Failure to continue to meet the established criteria of an approved optometry program as set forth in this Section.
  - 2) An optometry program whose approval is being reconsidered by the Division shall be given written notice prior to any recommendation by the Board and the officials in charge may either submit written comments or request a hearing before the Board in accordance with 68 Ill. Adm. Code 1110.
- f) [Advanced Optometric Training and Testing Programs](#)
- 1) [The Division may approve programs that offer training and testing in the advanced optometric procedures set forth in Section 1320.100\(b\) if it](#)



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meets the following minimum criteria:

- A) The training and testing is conducted at a school or college of optometry that meets the requirements of an approved program set forth in subsection (a).
- B) The training is at least 32 hours in length, which incorporates a minimum of 16 clinical hours in advanced optometric procedures set forth in Section 1320.100(b).
- C) The training and testing is developed in consultation with a board-certified ophthalmologist and addresses, at minimum, the following topic areas:
  - i) Clinical anatomy of the eyelid and ocular adnexa;
  - ii) Diagnosis and management of neoplasms of the eyelids and ocular adnexa and epiluminescence microscopy;
  - iii) Informed consent and medical-legal aspects of injections and minor procedures of the eyelids and ocular adnexa;
  - iv) Pharmacology of injectable medications for the diagnosis and treatment of disease and disorders of the eye and ocular adnexa, including clinical indications for using such medications, systemic side effects, laboratory testing, and coordination of care with other providers;
  - v) Local anesthesia techniques and complications;
  - vi) Instruments, equipment and materials used to perform in-office injections and minor procedures, along with asepsis and OSHA requirements;
  - vii) Techniques of administration of injectable medications, including intramuscular (for emergency use only), subcutaneous, intradermal, intravenous (for emergency use only) and subconjunctival;

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- viii) Techniques for treatment of lesions on the eyelids and ocular adnexa, including radiofrequency procedures;
  - ix) Techniques to perform chalazion injections, incision and curettage;
  - x) Specimen biopsy, preservation and transport for laboratory analysis;
  - xi) Federal regulations regarding infection control, sterilization, and disposal of biohazardous waste;
  - xii) Anaphylaxis and other office emergencies;
  - xiii) Hemostasis, wound healing, post-operative wound care, and operative/postoperative complications, including management of complications.
- D) Patient care encounters must be supervised by an ophthalmologist or by an optometrist who has received training and testing in advanced optometric procedures substantially equivalent to that required by this Section.
- E) Each student or optometrist must pass written and clinical proficiency examinations as part of the program.
- F) Clinical proficiency in the use of injections, in the removal of chalazion and skin tags, and in the treatment of cysts or infected or inflamed glands of the eyelid must be demonstrated on a living human eye.
- 2) Nothing in this Section shall require students at an approved school or college of optometry to complete separate training and testing if, in the course of their education, all the requirements of this subsection (f) have been met.
- 3) Schools or colleges of optometry offering Division-approved advanced optometric training and testing programs shall submit to the Division, on an annual basis (or more frequently upon the Division's request), a list of

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all students or optometrists having successfully completed the training and testing set forth in this Section.

- 4) An optometrist providing advanced optometric procedures must maintain documentation of successful completion of training and testing required under this subsection (f) and must readily produce that documentation for the Division upon request.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1320.80 Continuing Education**

- a) Continuing Education (CE) Hour Requirements
  - 1) Every renewal applicant shall complete 30 hours of CE relevant to the practice of optometry required during each pre-renewal period. A pre-renewal period is the 24 months preceding March 31 in the year of the renewal. An optometrist providing advanced optometric procedures set forth in Section 1320.100(b) must complete an additional 6 hours of CE in advanced optometric procedures each pre-renewal period. The 6 additional hours must be certified as defined in subsection (b)(2) and must otherwise meet all CE requirements of this Section.
  - 2) A CE hour equals 50 minutes. CE credit may be given only in one hour increments.
  - 3) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
  - 4) Optometrists licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
- b) Approved CE
  - 1) All CE hours must be earned by verified attendance at or participation in a program that is offered by an approved CE sponsor who meets the requirements set forth in subsection (c).
  - 2) As part of the 30 hours of required CE, each licensee shall complete

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during each pre-renewal period at least 12 hours of credit that is certified by an approved optometry college in accordance with Section 1320.20, osteopathic or medical college or university pursuant to the Medical Practice Act of 1987 [225 ILCS 60], or a pharmacy college pursuant to the Pharmacy Practice Act [225 ILCS 85].

- A) Each certified course shall include at least 2 hours of actual course presentation and shall include the successful completion of a post-course evaluation of the attendee's understanding of the course material. No additional credit may be given for the required post-course evaluation.
- i) The post-course evaluation may be taken on-site immediately following the course presentation. An examination distributed on-site shall not be removed from the site.
  - ii) The post-course evaluation may be a correspondence evaluation mailed to the attendee and returned to the provider. The sponsor shall not distribute a post-course evaluation at the site.
  - iii) The post-course evaluation must consist of a minimum of 5 questions per course hour.
  - iv) At the sponsor's discretion, the attendee may be allowed one retake of a failed post-course evaluation in order to receive credit for certified CE.
- B) Licensees who attend a certified education course without completion or passage of a post-course evaluation may apply the actual course hours toward fulfillment of the non-certified CE requirements set forth in subsection (a)(1).
- C) Any approved CE sponsor may offer, in conjunction with ~~at the above referenced~~ college or university listed in subsection (b)(2), a certified course. However, certified CE shall not be provided, sponsored, co-sponsored or in any way supported or financially underwritten by a CE sponsor or others who may receive patient

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referrals from optometrists licensed under the Act. Approved optometry programs in [this](#) subsection (b)(2) are not deemed in violation ~~of this Section~~. Faculty of an adjunct institution to an approved optometry program may present certified CE on the primary campus of the approved optometry program under this exception. Nothing in this Section shall prohibit the listing of courses in a professional journal or newsletter or prevent an approved school, college or university from certifying a course.

- D) Transcript quality CE courses shall be deemed equivalent to the certified courses if they meet the requirements set forth in subsection (b)(2)(A).
  - E) CE sponsors shall state in their course materials the type of post-course evaluation which will be given and whether the applicant will be allowed to retake the evaluation.
  - F) Certified CE courses shall be courses in which the attendees are in actual attendance in the same room as the presenter. No online, self-instruction or correspondence courses shall be considered certified CE courses.
- 3) Eighteen hours of CE credit may be earned as follows (not accepted for certified CE):
- A) A maximum of 12 hours per pre-renewal period for verified teaching of students at an optometry school approved by the Division. One hour of teaching at an optometry school approved by the Division is equal to one hour of CE.
  - B) A maximum of 4 hours per pre-renewal period for verified self-instruction or self-instruction by electronic means that is sponsored or co-sponsored by any approved optometry college, institution or national or State optometry association.
  - C) A maximum of 4 hours per pre-renewal period for courses in practice management that includes business management.
  - D) A maximum of 1 hour of CE in cardiopulmonary resuscitation

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(CPR) certified by the American Red Cross, American Heart Association, an Illinois licensed hospital, an approved medical or optometric institution, or a licensed CE sponsor may be earned per pre-renewal period. Credit shall only be given for CPR courses in which the attendees are in actual attendance in the same room as the presenters. No credit shall be given for online, self-instruction, or correspondence courses.

- 4) CE credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.
  - 5) Credit shall not be given for courses taken in Illinois from unapproved sponsors except for a CPR course in accordance with subsection (b)(3)(D).
  - 6) The licensee shall maintain proof of completion of the CE requirements, in the form of CE certificates, for 3 license renewal cycles (6 years) from the end of the licensing period in which the CE course was taken.
- c) CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group that has been approved and authorized by the Division upon the recommendation of the Optometric Licensing and Disciplinary Board to coordinate and present CE courses or programs.
  - 2) A sponsor shall submit a sponsor application, along with the required fee set forth in Section 1320.400(a)(4), that includes:
    - A) Certification
      - i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in this Section;
      - ii) That the sponsor will be responsible for verifying attendance at each course or program or session thereof utilizing signature sheets or other means of attendance verification and for providing a certificate of completion as set forth in subsection (b);

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- iii) That, upon request by the Division, the sponsor will submit such evidence as is necessary to establish compliance with this Section;
  - iv) That each sponsor shall submit to the Division a written notice of a course offering 30 days prior to the course date. The notice shall include the description, location, date and time of the course to be offered;
- B) A history and the experience of the sponsor as an educational provider;
  - C) A copy of a sample program with faculty, course materials and syllabi;
  - D) The name and address of the contact person responsible for all recordkeeping; and
  - E) A list of all principals of the organization applying for a sponsor license.
- 3) Each sponsor shall submit by March 31 of each even-numbered year a sponsor application along with the required fee set forth in Section 1320.400(b)(2). ~~The~~With the application, the sponsor shall be required to submit to the Division a list of all courses and programs offered in the pre-renewal period, which includes a description, location, date and time the course was offered, and must provide this information to the Division upon request.
- 4) All courses and programs shall:
- A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of optometry;
  - B) Provide experiences that contain scientific integrity, relevant subject matter and course materials; and

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- C) Be developed and presented by persons with education and/or experience in subject matter of the program.
- 5) The tuition fees charged for programs conducted by approved sponsors shall be reasonable and directly related to the sponsor's actual expense in conducting the programs.
  - 6) All programs given by approved sponsors shall be open to all licensed optometrists and not be limited to the members of a single organization or group and shall specify the number of CE hours and categories that may be applied toward Illinois CE requirements for licensure renewal.
  - 7) Certificate of Attendance
    - A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
      - i) The name, sponsor number and address of the sponsor;
      - ii) The participant's name and optometry license number;
      - iii) A detailed statement of the subject matter;
      - iv) The number of hours actually attended in each topic;
      - v) The date of the program;
      - vi) Whether the course qualifies for certified continuing education.
    - B) A separate certification of passage or failure of the post-course evaluation shall be issued by the approved certifying institution when the course is for certified CE credit.
    - C) The sponsor shall maintain these records for 3 license renewal cycles (6 years) from the end of the licensing period in which the CE course was presented. These records shall include all test materials utilized for certified courses.



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- 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive CE credit for time not actually spent attending the program.
  - 9) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Division, after notice to the sponsor and hearing before and recommendation by the Board in accordance with 68 Ill. Adm. Code 1110 (Rules of Practice in Administrative Hearings), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Division receives reasonably satisfactory assurances of compliance with this Section.
- d) CE Earned in Other States
- 1) A licensee who requests credit toward CE compliance in Illinois for CE hours earned in another jurisdiction shall submit an out-of-state CE approval form along with a \$25 processing fee within 90 days prior to or after the course. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
  - 2) If a licensee fails to submit an out-of-state CE approval form within the required 90 days, late approval may be obtained by submitting the application along with the \$25 processing fee plus a \$50 per hour late fee not to exceed \$300. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
  - 3) The Board has determined that the Council on Optometric Practitioner Education (C.O.P.E.) approved courses are acceptable for out-of-state CE. If a licensee attends an out-of-state C.O.P.E. approved course, the licensee will not be required to submit the out-of-state CE approval form and the \$25 processing fee.
- e) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a).
  - 2) The Division may require additional evidence demonstrating compliance

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with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance for a period of 5 years.

- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65]. These proceedings may result in fines and/or disciplinary action.
- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license under Section 1320.420 who has not fully complied with the CE requirements of Section 1320.180 shall submit to the Division a renewal application, the renewal fee set forth in Section 1320.400(b)(1), a statement setting forth the facts (including time frames) concerning the non-compliance, and a request for waiver of the CE on the basis of the facts. If the Division, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted, that good cause has been shown for granting a waiver, the Division shall waive enforcement of the requirements for the renewal period for which the applicant has applied.
  - 2) Good cause is defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable pre-renewal period because of:
    - A) Full time service in the armed forces of the United States of America during a substantial part of ~~the pre-renewal~~ period; or
    - B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
      - i) An incapacitating illness documented by a currently licensed physician;
      - ii) A physical inability to travel to the sites of approved programs; or

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- iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for the waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) shall be deemed to be in good standing until the Division's final decision on the application has been made.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1320.100 Practice of Optometry**

- a) The practice of optometry, as defined in Section 3 of the Act, shall include, but not be limited to, the following functions:
  - 1) Prescribing and fitting of any ophthalmic lenses including contact lenses.
  - 2) Retinoscopy.
  - 3) Tonometry.
  - 4) Keratometry.
  - 5) Subjective lens testing.
  - 6) Phoria testing.
  - 7) Biomicroscopy.
  - 8) Ophthalmoscopy.
  - 9) Electronic or computerized examination techniques that utilize devices that perform any of the above functions.
  - 10) Visual screening.

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- 11) Diagnosis and treatment of any ocular abnormality, disease or visual or muscular anomaly of the human eye or visual system.

b) Advanced Optometric Procedures

- 1) The practice of optometry may also include the following advanced optometric procedures only upon successful completion of a Division-approved advanced optometric training and testing program set forth in Section 1320.20.

A) Subcutaneous, intradermal and subconjunctival injections. (Retrobulbar, intraocular and botulinum injections are not permitted).

B) Excision, removal or destruction of chalazion.

C) Excision, removal or destruction of benign, superficial lesions.

D) Removal of skin tags.

E) Incision and drainage of cysts.

F) Epilation by means other than forceps.

G) Corneal debridement, other than dead tissue, not including removal of pterygium or corneal neoplasias.

H) Biopsy, excluding corneal biopsy.

- 2) Advanced optometric procedures do not include the use of lasers or general anesthesia.

cb) Visual Screening

- 1) Nothing in this Section shall prohibit visual screening conducted without a fee other than a voluntary donation by a charitable organization or governmental agency, acting in the public welfare under the supervision of a committee composed of persons licensed by the State to practice optometry or medicine in all of its branches.

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- 2) Visual screening is defined as a limited series of ocular observations, measurements or tests provided without a fee to determine if a complete eye examination, as described in Section 1320.90, by a licensed optometrist or a physician licensed to practice medicine in all of its branches, is recommended.
  - 3) When a visual screening is performed, the recipient of the screening shall be clearly informed in writing and shall receive a copy of the following:
    - A) Results and limitations of the screening;
    - B) That the screening is not representative of or a substitute for an eye exam;
    - C) That the screening will not result in a prescription for visual correction;
    - D) That visual screening referral criteria for a complete eye examination must meet accepted optometric professional standards criteria; and
    - E) The name and address of the charitable organization sponsoring the screening and the chairperson of the supervisory committee.
  - 4) A copy of the screening results shall be maintained for 6 years by the chairperson of the supervisory committee or the optometrist performing the screening.
  - 5) Visual screening includes ocular disease specific screenings that may be conducted for charitable purposes in accordance with this Section.
- de) No ophthalmic lenses, prisms, or contact lenses may be sold or delivered to an individual without a prescription signed by a licensed optometrist or a physician licensed to practice medicine in all of its branches.
- ed) The following acts shall not be performed by an individual not licensed in this State as an optometrist or to practice medicine in all of its branches except while acting under the direct supervision of a person so licensed:

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- 1) Conducting or performing examinations of the human eye or its appendages employing either objective or subjective means, or both for the purpose of adapting lenses to the eyes of any person;
- 2) Using instruments or appliances of any type to determine the curvatures of the eye or of the cornea of any person for the purpose of ordering or supplying contact lenses for the person;
- 3) Determining, selecting or specifying the lens characteristics or the lens curvatures of contact lenses to be supplied to any person;
- 4) Converting, altering, or varying in any manner a prescription for contact lenses prepared by an optometrist or a person licensed to practice medicine in all its branches in this State;
- 5) Converting, altering, or varying in any manner a prescription for spectacles prepared by an optometrist or a person licensed to practice medicine in all of its branches in this State, including converting a spectacle prescription into a prescription for contact lenses;
- 6) Inserting, removing, adjusting or adapting contact lenses for the purpose of selecting, specifying or furnishing contact lenses for use by any person;
- 7) Conducting or performing any examination of the human eye or its appendages employing either objective or subjective means or both for the purpose of determining the effects that may have resulted from wearing contact lenses by any person;
- 8) When a person has been provided with contact lenses pursuant to a prescription by an optometrist or a person licensed to practice medicine in all of its branches in this State, adjusting, adapting or changing the lens characteristics or the lens curvatures of the contact lens in any manner whatsoever;
- 9) Advertising, representing or informing the general public by any means, including, but not limited to, display advertising in newspapers and telephone directories within the State of Illinois, that the individual will fit or adapt contact lenses for the use of any person.

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- fe) Direct supervision of any person assisting an optometrist means:
- 1) The optometrist personally performs those procedures requiring professional judgment. Professional judgment requires that the optometrist shall perform those procedures for the diagnosis and treatment of anomalies of the eye, adnexa, and the visual system, including for example, but not limited to, biomicroscopy, ophthalmoscopy, all therapeutic procedures and the prescribing of any ophthalmic lenses, including contact lenses.
  - 2) The optometrist shall specify all procedures to be performed by the assistant.
  - 3) The optometrist is present in the facility while the assistant performs the procedure (does not mean that the optometrist must be present with the patient while the specified procedures are being performed).
  - 4) The optometrist approves the results of the procedures performed by the assistant before dismissal of the patient.
- gf) Requirements for the minimum eye exam as outlined in Section 1320.90 are still applicable and are not changed or altered by the provisions of this Section.
- hg) When the practice of optometry is conducted at a mobile or non-permanent location, the following shall apply:
- 1) Notice shall be given to the Division of the locations of the mobile examinations and the times they will be given. Notices shall be postmarked no later than 15 days prior to the examination.
  - 2) Notice shall be given to the Division and the patient of the location where examination records are to be maintained in accordance with Section 1320.90 and the name and address of the individual or office where the patient can access and obtain copies of his or her records.
  - 3) Notice shall be given to the Division and the patient of the name and address of the examining optometrists and the location where follow-up services will be provided. A protocol shall be established for each mobile

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location to provide for the follow-up and referral of the patient to appropriate permanent optometric or healthcare locations when needed.

- 4) If the patient is a minor child, parental approval shall be obtained prior to any examination and the case history as required by Section 1320.90 shall be obtained from the parent or guardian.
- 5) All equipment required by Section 1320.95 shall be present, operable and available for use.
- 6) All ancillary registrations (see Section 1320.411) shall be displayed in plain view of the patient. An optometrist shall obtain an ancillary registration prior to providing services at the mobile location.
- 7) Vision screenings conducted in conjunction with a mobile location shall be done in accordance with subsection (b).
- 8) Mobile locations must meet all other requirements of the Act and this Part and any other State or federal requirements.
- 9) Mobile locations do not include homes, hospitals or institutions at which a licensee is entitled to practice under Section 1320.411(d) or Section 7 of the Act.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)