



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3516

Introduced 2/14/2020, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 80/4.41 new

Creates the Traditional Asian Healing Therapist Licensing Act. Provides for the licensure of traditional Asian healing therapist, which specifically includes the practice of Asian bodywork therapy, clinical Qigong therapy, and Thai bodywork therapy, by the Department of Financial and Professional Regulation. Creates the Traditional Asian Healing Therapist Licensing Board. Sets forth provisions concerning application, qualifications, grounds for disciplinary action, and administrative procedures. Amends the Regulatory Sunset Act to set a repeal date for the new Act of January 1, 2031. Effective immediately.

LRB101 19772 SPS 69282 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the
5 Traditional Asian Healing Therapist Licensing Act.

6 Section 5. Declaration of public policy. The practice of
7 traditional Asian healing therapy, specifically Asian bodywork
8 therapy, clinical Qigong therapy, and Thai bodywork therapy,
9 are hereby declared to affect the public health, safety, and
10 welfare and to be subject to regulation in the public interest.
11 The purpose of this Act is to protect and benefit the public by
12 setting standards of qualifications, education, training, and
13 experience for those who seek to practice traditional Asian
14 healing therapy, to promote high standards of professional
15 performance for those licensed to practice traditional Asian
16 healing therapies in the State of Illinois, and to protect the
17 public from unprofessional conduct by persons licensed to
18 practice.

19 Section 10. Definitions. As used in this Act:

20 "Approved traditional Asian healing therapy school" means
21 a facility that meets the minimum standards for training and
22 curriculum as determined by the Department.

1 "Asian bodywork therapist" means a person who is licensed
2 by the Department and administers Asian bodywork therapy for
3 compensation.

4 "Asian bodywork therapy" means the evaluation and
5 treatment of the body, mind, emotions, and spirit based upon
6 Chinese medical principles using manual pressure and
7 manipulation. "Asian bodywork therapy" includes, but is not
8 limited to, assessment in accordance with Chinese medicine
9 principles and assessment techniques. The scope of practice of
10 Asian bodywork therapy applies traditional Chinese medicine
11 principles and methodologies, including, but not limited to,
12 using hands, forearms, elbows, knees, feet, or hand-held,
13 non-puncturing, or mechanical appliances or devices that
14 enhance treatment outcomes. "Asian bodywork therapy" includes,
15 but is not limited to, the utilization of any or all of the
16 following techniques: pressing, soothing, kneading, vibration,
17 friction, passive stretching within the normal anatomical
18 range of motion, active assistive and resistive movement and
19 stretching, tapping, or exercising and manipulation of the soft
20 tissues and fascia. Application and use of any of the following
21 may be utilized by properly trained practitioners to assist in
22 treatment: oils, lotions, gels, liniments, rubbing alcohol,
23 powders, creams, cupping, moxibustion, gua sha, elastic
24 therapeutic tape, instrument-assisted soft tissue
25 mobilization, magnets, tuning forks, acupressure seeds, beads,
26 press balls, teishins, enshins, zanshins, ion pumping cords,

1 Manaka hammer and wooden needle, shonishin tools and other
2 non-insertive tools and devices, hot and cold therapy
3 (including heat lamps and heating pads), compresses, external
4 application of medicinal plants, eastern lifestyle
5 suggestions, and other techniques, practices, and adjunct
6 therapies.

7 "Board" means the Traditional Asian Healing Therapist
8 Licensing Board.

9 "Clinical Qigong therapist" means a person who is licensed
10 by the Department and administers clinical Qigong therapy for
11 compensation.

12 "Clinical Qigong therapy" means the evaluation and
13 treatment of the body, mind, emotions, and spirit based upon
14 Chinese medical principles and skills derived through
15 self-cultivation. The scope of practice of clinical Qigong
16 therapy includes Qi transmission through non-touch and light
17 touch methods and prescription of Qigong exercises and
18 meditations. Cupping, tuning forks, guasha, moxibustion,
19 external application of medicinal plants, eastern lifestyle
20 suggestions, and other techniques, practices, and adjunct
21 therapies may be used by properly trained practitioners.

22 "Compensation" means the payment, loan, advance, donation,
23 contribution, deposit, or gift of money or anything of value.

24 "Department" means the Department of Financial and
25 Professional Regulation.

26 "Director" means the Director of Professional Regulation.

1 "Minimum standard of training" means at least 600 hours of
2 training including anatomy, physiology, ethics, business,
3 directly supervised clinical work, traditional health theories
4 relevant to the practice of the therapy, and application of
5 techniques, in addition to any definitions added by rule.

6 "NCCAOM" means the National Certification Commission for
7 Acupuncture and Oriental Medicine.

8 "Secretary" means the Secretary of Financial and
9 Professional Regulation.

10 "Thai bodywork therapist" means a person who is licensed by
11 the Department and administers Thai bodywork therapy for
12 compensation.

13 "Thai bodywork therapy" or "Thai bodywork" means a system
14 of observation, evaluation, treatment of the body, mind, and
15 spirit according to traditional Thai medicine principles. The
16 system may include, but is not limited to, structured palpation
17 or movement of the soft tissue of the body using techniques
18 such as compression, kneading, thumbing, percussion, passive
19 joint range of motion, and stretching activities as they
20 pertain to bodywork therapy. The practitioner may use their
21 hands, elbows, knees, or feet to affect desired changes in the
22 soft tissue. The system may also include, but is not limited
23 to, use of liniments, balms, gaan kroot (scraping), luk pra kob
24 (warm herbal compresses), tok sen (vibrational therapy),
25 external application of medicinal plants, eastern lifestyle
26 suggestions including exercise, posture, sleep and diet,

1 meditation, mantra and chanting, Buddhist philosophy, and
2 other techniques or practices. These techniques may be applied
3 by a licensed Thai bodywork therapist with or without the aid
4 of lubricants, herbal preparations, or a non-mechanical device
5 that mimics or enhances the actions possible by human hands.
6 The purpose of the practice of Thai bodywork therapy, as
7 licensed under this Act, is to enhance the general health and
8 well-being of the mind, body, and spirit of the recipient and
9 to relieve pain and suffering.

10 "Traditional Asian healing therapist" means a person who is
11 licensed by the Department and administers traditional Asian
12 healing therapy for compensation.

13 "Traditional Asian healing therapy" means the health care
14 professions of Asian bodywork therapy, clinical Qigong
15 therapy, and Thai bodywork therapy. "Traditional Asian healing
16 therapy" does not include the diagnosis of a specific
17 pathology, nor does it include acts of physical therapy or
18 therapeutic or corrective measures that are outside the scope
19 of Asian bodywork therapy, clinical Qigong therapy, and Thai
20 bodywork therapy as defined in this Section.

21 Section 15. Licensure requirements.

22 (a) Beginning July 1, 2020, or the effective date of the
23 rules adopted under this Act, whichever is later, persons
24 engaged in traditional Asian healing therapy for compensation
25 must be licensed by the Department. The Department shall issue

1 a license to an individual who meets all of the following
2 requirements:

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

5 (2) The applicant is at least 18 years of age and of
6 good moral character. In determining good moral character,
7 the Department may take into consideration the conviction
8 of any crime under the laws of the United States or any
9 state or territory thereof that is a felony or a
10 misdemeanor, or any crime that is directly related to the
11 practice of the profession, including the revocation of any
12 professional license due to immoral reasons. Such a
13 conviction or license revocation shall not operate
14 automatically as a complete bar to a license, except in the
15 case of any conviction for prostitution, rape, or sexual
16 misconduct, or where the applicant is a registered sex
17 offender.

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

20 (A) has successfully completed the curriculum or
21 curriculums of one or more traditional Asian healing
22 therapy schools approved by the Department that
23 requires a minimum standard of training and has passed
24 a competency examination approved by the Board, to
25 include, but not be limited to, the NCCAOM ABT Exam
26 Module, National Certification Exam for Therapeutic

1 Massage and Bodywork, the Massage and Bodywork
2 Licensing Exam, or a traditional Asian healing therapy
3 certification or competency examination approved by
4 the Board;

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

8 (C) has moved to Illinois from a jurisdiction with
9 no licensure requirement, and has met one of the
10 following requirements:

11 (i) has provided documentation that he or she
12 is currently certified by the National
13 Certification Commission for Acupuncture and
14 Oriental Medicine as a Diplomate in Asian Bodywork
15 Therapy;

16 (ii) has successfully passed another
17 traditional Asian healing therapy certifying
18 examination approved by the Board; or

19 (iii) is a member in good standing of the
20 American Organization for Bodywork Therapies of
21 Asia, the National Qigong Association, the Thai
22 Healing Alliance International, or another
23 professional membership association approved by
24 the Board or Department, at a level of membership
25 as specified by rule.

26 (b) Each applicant for licensure as a traditional Asian

1 healing therapist shall have his or her fingerprints submitted
2 to the Illinois State Police in an electronic format that
3 complies with the form and manner for requesting and furnishing
4 criminal history record information as prescribed by the
5 Illinois State Police. These fingerprints shall be checked
6 against the Illinois State Police and Federal Bureau of
7 Investigation criminal history record databases now and
8 hereafter filed. The Illinois State Police shall charge
9 applicants a fee for conducting the criminal history records
10 check, which shall be deposited into the State Police Services
11 Fund and shall not exceed the actual cost of the records check.
12 The Illinois State Police shall furnish, pursuant to positive
13 identification, records of Illinois convictions to the
14 Department. The Department may require applicants to pay a
15 separate fingerprinting fee, either to the Department or to a
16 vendor. The Department, in its discretion, may allow an
17 applicant who does not have reasonable access to a designated
18 vendor to provide his or her fingerprints in an alternative
19 manner. The Department may adopt any rules necessary to
20 implement this Section.

21 Section 20. Licensure of current practitioners.

22 (a) For a period of one year after the effective date of
23 the rules adopted under this Act, the Department may issue a
24 license to an individual who, in addition to meeting the
25 requirements set forth in the previous Section, produces proof

1 that he or she has met at least one of the following
2 requirements by the time of application:

3 (1) is a registered active member of a nationally
4 recognized Asian bodywork therapy, clinical Qigong therapy
5 or Thai bodywork therapy professional organization
6 approved by the Board or Department, at a membership or
7 certification level approved by the Board or Department,
8 based on a verified minimum level of training,
9 demonstration of competency, and adherence to ethical
10 standards set by their governing body; for purposes of this
11 paragraph (1), "active member" does not include students;

12 (2) is a member of the American Organization for
13 Bodywork Therapies of Asia at a level of membership
14 requiring at least 500 hours of training, including
15 Certified Practitioner, Registered Instructor, or
16 Certified Instructor;

17 (3) is a member of the Thai Healing Alliance
18 International at a level of membership requiring at least
19 200 hours of training, including Registered Thai Therapist
20 or Instructor;

21 (4) is certified by the National Qigong Association as
22 a Clinical Qigong Practitioner with a minimum of 500 hours
23 of training;

24 (5) has practiced any traditional Asian healing
25 therapy as listed in subsection (a) of Section 30 of this
26 Act for at least one year prior to July 1, 2020, or the

1 passage date of this Act, whichever is later, has completed
2 200 hours of formal training, and has maintained
3 professional liability insurance without incident;

4 (6) has practiced any of the traditional Asian healing
5 therapy as listed in subsection (a) of Section 30 of this
6 Act for at least 10 years prior to July 1, 2020, or the
7 effective date of this Act, whichever is later and has
8 maintained professional liability insurance without
9 incident; or

10 (7) is currently certified by the National
11 Certification Commission for Acupuncture and Oriental
12 Medicine as a Diplomate in Asian Bodywork Therapy.

13 (b) An individual who has practiced traditional Asian
14 healing therapy for a minimum of one year prior to July 1,
15 2020, or the passage date of this Act, whichever is later, but
16 has less than 200 hours of formal training, or an individual
17 who has practiced for less than one year, but has 200 hours of
18 formal training, may be issued a license under this Section,
19 but must complete at least 100 additional hours of formal
20 training consisting of at least 25 hours in anatomy and
21 physiology by July 1, 2022 or 2 years after the effective date
22 of the rules adopted under this Act, whichever is later.

23 (c) For purposes of this Section, "formal training" is
24 described as a traditional Asian healing therapy curriculum
25 approved or endorsed by the American Organization for Bodywork
26 Therapies of Asia Council of Schools and Programs, the National

1 Certification Board for Therapeutic Massage and Bodywork, the
2 Commission on Massage Therapy Accreditation, the Illinois
3 State Board of Education, the Illinois Board of Higher
4 Education, or course work approved by the Board or Department.

5 Section 25. Exemptions.

6 (a) This Act does not prohibit a person licensed under any
7 other Act in this State from engaging in the profession for
8 which he or she is licensed.

9 (b) Nothing in this Act prohibits a student of an approved
10 traditional Asian healing therapy school or program from
11 performing traditional Asian healing therapy, provided that
12 the student does not hold himself or herself out as a licensed
13 traditional Asian healing therapist and does not receive
14 compensation for traditional Asian healing therapy services.

15 (c) Nothing in this Act applies to acupuncturists licensed
16 under the Acupuncture Practice Act.

17 (d) Nothing in this Act applies to traditional Asian
18 healing therapists or acupuncturists from other states,
19 territories, or countries when providing educational programs
20 or services for a period not exceeding 30 days within a
21 calendar year.

22 (e) Nothing in this Act prohibits a person from engaging in
23 the personal practice or instruction of Qigong
24 self-improvement exercises or meditations that are not
25 specifically defined in Section 10 of this Act.

1 (f) Nothing in this Act prohibits a person from engaging in
2 a profession not specifically named or defined within this Act.

3 Section 30. Title protection.

4 (a) Persons regulated by this Act are designated as a
5 traditional Asian healing therapists and, therefore, are
6 exclusively entitled to utilize the terms that reflect their
7 credentials of Asian bodywork, Asian bodywork therapy,
8 clinical Qigong, clinical Qigong therapy, Thai bodywork, Thai
9 bodywork therapy, and their abbreviations or derivations, or
10 any specific titles, abbreviations or derivations of Asian
11 bodywork therapy forms when advertising or printing
12 promotional material. Protected Asian bodywork therapy
13 form-specific titles include, but are not limited to,
14 "Acupressure," "Amma", "Amma Therapy", "Chi Nei Tsang", "Five
15 Element Shiatsu", "Integrative Eclectic Shiatsu", "Japanese
16 Shiatsu", "Jin Shin Do Bodymind Acupressure", "Jin Shou Tuina",
17 "Macrobiotic Shiatsu", "Nuad Bo 'Rarn", "Okazaki Restorative
18 Therapy", "Pacific and Asian Restoration Therapies of Danzan
19 Ryu", "Shiatsu", "Shiatsu Anma Therapy", "Tuina", and "Zen
20 Shiatsu".

21 (b) Anyone who knowingly aids and abets one or more persons
22 not authorized to use a professional title, abbreviation, or
23 derivation thereof regulated by this Act, or knowingly employs
24 persons not authorized to use the regulated professional title
25 in the course of their employment, commits a violation of this

1 Act.

2 (c) Anyone not authorized under this Act to utilize the
3 regulated professional titles, abbreviations, or derivations
4 thereof and who knowingly utilizes these terms when advertising
5 commits a violation of this Act.

6 Section 35. Traditional Asian Healing Therapist Licensing
7 Board.

8 (a) The Director shall appoint a Traditional Asian Healing
9 Therapist Licensing Board, which shall serve in an advisory
10 capacity to the Director. The Board shall consist of 7 members,
11 6 of whom shall be therapists with at least 3 years of
12 experience in traditional Asian healing therapy. At least one
13 of the 6 therapist members shall represent a traditional Asian
14 healing therapy school. One member of the Board shall be a
15 member of the public who is not licensed under this Act or a
16 similar Act in Illinois or another jurisdiction. Membership on
17 the Board shall reasonably reflect the various traditional
18 Asian healing therapy forms. Membership on the Board shall
19 reasonably reflect the geographic areas of the State. The Board
20 shall meet annually to elect a chairperson and vice
21 chairperson. The Board shall hold regularly scheduled meetings
22 during the year. A simple majority of the Board shall
23 constitute a quorum at any meeting. Any action taken by the
24 Board must be on the affirmative vote of a simple majority of
25 members. Voting by proxy shall not be permitted. The Board

1 shall convene meetings either in person or via an electronic
2 format in accordance with the Open Meetings Act at the
3 discretion of the Director.

4 (b) Members shall be appointed to a 3-year term, except
5 that initial appointees shall serve the following terms: 2
6 members shall serve for one year, 2 members shall serve for 2
7 years, and 3 members shall serve for 3 years. A member whose
8 term has expired shall continue to serve until his or her
9 successor is appointed. No member shall be reappointed to the
10 Board for a term that would cause his or her continuous service
11 on the Board to exceed 9 years. Appointments to fill vacancies
12 shall be made in the same manner as the original appointments
13 for the unexpired portion of the vacated term.

14 (c) The members of the Board are entitled to receive
15 compensation for all legitimate and necessary expenses
16 incurred while attending Board and Department meetings.

17 (d) Members of the Board shall be immune from suit in any
18 action based upon any disciplinary proceedings or other
19 activities performed in good faith as members of the Board.

20 (e) The Director shall consider the recommendations of the
21 Board on questions involving the standards of professional
22 conduct, discipline, and qualifications of candidates and
23 licensees under this Act. Nothing shall limit the ability of
24 the Board to provide recommendations to the Director in regard
25 to any matter affecting the administration of this Act. The
26 Director shall give due consideration to all recommendations of

1 the Board. If the Director takes action contrary to a
2 recommendation of the Board, the Director shall provide a
3 written explanation of that action.

4 (f) The Director may terminate the appointment of any
5 member for cause that, in the opinion of the Director,
6 reasonably justifies termination, which may include, but is not
7 limited to, a Board member who does not attend 2 consecutive
8 meetings.

9 Section 40. Duties of the Department. The Department shall
10 exercise the powers and duties prescribed by the Civil
11 Administrative Code of Illinois for administration of
12 licensing acts and shall exercise other powers and duties
13 necessary for effectuating the purpose of this Act. The
14 Department shall adopt rules to implement, interpret, or make
15 specific the provisions and purposes of this Act; however, no
16 such rules shall be adopted by the Department except upon
17 review and approval by the Board.

18 Section 45. Grounds for discipline.

19 (a) The Department may refuse to issue or renew, or may
20 revoke, suspend, place on probation, reprimand, or take other
21 disciplinary action, as the Department considers appropriate,
22 including the imposition of fines not to exceed \$1,000 for each
23 violation, with regard to any license or licensee for any one
24 or more of the following:

1 (1) violations of this Act or of the rules adopted
2 under this Act;

3 (2) conviction by plea of guilty or nolo contendere,
4 finding of guilt, jury verdict, or entry of judgment or by
5 sentencing of any crime, including, but not limited to,
6 convictions, preceding sentences of supervision,
7 conditional discharge, or first offender probation, under
8 the laws of any jurisdiction of the United States: (i) that
9 is a felony, or (ii) that is a misdemeanor, an essential
10 element of which is dishonesty, or that is directly related
11 to the practice of the profession;

12 (3) professional incompetence;

13 (4) advertising in a false, deceptive, or misleading
14 manner; this includes advertising using form-specific
15 titles, initials, abbreviations, or their derivations
16 protected under subsection (a) of this Section 30 of this
17 Act without adequate training in the form;

18 (5) aiding, abetting, assisting, procuring, advising,
19 employing, or contracting with any unlicensed person to
20 practice traditional Asian healing therapy contrary to any
21 rules or provisions of this Act;

22 (6) engaging in immoral conduct in the commission of
23 any act, such as sexual abuse, sexual misconduct, or sexual
24 exploitation, related to the licensee's practice;

25 (7) engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public;

2 (8) practicing or offering to practice beyond the scope
3 permitted by law or accepting and performing professional
4 responsibilities that the licensee knows or has reason to
5 know that he or she is not competent to perform;

6 (9) knowingly delegating professional responsibilities
7 to a person unqualified by training, experience, or
8 licensure to perform;

9 (10) failing to provide information in response to a
10 written request made by the Department within 60 days;

11 (11) having a habitual or excessive use of or addiction
12 to alcohol, narcotics, stimulants, or any other chemical
13 agent or drug that results in the inability to practice
14 with reasonable judgment, skill, or safety;

15 (12) having a pattern of practice or other behavior
16 that demonstrates incapacity or incompetence to practice
17 under this Act;

18 (13) discipline by another state, District of
19 Columbia, territory, or foreign nation, if at least one of
20 the grounds for the discipline is the same or substantially
21 equivalent to those set forth in this Section;

22 (14) a finding by the Department that the licensee,
23 after having his or her license placed on probationary
24 status, has violated the terms of probation;

25 (15) willfully making or filing false records or
26 reports in his or her practice, including, but not limited

1 to, false records filed with State agencies or departments;

2 (16) making a material misstatement in furnishing
3 information to the Department or otherwise making
4 misleading, deceptive, untrue, or fraudulent
5 representations in violation of this Act or otherwise in
6 the practice of the profession;

7 (17) fraud or misrepresentation in applying for or
8 procuring a license under this Act or in connection with
9 applying for renewal of a license under this Act;

10 (18) inability to practice the profession with
11 reasonable judgment, skill, or safety as a result of
12 physical illness, including, but not limited to,
13 deterioration through the aging process, loss of motor
14 skill, or a mental illness or disability;

15 (19) charging for professional services not rendered,
16 including filing false statements for the collection of
17 fees for which services are not rendered;

18 (20) practicing under a false or, except as provided by
19 law, an assumed name; or

20 (21) cheating on or attempting to subvert the licensing
21 examination administered under this Act.

22 All fines shall be paid within 60 days after the effective
23 date of the order imposing the fine.

24 (b) A person not licensed under this Act and engaged in the
25 business of offering traditional Asian healing therapy
26 services through others shall not aid, abet, assist, procure,

1 advise, employ, or contract with any unlicensed person to
2 practice traditional Asian healing therapy contrary to any
3 rules or provisions of this Act. A person violating this
4 subsection (b) shall be treated as a licensee for the purposes
5 of disciplinary action under this Section and shall be subject
6 to cease and desist orders as provided in Section 90 of this
7 Act.

8 (c) The Department shall revoke the license issued under
9 this Act of any person who is convicted of prostitution, rape,
10 sexual misconduct, or any crime that subjects the licensee to
11 compliance with the requirements of the Sex Offender
12 Registration Act and any such conviction shall operate as a
13 permanent bar in the State of Illinois to practice as a
14 traditional Asian healing therapist.

15 (d) The Department may refuse to issue or may suspend the
16 license of any person who fails to file a tax return, to pay
17 the tax, penalty, or interest shown in a filed tax return, or
18 to pay any final assessment of tax, penalty, or interest, as
19 required by any tax Act administered by the Illinois Department
20 of Revenue, until the requirements of the tax Act are satisfied
21 in accordance with subsection (g) of Section 2105-15 of the
22 Professional Regulation Law of the Civil Administrative Code of
23 Illinois.

24 (e) In cases where the Department of Healthcare and Family
25 Services has previously determined that a licensee or a
26 potential licensee is more than 30 days delinquent in the

1 payment of child support and has subsequently certified the
2 delinquency to the Department, the Department may refuse to
3 issue or renew or may revoke or suspend that person's license
4 or may take other disciplinary action against that person based
5 solely upon the certification of delinquency made by the
6 Department of Healthcare and Family Services in accordance with
7 item (5) of subsection (a) of Section 2105-15 of the
8 Professional Regulation Law of the Civil Administrative Code of
9 Illinois.

10 (f) The determination by a circuit court that a licensee is
11 subject to involuntary admission or judicial admission, as
12 provided in the Mental Health and Developmental Disabilities
13 Code, operates as an automatic suspension. The suspension will
14 end only upon a finding by a court that the patient is no
15 longer subject to involuntary admission or judicial admission
16 and the issuance of a court order so finding and discharging
17 the patient.

18 In instances in which the Director immediately suspends a
19 person's license under this Section, a hearing on that person's
20 license must be convened by the Department within 15 days after
21 the suspension and completed without appreciable delay. The
22 Department and Board shall have the authority to review the
23 subject individual's record of treatment and counseling
24 regarding the impairment to the extent permitted by applicable
25 federal statutes and regulations safeguarding the
26 confidentiality of medical records.

1 An individual licensed under this Act and affected under
2 this Section shall be afforded an opportunity to demonstrate to
3 the Department or Board that he or she can resume practice in
4 compliance with acceptable and prevailing standards under the
5 provisions of his or her license.

6 Section 50. Advertising. It is a violation of this Act for
7 any person, organization, or corporation to advertise
8 traditional Asian healing therapy services unless the person
9 providing the service holds a valid license under this Act,
10 except for those excluded licensed professionals who are
11 allowed to include traditional Asian healing therapy in their
12 scope of practice. A traditional Asian healing therapist may
13 not advertise unless he or she has a current license issued by
14 this State. As used in this Section, "advertise" includes, but
15 is not limited to, the issuance of any card, sign, or device to
16 any person; the causing, permitting, or allowing of any sign or
17 marking on or in any building, vehicle, or structure;
18 advertising in any newspaper, magazine, or digital media; any
19 listing or advertising in any directory under a classification
20 or heading that includes the words "Asian bodywork", "Asian
21 bodywork therapy", "clinical Qigong", "clinical Qigong
22 therapy", "Thai bodywork", "Thai bodywork therapy", or any
23 form-specific titles as specified in subsection (a) of Section
24 30 of this Act; or commercials broadcast by any means.

1 Section 55. Exclusive jurisdiction. Beginning July 1,
2 2020, or the effective date of the rules adopted under this
3 Act, whichever is later, the regulation and licensing of
4 traditional Asian healing therapy is an exclusive power and
5 function of the State of Illinois. Beginning July 1, 2020, or
6 the effective date of the rules adopted under this Act,
7 whichever is later, a home rule unit may not regulate or
8 license traditional Asian healing therapists or traditional
9 Asian healing therapy establishments. This Section is a denial
10 and limitation of home rule powers and functions under
11 subsection (h) of Section 6 of Article VII of the Illinois
12 Constitution.

13 Section 60. Illinois Administrative Procedure Act. The
14 Illinois Administrative Procedure Act is hereby expressly
15 adopted and incorporated herein as if all of the provisions of
16 that Act were included in this Act, except that the provisions
17 of subsection (d) of Section 10-65 of the Illinois
18 Administrative Procedure Act that provides that at hearings the
19 licensee has the right to show compliance with all lawful
20 requirements for retention, continuation, or renewal of the
21 license is specifically excluded. For the purposes of this Act
22 the notice required under Section 10-25 of the Illinois
23 Administrative Procedure Act is deemed sufficient when mailed
24 to the last known address of a party.

1 Section 65. Renewal of licenses. The expiration date and
2 renewal period for each license issued under this Act shall be
3 set by rule.

4 Section 67. Continuing education. The Department shall
5 adopt rules for continuing education for persons licensed under
6 this Act that require a completion of 12 hours of approved
7 continuing education per year in the license renewal period.
8 The Department shall establish by rule a means for the
9 verification of completion of the continuing education
10 required by this Section. This verification may be accomplished
11 through audits of records maintained by the licensee, by
12 requiring the filing of continuing education certificates with
13 the Department, or by other means established by the
14 Department. Licensees are required to maintain proof of
15 continuing education or certificates for a period of 3 years.

16 Section 70. Restoration of expired licenses. A traditional
17 Asian healing therapist who has permitted his or her license to
18 expire or who has had his or her license on inactive status may
19 have his or her license restored by making application to the
20 Department and filing proof acceptable to the Department of his
21 or her fitness to have his or her license restored, and by
22 paying the required restoration fee and showing proof of
23 completion of the required continuing education. Acceptable
24 proof may include sworn evidence certifying to active practice

1 in another jurisdiction satisfactory to the Department, or
2 sworn verification that while on inactive status the therapist
3 did not practice for compensation without a license. Licensees
4 must provide proof of completion of 24 hours of approved
5 continuing education to renew their license.

6 However, a traditional Asian healing therapist whose
7 license has expired while he or she has been engaged, (i) in
8 active duty with the Army of the United States, the United
9 States Navy, the Marine Corps, the Air Force, the Coast Guard,
10 or the State Militia called into the service or training of the
11 United States of America, or (ii) in training or education
12 under the supervision of the United States preliminary to
13 induction into military service, may have his or her license
14 restored without paying any lapsed renewal fees or restoration
15 fee if, within 2 years after termination of the service,
16 training, or education, other than by dishonorable discharge,
17 he or she furnishes the Department with an affidavit to the
18 effect that he or she has been so engaged and that his or her
19 service, training, or education has been terminated.

20 Section 75. Inactive licenses. A traditional Asian healing
21 therapist who notifies the Department in writing on forms
22 prescribed by the Department may elect to place his or her
23 license on inactive status and shall, subject to rules of the
24 Department, be excused from payment of renewal fees until he or
25 she notifies the Department in writing of his or her desire to

1 resume active status.

2 A traditional Asian healing therapist requesting
3 restoration from inactive status shall be required to pay the
4 current renewal fee and shall be required to restore his or her
5 license as provided in Section 70 of this Act.

6 A traditional Asian healing therapist whose license is on
7 inactive status shall not practice traditional Asian healing
8 therapy in the State, and any practice conducted shall be
9 deemed unlicensed practice.

10 Section 80. Fees. The fees assessed under this Act shall be
11 set by rule.

12 Section 85. Deposit of fees and fines; appropriations. All
13 fees and fines collected under this Act shall be deposited into
14 the General Professions Dedicated Fund. All moneys in the Fund
15 shall be used by the Department of Financial and Professional
16 Regulation, as appropriated, for the ordinary and contingent
17 expenses of the Department.

18 Section 90. Violations; injunction; cease and desist
19 order.

20 (a) If any person violates a provision of this Act, the
21 Director may, in the name of the People of the State of
22 Illinois, through the Attorney General of the State of Illinois
23 or the State's Attorney in the county in which the offense

1 occurs, petition for an order enjoining the violation or for an
2 order enforcing compliance with this Act. Upon the filing of a
3 verified petition in court, the court may issue a temporary
4 restraining order, without notice or bond, and may
5 preliminarily and permanently enjoin the violation. If it is
6 established that the person has violated or is violating the
7 injunction, the court may punish the offender for contempt of
8 court. Proceedings under this Section shall be in addition to,
9 and not in lieu of, all other remedies and penalties provided
10 by this Act.

11 (b) If, after July 1, 2020, or the effective date of the
12 rules adopted under this Act, whichever is later, any person
13 practices as a traditional Asian healing therapist or holds
14 himself or herself out as a traditional Asian healing therapist
15 without being licensed under the provisions of this Act, then
16 the Director, any licensed traditional Asian healing
17 therapist, any interested party, or any person injured thereby
18 may petition for relief as provided in subsection (a) of this
19 Section or may apply to the circuit court of the county in
20 which the violation or some part thereof occurred, or in which
21 the person complained of has his or her principal place of
22 business or resides, to prevent the violation. The court has
23 jurisdiction to enforce obedience by injunction or by other
24 process restricting the person complained of from further
25 violation and enjoining upon him or her obedience.

26 (c) Whenever, in the opinion of the Department, a person

1 violates any provision of this Act, the Department may issue a
2 rule for the person to show cause why an order to cease and
3 desist should not be entered against him or her. The rule shall
4 clearly set forth the grounds relied upon by the Department and
5 shall provide a period of 7 days from the date of the rule to
6 file an answer to the satisfaction of the Department. Failure
7 to answer to the satisfaction of the Department shall cause an
8 order to cease and desist to be issued immediately.

9 Section 95. Investigations; notice and hearing. The
10 Department may investigate the actions of any applicant or of
11 any person holding or claiming to hold a license. The
12 Department shall, before refusing to issue or renew a license
13 or to discipline a licensee pursuant to Section 45, notify the
14 applicant or holder of a license in writing, at least 30 days
15 prior to the date set for the hearing, of the nature of the
16 charges and that a hearing will be held on the date designated.
17 The notice shall direct the applicant or licensee to file a
18 written answer to the Board under oath within 20 days after the
19 service of the notice, and shall inform the applicant or
20 licensee that failure to file an answer will result in a
21 default judgment being entered against the applicant or
22 licensee. A default judgment may result in the license being
23 suspended, revoked, or placed on probationary status, or other
24 disciplinary action may be taken, including limiting the scope,
25 nature, or extent of practice, as the Director may deem proper.

1 Written notice may be served by personal delivery or certified
2 or registered mail to the respondent at the address of his or
3 her last notification to the Department. If the person fails to
4 file an answer after receiving notice, his or her license or
5 certificate may, in the discretion of the Department, be
6 suspended, revoked, or placed on probationary status and the
7 Department may take whatever disciplinary action it deems
8 proper, including limiting the scope, nature, or extent of the
9 person's practice or the imposition of a fine, without a
10 hearing, if the act or acts charged constitute sufficient
11 grounds for that action under this Act. At the time and place
12 fixed in the notice, the Board shall proceed to hear the
13 charges and the parties or their counsel shall be accorded
14 ample opportunity to present statements, testimony, evidence
15 and argument that may be pertinent to the charges or to the
16 licensee's defense. The Board may continue a hearing from time
17 to time.

18 Section 100. Stenographer; transcript. The Department, at
19 its expense, shall preserve a record of all proceedings at the
20 formal hearing of any case involving the refusal to issue or
21 renew a license or the discipline of a licensee. The notice of
22 hearing, complaint and all other documents in the nature of
23 pleadings and written motions filed in the proceedings, the
24 transcript of testimony, the report of the Board, and the order
25 of the Department shall be the record of the proceeding.

1 Section 105. Compelling testimony. Any circuit court, upon
2 application of the Department or its designee or of the
3 applicant or licensee against whom proceedings pursuant to
4 Section 95 of this Act are pending, may enter an order
5 requiring the attendance of witnesses and their testimony and
6 the production of documents, papers, files, books, and records
7 in connection with any hearing or investigation. The court may
8 compel obedience to its order by proceedings for contempt.

9 Section 110. Findings and recommendations. At the
10 conclusion of the hearing, the Board shall present to the
11 Director a written report of its findings and recommendations.
12 The report shall contain a finding of whether or not the
13 accused person violated this Act or failed to comply with the
14 conditions required in this Act. The Board shall specify the
15 nature of the violation or failure to comply and shall make its
16 recommendations to the Director.

17 The report of findings and recommendations of the Board
18 shall be the basis for the Department's order or refusal or for
19 the granting of a license unless the Director shall determine
20 that the Board's report is contrary to the manifest weight of
21 the evidence, in which case the Director may issue an order in
22 contravention of the Board's report. The finding is not
23 admissible in evidence against the person in a criminal
24 prosecution brought for the violation of this Act, but the

1 hearing and finding are not a bar to a criminal prosecution
2 brought for the violation of this Act.

3 Section 115. Rehearing. In any case involving the refusal
4 to issue or renew a license or discipline of a licensee, a copy
5 of the Board's report shall be served upon the respondent by
6 the Department, either personally or as provided in this Act
7 for the service of the notice of hearing. Within 20 days after
8 service, the respondent may present to the Department a motion,
9 in writing and specifying particular grounds for a rehearing.
10 If no motion for rehearing is filed, then upon the expiration
11 of the time specified for filing the motion, or if a motion for
12 rehearing is denied, then upon the denial, the Director may
13 enter an order in accordance with recommendations of the Board,
14 except as provided in Section 110 of this Act. If the
15 respondent shall order from the reporting service and pay for a
16 transcript of the record within the time for filing a motion
17 for rehearing, the 20-day period within which the motion may be
18 filed shall commence upon the delivery of the transcript to the
19 respondent.

20 Section 120. Director; rehearing. Whenever the Director is
21 satisfied that substantial justice has not been done in the
22 revocation, suspension, or refusal to issue or renew a license,
23 the Director may order a rehearing by the same or other
24 examiners.

1 Section 125. Appointment of a hearing officer. The Director
2 shall have the authority to appoint any attorney duly licensed
3 to practice law in this State to serve as the hearing officer
4 in any action for refusal to issue or renew a license or permit
5 or for the discipline of a licensee. The hearing officer shall
6 have full authority to conduct the hearing. At least one member
7 of the Board shall attend each hearing. The hearing officer
8 shall report his or her findings and recommendations to the
9 Board and the Director. The Board shall have 60 days after
10 receipt of the report to review the report of the hearing
11 officer and present its findings of fact, conclusions of law,
12 and recommendations to the Director. If the Board fails to
13 present its report within the 60-day period, the Director shall
14 issue an order based on the report of the hearing officer. If
15 the Director determines that the Board's report is contrary to
16 the manifest weight of the evidence, he or she may issue an
17 order in contravention of the Board's report.

18 Section 130. Order or certified copy; prima facie proof. An
19 order or a certified copy thereof, over the seal of the
20 Department and purporting to be signed by the Director, shall
21 be prima facie proof that:

22 (1) the signature is the genuine signature of the
23 Director;

24 (2) the Director is duly appointed and qualified; and

1 (3) the Board and the members of the Board are
2 qualified to act.

3 Section 135. Restoration of license from discipline. At any
4 time after the successful completion of a term of indefinite
5 probation, suspension, or revocation of a license, the
6 Department may restore the license to the licensee, upon
7 written recommendation of the Board, unless after an
8 investigation and a hearing the Director determines that
9 restoration is not in the public interest. No person or entity
10 whose license, certificate, or authority has been revoked as
11 authorized in this Act may apply for restoration of that
12 license, certification, or authority as provided for in the
13 Civil Administrative Code of Illinois.

14 Section 140. Surrender of license. Upon the revocation or
15 suspension of any license, the licensee shall surrender the
16 license to the Department and, if the licensee fails to do so,
17 the Department shall have the right to seize the license.

18 Section 145. Temporary suspension of a license. The
19 Director may temporarily suspend the license of a traditional
20 Asian healing therapist without a hearing, simultaneously with
21 the institution of proceedings for a hearing provided for in
22 Section 95 of this Act, if the Director finds that the evidence
23 in his or her possession indicates that continuation in

1 practice would constitute an imminent danger to the public. The
2 Director temporarily suspends the license of a traditional
3 Asian healing therapist without a hearing, a hearing by the
4 Board must be held within 30 calendar days after the suspension
5 has occurred.

6 Section 150. Administrative review; venue. All final
7 administrative decisions of the Department are subject to
8 judicial review under the Administrative Review Law and its
9 rules. The term "administrative decision" is defined as in
10 Section 3-101 of the Code of Civil Procedure.

11 Proceedings for judicial review shall be commenced in the
12 circuit court of the county in which the party applying for
13 relief resides; but if the party is not a resident of this
14 State, the venue shall be in Sangamon County.

15 The Department shall not be required to certify any record
16 to the court or file any answer in court or otherwise appear in
17 any court in a judicial review proceeding, unless and until the
18 Department has received from the plaintiff payment of the costs
19 of furnishing and certifying the record, which costs shall be
20 determined by the Department. Failure on the part of the
21 plaintiff to file a receipt in court shall be grounds for
22 dismissal of the action.

23 Section 155. Violations.

24 (a) A person who is found to have violated any provision of

1 this Act is guilty of a Class A misdemeanor for the first
2 offense and a Class 4 felony for the second and any subsequent
3 offense.

4 (b) Any person representing himself or herself or
5 advertising as an Asian bodywork therapist, clinical Qigong
6 therapist, Thai bodywork therapist, or derivations thereof, or
7 that the services he or she renders are defined in Section 10,
8 or who uses any titles, words, or derivations thereof as listed
9 in subsection (a) of Section 30 of this Act, or who uses any
10 initials, abbreviations or letters, including, but not limited
11 to "ABT", "CQT", "TBT", indicating that he or she is engaged in
12 the practice of Asian bodywork therapy, clinical Qigong
13 therapy, or Thai bodywork therapy when he or she does not
14 possess a currently valid license commits a Class A misdemeanor
15 for a first offense and a Class 4 felony for a second or
16 subsequent offense.

17 (c) Whoever knowingly practices or offers to practice any
18 form of Asian bodywork therapy, clinical Qigong therapy, or
19 Thai bodywork therapy in this State without a license for that
20 purpose, or whoever knowingly aids, abets, assists, procures,
21 advises, employs, or contracts with any unlicensed person to
22 practice any form of Asian bodywork therapy, clinical Qigong
23 therapy, or Thai bodywork therapy contrary to any rule or
24 provision of this Act, shall be guilty of a Class A misdemeanor
25 for a first offense and shall be guilty of a Class 4 felony for
26 a second or subsequent offense.

1 Section 160. Returned checks; fines. Any person who
2 delivers a check or other payment to the Department that is
3 returned to the Department unpaid by the financial institution
4 upon which it is drawn shall pay to the Department, in addition
5 to the amount already owed to the Department, a fine of \$50.
6 The fines imposed by this Section are in addition to any other
7 discipline provided under this Act for unlicensed practice or
8 practice on a non-renewed license. The Department shall notify
9 the person that payment of fees and fines shall be paid to the
10 Department by certified check or money order within 30 calendar
11 days of the notification. If, after the expiration of 30 days
12 after the date of the notification, the person has failed to
13 submit the necessary remittance, the Department shall
14 automatically terminate the license or deny the application,
15 without hearing. If, after termination or denial, the person
16 seeks a license, he or she shall apply to the Department for
17 restoration or issuance of the license and pay all fees and
18 fines due to the Department. The Department may establish a fee
19 for the processing of an application for restoration of a
20 license to pay all expenses of processing this application. The
21 Director may waive the fines due under this Section in
22 individual cases where the Director finds that the fines would
23 be unreasonable or unnecessarily burdensome.

24 Section 165. Unlicensed practice; violation; civil

1 penalty.

2 (a) Any person who practices, offers to practice, attempts
3 to practice, or holds himself or herself out to practice
4 traditional Asian healing therapy or as a traditional Asian
5 healing therapist without being licensed under this Act, or any
6 person not licensed under this Act who aids, abets, assists,
7 procures, advises, employs, or contracts with any unlicensed
8 person to practice traditional Asian healing therapy contrary
9 to any rules or provisions of this Act, shall, in addition to
10 any other penalty provided by law, pay a civil penalty to the
11 Department in an amount not to exceed \$1,000 for each violation
12 of this Act as determined by the Department. The civil penalty
13 shall be assessed by the Department after a hearing is held in
14 accordance with the provisions set forth in this Act regarding
15 the provision of a hearing for the discipline of a licensee.

16 (b) The Department has the authority and power to
17 investigate any unlicensed activity.

18 (c) The civil penalty shall be paid within 60 days after
19 the effective date of the order imposing the civil penalty. The
20 order shall constitute a judgment and may be filed, and
21 execution had thereon in the same manner as any judgment from
22 any court of record.

23 Section 170. Severability. If any provision of this Act or
24 the application of any provision of this Act to any person or
25 circumstance is held invalid, the invalidity does not affect

1 other provisions or applications of the Act that can be given
2 effect without the invalid provision or application, and for
3 this purpose the provisions of this Act are severable.

4 Section 900. The Regulatory Sunset Act is amended by adding
5 Section 4.41 as follows:

6 (5 ILCS 80/4.41 new)

7 Sec. 4.41. Act repealed on January 1, 2031. The following
8 Act is repealed on January 1, 2031:

9 The Traditional Asian Healing Therapist Licensing Act.

10 Section 999. Effective date. This Act takes effect upon
11 becoming law.