

### **Mandatory Eye Exams for School Children**

This bill requires all children entering school for the first time to have a complete eye exam by an Optometrist or an Ophthalmologist. The impact on the lives of our youngest patients has been tremendous.

### **Optometric Practice Act Sunset**

Every ten years the Optometric Practice Act ceases to exist in law and must be renewed. In 2006, changes to our statute were attempted by the Medical Society, Ophthalmology, the Illinois Retail Merchants Association and the Department of Financial and Professional Regulation. The IOA was successful in working with all of these groups to make the changes positive for the profession of Optometry.

### **Sale of Ophthalmic Devices w/Drugs**

Under legislation authored by the IOA Optometrists are permitted to sell devices such as contact lenses that contain drug delivery systems. Previously, such sales and dispensing would have been restricted to pharmacies.

### **Handicapped ID Cards, Placards, and License Plates**

This law permits ODs to certify to the Secretary of State the visual impairment of patients in need of Handicapped IDs or Handicapped Placards/License Plates to aid family members in transporting them.

### **Fee Splitting**

This joint effort with the Illinois State Medical Society clarified our ability to co-manage patients in both acts. It also prohibits all fee splitting except for the payment of rents, staffing, equipment and other shared costs at market value with non MD or ODs.

### **Elder Abuse**

This legislation changed the failure to report Elder Abuse from a Class A Misdemeanor ruled on by a court of law to an offense that is reported to and acted upon by the Illinois Optometric Licensing and Disciplinary Board.

### **Delegation of Duties**

Quick action by the IOA resulted in the revision of a bill that would have allowed MDs and Chiropractors to delegate health care functions including Optometry to unlicensed staff. The amendment limited the MD/DC delegation authority to functions within their scope of training. With Delegation to individuals who have been trained to perform the function and then only under the supervision of a licensed individual who must be on premise when the test or treatment is provided.

### **Mandatory Dilation of Kindergarten Eye Exams**

A bill by an Ophthalmologist that would have required dilation for all eye exams for children starting school was swiftly withdrawn when the IOA expressed opposition and pointed out while laudable, how impractical this would be.

### **Future Legislation**

#### **Expungement**

This bill allows non-patient related offenses to be stricken from an ODs record at the Department of Financial and Professional Regulation and eliminates the need to report these minor offenses to Insurance, Hospitals and others once expunged.

### **Rules Passed**

#### **Sales Tax Exemption**

The IOA's negotiations with the Illinois Department of Revenue to interpret the Service Persons Exemption to include Contact Lenses, Frames and Lenses under the lower tax rate were successful. This rule allows ODs to pay taxes based on 1/2 of cost rather than full retail.

#### **Circuit Breaker Medications**

While the law adding Glaucoma to the list of medications that the state pays for the elderly could have been classed as a legislative victory, the rules implementing the law proved to be much more important. Without IOA intervention the

rules would have passed without permitting our patients to receive coverage. The rules as originally written did not allow payment for Rx's written by ODs. Our quick intervention with the Illinois Department of Revenue changed the rules and included Optometry as a prescriber.

### **Mobile Locations**

This rule clarified the law on practicing in mobile settings and later successfully removed fees for those doing so for charitable reasons.

### **Rules In General**

Many of legislative victories cited above required the passage of rules for their implementation. The association was successful 100% of the time in passing rules that reflected the intent of the legislation and that were in the best interest of Optometry.

### **Monitoring**

In addition to all of the legislative and administrative activity listed above, the IOA monitored thousands of bills and rules to assess their impact on Optometry and our patients. Each year over 6000 bills are reviewed to protect and serve the ODs of this state.

### **HIPAA**

Following the passage of the federal HIPAA legislation, the IOA created a powerpoint program, explaining how to achieve compliance, it was presented over a dozen times throughout the state within the first year on a members only basis. A HIPAA handbook is available to all members.



**ILLINOIS OPTOMETRIC  
ASSOCIATION**

**LEGISLATIVE  
ACCOMPLISHMENTS  
from 1984 - 2010**

What have we done for you lately?

**Everyone knows that in 1984  
we won our DPA battle.**

Eleven years later, in 1995, we  
secured TPA and twelve years  
later we passed Orals.

**BUT...**

What have we done for  
you lately?

## **IOA LEGISLATION from 1996-2010**

### **Licensing Categories and Fees**

Licensing renewal fees were reduced from over \$600 to \$400 per two year renewal and ancillary fees from \$120 to \$50. Through the IOA's efforts, the number of licensing categories was reduced to one, and more recently ancillary licenses and fees were eliminated.

### **Good Samaritan Act**

The IOA passed legislation to have optometrists exempted from liability when assisting individuals as a Good Samaritan.

### **MD/OD Professional Corporations**

This law allowed MDs and ODs to organize a joint practice under the Professional Corporations Act. Joint ownership was not previously permitted.

### **Pharmacy Act/Optometrists**

This act clarified that Pharmacists could fill prescriptions issued by Optometrists under the TPA Legislation.

### **Illinois Controlled Substance Act**

The IOA worked to pass an amendment to include ODs as prescribers, allowing for the issuance of federal DEA numbers to Illinois ODs.

### **Optometric Lien Act**

This act granted ODs the same rights as

other health care professionals to file liens in workman's comp cases.

### **Clinical Laboratory and Blood Bank Act**

The IOA passed an act that allowed Optometrists to write orders for laboratory and hospital tests.

### **ODs on Boards and Commissions**

This bill was withdrawn but an agreement was reached adding ODs to certain Health Care Advisory Boards and eliminating the oversight of Medicaid Optometric issues by a statewide medical advisory committee.

### **Nursing Orders**

The IOA passed a law that allowed nurses to accept orders from ODs to provide patient care.

### **Public Aid Full OD Utilization**

The IOA worked with Public Aid to allow ODs to bill on an equal basis with Ophthalmology for Medical Eye Health Care under Medicaid.

### **Definition of Surgery**

A bill sponsored by the Medical Society would have eliminated the practice of Optometry in Illinois or at best would have eliminated many of the procedures for which Optometry could bill.

1999 Terminated in Committee

2000 Terminated prior to Committee

2001 Terminated prior to Introduction

### **TPA Certification by 2006**

This bill eliminated multiple licensing levels and standardized patient care in Illinois. It made Optometry more saleable for inclusion in managed care and less confusing to patients.

### **Mail Order Contact Lens Act**

This act requires out of state mail order vendors to register with the state and agree to follow Illinois Law in the distribution of contact lenses.

### **Occupational Therapist Orders**

This law allows ODs to write program plans and orders to occupational therapists for the treatment of our patients.

### **Occupational Therapist Restriction**

This law prohibits OTs from performing any diagnosis or treatment that is defined in

our act as the practice of optometry i.e. vision therapy.

### **Nursing Restriction**

This law prohibits Nurses from performing any diagnosis or treatment that is defined as the practice of Optometry unless under the direct supervision of an MD or OD.

### **Low Vision Night Driving**

This law allowed our low vision patients to drive at night if they can meet stringent requirements which were developed in conjunction with ICO.

### **1-800 Contacts Prescription Release**

This bill would have allowed patient self-prescription and automatic release without a doctor's approval. The bill was stripped of all content and died after IOA intervention.

### **Optician Licensing Act**

This act would have required all Opticians to be licensed by the state. Would have included all Optometric staff who fit glasses or in any way advised patients and would have driven up the cost of eyecare. The bill was not introduced after a meeting with the legislative sponsor.

### **Residency Licensure**

This bill now allows residents at ICO, UMMSL and the VA to obtain a special license for the year that they are in residency. Restricted to practice within the program, this bill reduced the fees paid by these students from \$900 to \$100.

### **Discount Card Programs**

A bill the IOA supported requires companies offering discount cards to have a signed contract of agreement with providers including Optometrists. Prohibits advertising or listing a provider without their specific consent.

### **Scholarships for ICO Students**

This IOA-sponsored program utilizes funds from excess licensing fees deposited in the Illinois Optometric Licensing and Disciplinary Fund to fund scholarships. It prevents the build up of excess funds that are a target for diversion into general state funds.

### **School Vision Screening Amendment**

This law provides, in part, that the Dept. of Public Health shall require that individuals conducting vision screening tests give the child's parent/guardian written notification prior to the screening, explaining that the screening is not a substitute for a complete eye/vision examination by an optometrist.

### **Employed OD Undue Influence**

This bill made it a violation of the Optometric Practice act for any entity or person not an OD to take actions or attempt to take actions which would cause an OD to violate any law. This bill applies to those who employ, have contracts with or have supervisory control over an OD except MDs or other ODs.

### **Managed Care Purchase of Goods Prohibition**

This law prohibited a managed care plan from requiring the purchase by an OD of eyewear or services in order to participate in their plan.

### **Newborn Eye Pathology Act**

The IOA worked to see that an optometrist was included on a Public Health Advisory Committee looking into services for newborns.

### **Optometric Co-Management Bill**

This bill would have severely restricted an ODs ability to co-manage cases with an ophthalmologist and was degrading to all optometrists. Due to IOA efforts, the bill died in committee.

### **Medicare and Medicaid Reimbursements**

While not in legislation or rule, the IOA worked with the Medicare Intermediary and the Illinois Department of Public Aid and obtained payment for ODs for all CPT codes that are within the scope of practice of an Illinois Optometrist. Discrimination that had taken place for years was eliminated. In recent years a 300% increase in fees was implemented as a direct result of IOA's activities.

### **Orals Pharmaceuticals**

This bill allowed optometrists to use and prescribe drugs in oral form.