

AN ACT concerning professional regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Massage Licensing Act is amended by changing Sections 15 and 20 as follows:

(225 ILCS 57/15)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15. Licensure requirements.

(a) Beginning January 1, 2005, persons engaged in massage for compensation must be licensed by the Department. The Department shall issue a license to an individual who meets all of the following requirements:

(1) The applicant has applied in writing on the prescribed forms and has paid the required fees.

(2) The applicant is at least 18 years of age and of good moral character. In determining good moral character, the Department may take into consideration conviction of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor or any crime that is directly related to the practice of the profession. Such a conviction shall not operate automatically as a complete bar to a license, except in the case of any conviction for prostitution, rape, or sexual misconduct, or where the applicant is a registered sex offender.

(3) The applicant has met one of the following requirements:

(A) has successfully completed the curriculum or curriculums of one or more massage therapy schools approved by the Department that require a minimum of 500 hours and has passed a competency examination approved by the Department;

(B) holds a current license from another jurisdiction having licensure requirements that meet or exceed those defined within this Act; or

(C) has moved to Illinois from a jurisdiction with no licensure requirement and has provided documentation that he or she has successfully passed the National Certification Board of Therapeutic Massage and Bodywork's examination or another massage therapist certifying examination approved by the Department and maintains current certification.

(b) Each applicant for licensure as a massage therapist shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or to a vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department may adopt any rules necessary to implement this Section.

(Source: P.A. 92-860, eff. 6-1-03; 93-524, eff. 8-12-03.)

(225 ILCS 57/20)

(Section scheduled to be repealed on January 1, 2012)

Sec. 20. Grandfathering provision.

(a) For a period of one year after the effective date of the rules adopted under this Act, the Department may issue a license to an individual who, in addition to meeting the requirements set forth in paragraphs (1) and (2) of subsection (a) and subsection (b) of Section 15, produces proof that he or she has met at least one of the following requirements before the effective date of this Act:

(1) has been an active member, for a period of at least one year prior to the application for licensure, of a national professional massage therapy organization established prior to the year 2000, which offers professional liability insurance and a code of ethics;

(2) has passed the National Certification Exam of Therapeutic Massage and Bodywork and has kept his or her certification current;

(3) has practiced massage therapy an average of at least 10 hours per week for at least 10 years; or

(4) has practiced massage therapy an average of at least 10 hours per week for at least one year prior to the effective date of this Act and has completed at least 100 hours of formal training in massage therapy.

(b) An applicant who can show proof of having engaged in the practice of massage therapy for at least 10 hours per week for a minimum of one year prior to the effective date of this Act and has less than 100 hours of formal training or has been practicing for less than one year with 100 hours of formal training must complete at least 100 additional hours of formal training consisting of at least 25 hours in anatomy and physiology by January 1, 2005.

(c) An applicant who has training from another state or country may qualify for a license under subsection (a) by showing proof of meeting the requirements of that state or country and demonstrating that those requirements are substantially the same as the requirements in this Section.

(d) For purposes of this Section, "formal training" means a massage therapy curriculum approved by the Illinois State Board

of Education or the Illinois Board of Higher Education or course work provided by continuing education sponsors approved by the Department.

(Source: P.A. 92-860, eff. 6-1-03; 93-524, eff. 8-12-03.)

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