



Sen. Linda Holmes

Filed: 3/22/2021

10200SB1930sam001

LRB102 17194 SPS 23331 a

1 AMENDMENT TO SENATE BILL 1930

2 AMENDMENT NO. _____. Amend Senate Bill 1930 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Traditional Asian Healing Therapy Practice 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
11 interest. The purpose of this Act is to protect and benefit the
12 public by setting standards of qualifications, education,
13 training, and experience for those who seek to practice
14 traditional Asian healing therapy, to promote high standards
15 of professional performance for those licensed to practice
16 traditional Asian healing therapies in the State of Illinois,

1 and to protect the public from unprofessional conduct by
2 persons licensed to practice.

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

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

7 "Asian bodywork therapist" means a person who is licensed
8 by the Department and administers Asian bodywork therapy for
9 compensation.

10 "Asian bodywork therapy" means the evaluation and
11 treatment of the body, mind, emotions, and spirit based upon
12 Chinese medical principles using manual pressure and
13 manipulation. "Asian bodywork therapy" includes, but is not
14 limited to, assessment in accordance with Chinese medicine
15 principles and assessment techniques. The scope of practice of
16 Asian bodywork therapy applies traditional Chinese medicine
17 principles and methodologies, including, but not limited to,
18 using hands, forearms, elbows, knees, feet, or hand-held,
19 non-puncturing, or mechanical appliances or devices that
20 enhance treatment outcomes. "Asian bodywork therapy" includes,
21 but is not limited to, the utilization of any or all of the
22 following techniques: pressing, soothing, kneading, vibration,
23 friction, passive stretching within the normal anatomical
24 range of motion, active assistive and resistive movement and
25 stretching, tapping, or exercising and manipulation of the

1 soft tissues and fascia. Application and use of any of the
2 following may be utilized by properly trained practitioners to
3 assist in treatment: oils, lotions, gels, liniments, rubbing
4 alcohol, powders, creams, cupping, moxibustion, gua sha,
5 elastic therapeutic tape, instrument-assisted soft tissue
6 mobilization, magnets, tuning forks, acupressure seeds, beads,
7 press balls, teishins, enshins, zanshins, ion pumping cords,
8 Manaka hammer and wooden needle, shonishin tools and other
9 non-insertive tools and devices, hot and cold therapy
10 (including heat lamps and heating pads), compresses, external
11 application of medicinal plants, eastern lifestyle
12 suggestions, and other techniques, practices, and adjunct
13 therapies.

14 "Board" means the Traditional Asian Healing Therapy
15 Licensing Board.

16 "Clinical Qigong therapist" means a person who is licensed
17 by the Department and administers clinical Qigong therapy for
18 compensation.

19 "Clinical Qigong therapy" means the evaluation and
20 treatment of the body, mind, emotions, and spirit based upon
21 Chinese medical principles and skills derived through
22 self-cultivation. The scope of practice of clinical Qigong
23 therapy includes Qi transmission through non-touch and light
24 touch methods and prescription of Qigong exercises and
25 meditations. Cupping, tuning forks, guasha, moxibustion,
26 external application of medicinal plants, eastern lifestyle

1 suggestions, and other techniques, practices, and adjunct
2 therapies may be used by properly trained practitioners.

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

5 "Department" means the Department of Financial and
6 Professional Regulation.

7 "Director" means the Director of Professional Regulation.

8 "Minimum standard of training" means at least 600 hours of
9 training including anatomy, physiology, ethics, business,
10 directly supervised clinical work, traditional health theories
11 relevant to the practice of the therapy, and application of
12 techniques, in addition to any definitions added by rule.

13 "NCCAOM" means the National Certification Commission for
14 Acupuncture and Oriental Medicine.

15 "Secretary" means the Secretary of Financial and
16 Professional Regulation.

17 "Thai bodywork therapist" means a person who is licensed
18 by the Department and administers Thai bodywork therapy for
19 compensation.

20 "Thai bodywork therapy" or "Thai bodywork" means a system
21 of observation, evaluation, treatment of the body, mind, and
22 spirit according to traditional Thai medicine principles. The
23 system may include, but is not limited to, structured
24 palpation or movement of the soft tissue of the body using
25 techniques such as compression, kneading, thumbing,
26 percussion, passive joint range of motion, and stretching

1 activities as they pertain to bodywork therapy. The
2 practitioner may use their hands, elbows, knees, or feet to
3 affect desired changes in the soft tissue. The system may also
4 include, but is not limited to, use of liniments, balms, gaan
5 kroot (scraping), luk pra kob (warm herbal compresses), tok
6 sen (vibrational therapy), external application of medicinal
7 plants, eastern lifestyle suggestions including exercise,
8 posture, sleep and diet, meditation, mantra and chanting,
9 Buddhist philosophy, and other techniques or practices. These
10 techniques may be applied by a licensed Thai bodywork
11 therapist with or without the aid of lubricants, herbal
12 preparations, or a non-mechanical device that mimics or
13 enhances the actions possible by human hands. The purpose of
14 the practice of Thai bodywork therapy, as licensed under this
15 Act, is to enhance the general health and well-being of the
16 mind, body, and spirit of the recipient and to relieve pain and
17 suffering.

18 "Traditional Asian healing therapist" means a person who
19 is licensed by the Department and administers traditional
20 Asian healing therapy for compensation.

21 "Traditional Asian healing therapy" means the health care
22 professions of Asian bodywork therapy, clinical Qigong
23 therapy, and Thai bodywork therapy. "Traditional Asian healing
24 therapy" does not include the diagnosis of a specific
25 pathology, nor does it include acts of physical therapy or
26 therapeutic or corrective measures that are outside the scope

1 of Asian bodywork therapy, clinical Qigong therapy, and Thai
2 bodywork therapy as defined in this Section.

3 Section 15. Licensure requirements.

4 (a) Beginning July 1, 2022, or the effective date of the
5 rules adopted under this Act, whichever is later, persons
6 engaged in traditional Asian healing therapy for compensation
7 must be licensed by the Department. The Department shall issue
8 a license to an individual who meets all of the following
9 requirements:

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

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

25 (3) The applicant has met one of the following

1 requirements:

2 (A) has successfully completed the curriculum or
3 curriculums of one or more traditional Asian healing
4 therapy schools approved by the Department that
5 requires a minimum standard of training and has passed
6 a competency examination approved by the Board, to
7 include, but not be limited to, the NCCAOM ABT Exam
8 Module, National Certification Exam for Therapeutic
9 Massage and Bodywork, the Massage and Bodywork
10 Licensing Exam, or a traditional Asian healing therapy
11 certification or competency examination approved by
12 the Board;

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

16 (C) has moved to Illinois from a jurisdiction with
17 no licensure requirement, and has met one of the
18 following requirements:

19 (i) has provided documentation that he or she
20 is currently certified by the National
21 Certification Commission for Acupuncture and
22 Oriental Medicine as a Diplomate in Asian Bodywork
23 Therapy;

24 (ii) has successfully passed another
25 traditional Asian healing therapy certifying
26 examination approved by the Board; or

1 (iii) is a member in good standing of the
2 American Organization for Bodywork Therapies of
3 Asia, the National Qigong Association, the Thai
4 Healing Alliance International, or another
5 professional membership association approved by
6 the Board or Department, at a level of membership
7 as specified by rule.

8 (b) Each applicant for licensure as a traditional Asian
9 healing therapist shall have his or her fingerprints submitted
10 to the Illinois State Police in an electronic format that
11 complies with the form and manner for requesting and
12 furnishing criminal history record information as prescribed
13 by the Illinois State Police. These fingerprints shall be
14 checked against the Illinois State Police and Federal Bureau
15 of Investigation criminal history record databases now and
16 hereafter filed. The Illinois State Police shall charge
17 applicants a fee for conducting the criminal history records
18 check, which shall be deposited into the State Police Services
19 Fund and shall not exceed the actual cost of the records check.
20 The Illinois State Police shall furnish, pursuant to positive
21 identification, records of Illinois convictions to the
22 Department. The Department may require applicants to pay a
23 separate fingerprinting fee, either to the Department or to a
24 vendor. The Department, in its discretion, may allow an
25 applicant who does not have reasonable access to a designated
26 vendor to provide his or her fingerprints in an alternative

1 manner. The Department may adopt any rules necessary to
2 implement this Section.

3 Section 20. Licensure of current practitioners.

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

12 (1) is a registered active member of a nationally
13 recognized Asian bodywork therapy, clinical Qigong therapy
14 or Thai bodywork therapy professional organization
15 approved by the Board or Department, at a membership or
16 certification level approved by the Board or Department,
17 based on a verified minimum level of training,
18 demonstration of competency, and adherence to ethical
19 standards set by their governing body; for purposes of
20 this paragraph (1), "active member" does not include
21 students;

22 (2) is a member of the American Organization for
23 Bodywork Therapies of Asia at a level of membership
24 requiring at least 500 hours of training, including
25 Certified Practitioner, Registered Instructor, or

1 Certified Instructor;

2 (3) is a member of the Thai Healing Alliance
3 International at a level of membership requiring at least
4 200 hours of training, including Registered Thai Therapist
5 or Instructor;

6 (4) is certified by the National Qigong Association as
7 a Clinical Qigong Practitioner with a minimum of 500 hours
8 of training;

9 (5) has practiced any traditional Asian healing
10 therapy as listed in subsection (a) of Section 30 of this
11 Act for at least one year prior to July 1, 2021, or the
12 effective date of this Act, whichever is later, has
13 completed 200 hours of formal training, and has maintained
14 professional liability insurance without incident;

15 (6) has practiced any of the traditional Asian healing
16 therapy as listed in subsection (a) of Section 30 of this
17 Act for at least 10 years prior to July 1, 2021, or the
18 effective date of this Act, whichever is later and has
19 maintained professional liability insurance without
20 incident; or

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

24 (b) An individual who has practiced traditional Asian
25 healing therapy for a minimum of one year prior to July 1,
26 2021, or the effective date of this Act, whichever is later,

1 but has less than 200 hours of formal training, or an
2 individual who has practiced for less than one year, but has
3 200 hours of formal training, may be issued a license under
4 this Section, but must complete at least 100 additional hours
5 of formal training consisting of at least 25 hours in anatomy
6 and physiology by July 1, 2023 or 2 years after the effective
7 date of the rules adopted under this Act, whichever is later.

8 (c) For purposes of this Section, "formal training" is
9 described as a traditional Asian healing therapy curriculum
10 approved or endorsed by the American Organization for Bodywork
11 Therapies of Asia Council of Schools and Programs, the
12 National Certification Board for Therapeutic Massage and
13 Bodywork, the Commission on Massage Therapy Accreditation, the
14 Illinois State Board of Education, the Illinois Board of
15 Higher Education, or course work approved by the Board or
16 Department.

17 Section 25. Exemptions.

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

21 (b) Nothing in this Act prohibits a student of an approved
22 traditional Asian healing therapy school or program from
23 performing traditional Asian healing therapy, provided that
24 the student does not hold himself or herself out as a licensed
25 traditional Asian healing therapist and does not receive

1 compensation for traditional Asian healing therapy services.

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

4 (d) Nothing in this Act applies to traditional Asian
5 healing therapists or acupuncturists from other states,
6 territories, or countries when providing educational programs
7 or services for a period not exceeding 30 days within a
8 calendar year.

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

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

16 Section 30. Title protection.

17 (a) Persons regulated by this Act are designated as a
18 traditional Asian healing therapists and, therefore, are
19 exclusively entitled to utilize the terms that reflect their
20 credentials of Asian bodywork, Asian bodywork therapy,
21 clinical Qigong, clinical Qigong therapy, Thai bodywork, Thai
22 bodywork therapy, and their abbreviations or derivations, or
23 any specific titles, abbreviations or derivations of Asian
24 bodywork therapy forms when advertising or printing
25 promotional material. Examples of protected Asian bodywork

1 therapy form-specific titles include, but are not limited to,
2 "Acupressure", "Five Element Shiatsu", "Nuad Bo 'Rarn"
3 (Traditional Thai Bodywork), "Shiatsu", "Tuina" (or "Tui Na"),
4 and "Zen Shiatsu".

5 (b) Anyone who knowingly aids and abets one or more
6 persons not authorized to use a professional title,
7 abbreviation, or derivation thereof regulated by this Act, or
8 knowingly employs persons not authorized to use the regulated
9 professional title in the course of their employment, commits
10 a violation of this Act.

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

15 Section 35. Traditional Asian Healing Therapy Licensing
16 Board.

17 (a) The Director shall appoint a Traditional Asian Healing
18 Therapy Licensing Board, which shall serve in an advisory
19 capacity to the Director. The Board shall consist of 7
20 members, 6 of whom shall be therapists with at least 3 years of
21 experience in traditional Asian healing therapy. At least one
22 of the 6 therapist members shall represent a traditional Asian
23 healing therapy school. One member of the Board shall be a
24 member of the public who is not licensed under this Act or a
25 similar Act in Illinois or another jurisdiction. Membership on

1 the Board shall reasonably reflect the various traditional
2 Asian healing therapy forms. Membership on the Board shall
3 reasonably reflect the geographic areas of the State. The
4 Board shall meet annually to elect a chairperson and vice
5 chairperson. The Board shall hold regularly scheduled meetings
6 during the year. A simple majority of the Board shall
7 constitute a quorum at any meeting. Any action taken by the
8 Board must be on the affirmative vote of a simple majority of
9 members. Voting by proxy shall not be permitted. The Board
10 shall convene meetings either in person or via an electronic
11 format in accordance with the Open Meetings Act at the
12 discretion of the Director.

13 (b) Members shall be appointed to a 3-year term, except
14 that initial appointees shall serve the following terms: 2
15 members shall serve for one year, 2 members shall serve for 2
16 years, and 3 members shall serve for 3 years. A member whose
17 term has expired shall continue to serve until his or her
18 successor is appointed. No member shall be reappointed to the
19 Board for a term that would cause his or her continuous service
20 on the Board to exceed 9 years. Appointments to fill vacancies
21 shall be made in the same manner as the original appointments
22 for the unexpired portion of the vacated term.

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

26 (d) Members of the Board shall be immune from suit in any

1 action based upon any disciplinary proceedings or other
2 activities performed in good faith as members of the Board.

3 (e) The Director shall consider the recommendations of the
4 Board on questions involving the standards of professional
5 conduct, discipline, and qualifications of candidates and
6 licensees under this Act. Nothing shall limit the ability of
7 the Board to provide recommendations to the Director in regard
8 to any matter affecting the administration of this Act. The
9 Director shall give due consideration to all recommendations
10 of the Board. If the Director takes action contrary to a
11 recommendation of the Board, the Director shall provide a
12 written explanation of that action.

13 (f) The Director may terminate the appointment of any
14 member for cause that, in the opinion of the Director,
15 reasonably justifies termination, which may include, but is
16 not limited to, a Board member who does not attend 2
17 consecutive meetings.

18 Section 40. Duties of the Department. The Department shall
19 exercise the powers and duties prescribed by the Civil
20 Administrative Code of Illinois for administration of
21 licensing acts and shall exercise other powers and duties
22 necessary for effectuating the purpose of this Act. The
23 Department shall adopt rules to implement, interpret, or make
24 specific the provisions and purposes of this Act; however, no
25 such rules shall be adopted by the Department except upon

1 review and approval by the Board.

2 Section 45. Grounds for discipline.

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

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

11 (2) conviction by plea of guilty or nolo contendere,
12 finding of guilt, jury verdict, or entry of judgment or by
13 sentencing of any crime, including, but not limited to,
14 convictions, preceding sentences of supervision,
15 conditional discharge, or first offender probation, under
16 the laws of any jurisdiction of the United States: (i)
17 that is a felony, or (ii) that is a misdemeanor, an
18 essential element of which is dishonesty, or that is
19 directly related to the practice of the profession;

20 (3) professional incompetence;

21 (4) advertising in a false, deceptive, or misleading
22 manner; this includes advertising using form-specific
23 titles, initials, abbreviations, or their derivations
24 protected under subsection (a) of this Section 30 of this
25 Act without adequate training in the form;

1 (5) aiding, abetting, assisting, procuring, advising,
2 employing, or contracting with any unlicensed person to
3 practice traditional Asian healing therapy contrary to any
4 rules or provisions of this Act;

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

8 (7) engaging in dishonorable, unethical, or
9 unprofessional conduct of a character likely to deceive,
10 defraud, or harm the public;

11 (8) practicing or offering to practice beyond the
12 scope permitted by law or accepting and performing
13 professional responsibilities that the licensee knows or
14 has reason to know that he or she is not competent to
15 perform;

16 (9) knowingly delegating professional
17 responsibilities to a person unqualified by training,
18 experience, or licensure to perform;

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

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

25 (12) having a pattern of practice or other behavior
26 that demonstrates incapacity or incompetence to practice

1 under this Act;

2 (13) discipline by another state, District of
3 Columbia, territory, or foreign nation, if at least one of
4 the grounds for the discipline is the same or
5 substantially equivalent to those set forth in this
6 Section;

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

10 (15) willfully making or filing false records or
11 reports in his or her practice, including, but not limited
12 to, false records filed with State agencies or
13 departments;

14 (16) making a material misstatement in furnishing
15 information to the Department or otherwise making
16 misleading, deceptive, untrue, or fraudulent
17 representations in violation of this Act or otherwise in
18 the practice of the profession;

19 (17) fraud or misrepresentation in applying for or
20 procuring a license under this Act or in connection with
21 applying for renewal of a license under this Act;

22 (18) inability to practice the profession with
23 reasonable judgment, skill, or safety as a result of
24 physical illness, including, but not limited to,
25 deterioration through the aging process, loss of motor
26 skill, or a mental illness or disability;

1 (19) charging for professional services not rendered,
2 including filing false statements for the collection of
3 fees for which services are not rendered;

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

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

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

10 (b) A person not licensed under this Act and engaged in the
11 business of offering traditional Asian healing therapy
12 services through others shall not aid, abet, assist, procure,
13 advise, employ, or contract with any unlicensed person to
14 practice traditional Asian healing therapy contrary to any
15 rules or provisions of this Act. A person violating this
16 subsection (b) shall be treated as a licensee for the purposes
17 of disciplinary action under this Section and shall be subject
18 to cease and desist orders as provided in Section 90 of this
19 Act.

20 (c) The Department shall revoke the license issued under
21 this Act of any person who is convicted of prostitution, rape,
22 sexual misconduct, or any crime that subjects the licensee to
23 compliance with the requirements of the Sex Offender
24 Registration Act and any such conviction shall operate as a
25 permanent bar in the State of Illinois to practice as a
26 traditional Asian healing therapist.

1 (d) The Department may refuse to issue or may suspend the
2 license of any person who fails to file a tax return, to pay
3 the tax, penalty, or interest shown in a filed tax return, or
4 to pay any final assessment of tax, penalty, or interest, as
5 required by any tax Act administered by the Illinois
6 Department of Revenue, until the requirements of the tax Act
7 are satisfied in accordance with subsection (g) of Section
8 2105-15 of the Professional Regulation Law of the Civil
9 Administrative Code of Illinois.

10 (e) In cases where the Department of Healthcare and Family
11 Services has previously determined that a licensee or a
12 potential licensee is more than 30 days delinquent in the
13 payment of child support and has subsequently certified the
14 delinquency to the Department, the Department may refuse to
15 issue or renew or may revoke or suspend that person's license
16 or may take other disciplinary action against that person
17 based solely upon the certification of delinquency made by the
18 Department of Healthcare and Family Services in accordance
19 with item (5) of subsection (a) of Section 2105-15 of the
20 Professional Regulation Law of the Civil Administrative Code
21 of Illinois.

22 (f) The determination by a circuit court that a licensee
23 is subject to involuntary admission or judicial admission, as
24 provided in the Mental Health and Developmental Disabilities
25 Code, operates as an automatic suspension. The suspension will
26 end only upon a finding by a court that the patient is no

1 longer subject to involuntary admission or judicial admission
2 and the issuance of a court order so finding and discharging
3 the patient.

4 In instances in which the Director immediately suspends a
5 person's license under this Section, a hearing on that
6 person's license must be convened by the Department within 15
7 days after the suspension and completed without appreciable
8 delay. The Department and Board shall have the authority to
9 review the subject individual's record of treatment and
10 counseling regarding the impairment to the extent permitted by
11 applicable federal statutes and regulations safeguarding the
12 confidentiality of medical records.

13 An individual licensed under this Act and affected under
14 this Section shall be afforded an opportunity to demonstrate
15 to the Department or Board that he or she can resume practice
16 in compliance with acceptable and prevailing standards under
17 the provisions of his or her license.

18 Section 50. Advertising. It is a violation of this Act for
19 any person, organization, or corporation to advertise
20 traditional Asian healing therapy services unless the person
21 providing the service holds a valid license under this Act,
22 except for those excluded licensed professionals who are
23 allowed to include traditional Asian healing therapy in their
24 scope of practice. A traditional Asian healing therapist may
25 not advertise unless he or she has a current license issued by

1 this State. As used in this Section, "advertise" includes, but
2 is not limited to, the issuance of any card, sign, or device to
3 any person; the causing, permitting, or allowing of any sign
4 or marking on or in any building, vehicle, or structure;
5 advertising in any newspaper, magazine, or digital media; any
6 listing or advertising in any directory under a classification
7 or heading that includes the words "Asian bodywork", "Asian
8 bodywork therapy", "clinical Qigong", "clinical Qigong
9 therapy", "Thai bodywork", "Thai bodywork therapy", or any
10 form-specific titles as specified in subsection (a) of Section
11 30 of this Act; or commercials broadcast by any means.

12 Section 55. Exclusive jurisdiction. Beginning July 1,
13 2022, or the effective date of the rules adopted under this
14 Act, whichever is later, the regulation and licensing of
15 traditional Asian healing therapy is an exclusive power and
16 function of the State of Illinois. Beginning July 1, 2022, or
17 the effective date of the rules adopted under this Act,
18 whichever is later, a home rule unit may not regulate or
19 license traditional Asian healing therapists or traditional
20 Asian healing therapy establishments. This Section is a denial
21 and limitation of home rule powers and functions under
22 subsection (h) of Section 6 of Article VII of the Illinois
23 Constitution.

24 Section 60. Illinois Administrative Procedure Act. The

1 Illinois Administrative Procedure Act is hereby expressly
2 adopted and incorporated herein as if all of the provisions of
3 that Act were included in this Act, except that the provisions
4 of subsection (d) of Section 10-65 of the Illinois
5 Administrative Procedure Act that provides that at hearings
6 the licensee has the right to show compliance with all lawful
7 requirements for retention, continuation, or renewal of the
8 license is specifically excluded. For the purposes of this Act
9 the notice required under Section 10-25 of the Illinois
10 Administrative Procedure Act is deemed sufficient when mailed
11 to the last known address of a party.

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

15 Section 67. Continuing education. The Department shall
16 adopt rules for continuing education for persons licensed
17 under this Act that require a completion of 12 hours of
18 approved continuing education per year in the license renewal
19 period. The Department shall establish by rule a means for the
20 verification of completion of the continuing education
21 required by this Section. This verification may be
22 accomplished through audits of records maintained by the
23 licensee, by requiring the filing of continuing education
24 certificates with the Department, or by other means

1 established by the Department. Licensees are required to
2 maintain proof of continuing education or certificates for a
3 period of 3 years.

4 Section 70. Restoration of expired licenses. A traditional
5 Asian healing therapist who has permitted his or her license
6 to expire or who has had his or her license on inactive status
7 may have his or her license restored by making application to
8 the Department and filing proof acceptable to the Department
9 of his or her fitness to have his or her license restored, and
10 by paying the required restoration fee and showing proof of
11 completion of the required continuing education. Acceptable
12 proof may include sworn evidence certifying to active practice
13 in another jurisdiction satisfactory to the Department, or
14 sworn verification that while on inactive status the therapist
15 did not practice for compensation without a license. Licensees
16 must provide proof of completion of 24 hours of approved
17 continuing education to renew their license.

18 However, a traditional Asian healing therapist whose
19 license has expired while he or she has been engaged, (i) in
20 active duty with the Army of the United States, the United
21 States Navy, the Marine Corps, the Air Force, the Coast Guard,
22 or the State Militia called into the service or training of the
23 United States of America, or (ii) in training or education
24 under the supervision of the United States preliminary to
25 induction into military service, may have his or her license

1 restored without paying any lapsed renewal fees or restoration
2 fee if, within 2 years after termination of the service,
3 training, or education, other than by dishonorable discharge,
4 he or she furnishes the Department with an affidavit to the
5 effect that he or she has been so engaged and that his or her
6 service, training, or education has been terminated.

7 Section 75. Inactive licenses. A traditional Asian healing
8 therapist who notifies the Department in writing on forms
9 prescribed by the Department may elect to place his or her
10 license on inactive status and shall, subject to rules of the
11 Department, be excused from payment of renewal fees until he
12 or she notifies the Department in writing of his or her desire
13 to resume active status.

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

18 A traditional Asian healing therapist whose license is on
19 inactive status shall not practice traditional Asian healing
20 therapy in the State, and any practice conducted shall be
21 deemed unlicensed practice.

22 Section 80. Fees. The fees assessed under this Act shall
23 be set by rule.

1 Section 85. Deposit of fees and fines; appropriations. All
2 fees and fines collected under this Act shall be deposited
3 into the General Professions Dedicated Fund. All moneys in the
4 Fund shall be used by the Department of Financial and
5 Professional Regulation, as appropriated, for the ordinary and
6 contingent expenses of the Department.

7 Section 90. Violations; injunction; cease and desist
8 order.

9 (a) If any person violates a provision of this Act, the
10 Director may, in the name of the People of the State of
11 Illinois, through the Attorney General of the State of
12 Illinois or the State's Attorney in the county in which the
13 offense occurs, petition for an order enjoining the violation
14 or for an order enforcing compliance with this Act. Upon the
15 filing of a verified petition in court, the court may issue a
16 temporary restraining order, without notice or bond, and may
17 preliminarily and permanently enjoin the violation. If it is
18 established that the person has violated or is violating the
19 injunction, the court may punish the offender for contempt of
20 court. Proceedings under this Section shall be in addition to,
21 and not in lieu of, all other remedies and penalties provided
22 by this Act.

23 (b) If, after July 1, 2022, or the effective date of the
24 rules adopted under this Act, whichever is later, any person
25 practices as a traditional Asian healing therapist or holds

1 himself or herself out as a traditional Asian healing
2 therapist without being licensed under the provisions of this
3 Act, then the Director, any licensed traditional Asian healing
4 therapist, any interested party, or any person injured thereby
5 may petition for relief as provided in subsection (a) of this
6 Section or may apply to the circuit court of the county in
7 which the violation or some part thereof occurred, or in which
8 the person complained of has his or her principal place of
9 business or resides, to prevent the violation. The court has
10 jurisdiction to enforce obedience by injunction or by other
11 process restricting the person complained of from further
12 violation and enjoining upon him or her obedience.

13 (c) Whenever, in the opinion of the Department, a person
14 violates any provision of this Act, the Department may issue a
15 rule for the person to show cause why an order to cease and
16 desist should not be entered against him or her. The rule shall
17 clearly set forth the grounds relied upon by the Department
18 and shall provide a period of 7 days from the date of the rule
19 to file an answer to the satisfaction of the Department.
20 Failure to answer to the satisfaction of the Department shall
21 cause an order to cease and desist to be issued immediately.

22 Section 95. Investigations; notice and hearing. The
23 Department may investigate the actions of any applicant or of
24 any person holding or claiming to hold a license. The
25 Department shall, before refusing to issue or renew a license

1 or to discipline a licensee pursuant to Section 45, notify the
2 applicant or holder of a license in writing, at least 30 days
3 prior to the date set for the hearing, of the nature of the
4 charges and that a hearing will be held on the date designated.
5 The notice shall direct the applicant or licensee to file a
6 written answer to the Board under oath within 20 days after the
7 service of the notice, and shall inform the applicant or
8 licensee that failure to file an answer will result in a
9 default judgment being entered against the applicant or
10 licensee. A default judgment may result in the license being
11 suspended, revoked, or placed on probationary status, or other
12 disciplinary action may be taken, including limiting the
13 scope, nature, or extent of practice, as the Director may deem
14 proper. Written notice may be served by personal delivery or
15 certified or registered mail to the respondent at the address
16 of his or her last notification to the Department. If the
17 person fails to file an answer after receiving notice, his or
18 her license or certificate may, in the discretion of the
19 Department, be suspended, revoked, or placed on probationary
20 status and the Department may take whatever disciplinary
21 action it deems proper, including limiting the scope, nature,
22 or extent of the person's practice or the imposition of a fine,
23 without a hearing, if the act or acts charged constitute
24 sufficient grounds for that action under this Act. At the time
25 and place fixed in the notice, the Board shall proceed to hear
26 the charges and the parties or their counsel shall be accorded

1 ample opportunity to present statements, testimony, evidence
2 and argument that may be pertinent to the charges or to the
3 licensee's defense. The Board may continue a hearing from time
4 to time.

5 Section 100. Stenographer; transcript. The Department, at
6 its expense, shall preserve a record of all proceedings at the
7 formal hearing of any case involving the refusal to issue or
8 renew a license or the discipline of a licensee. The notice of
9 hearing, complaint and all other documents in the nature of
10 pleadings and written motions filed in the proceedings, the
11 transcript of testimony, the report of the Board, and the
12 order of the Department shall be the record of the proceeding.

13 Section 105. Compelling testimony. Any circuit court, upon
14 application of the Department or its designee or of the
15 applicant or licensee against whom proceedings pursuant to
16 Section 95 of this Act are pending, may enter an order
17 requiring the attendance of witnesses and their testimony and
18 the production of documents, papers, files, books, and records
19 in connection with any hearing or investigation. The court may
20 compel obedience to its order by proceedings for contempt.

21 Section 110. Findings and recommendations. At the
22 conclusion of the hearing, the Board shall present to the
23 Director a written report of its findings and recommendations.

1 The report shall contain a finding of whether or not the
2 accused person violated this Act or failed to comply with the
3 conditions required in this Act. The Board shall specify the
4 nature of the violation or failure to comply and shall make its
5 recommendations to the Director.

6 The report of findings and recommendations of the Board
7 shall be the basis for the Department's order or refusal or for
8 the granting of a license unless the Director shall determine
9 that the Board's report is contrary to the manifest weight of
10 the evidence, in which case the Director may issue an order in
11 contravention of the Board's report. The finding is not
12 admissible in evidence against the person in a criminal
13 prosecution brought for the violation of this Act, but the
14 hearing and finding are not a bar to a criminal prosecution
15 brought for the violation of this Act.

16 Section 115. Rehearing. In any case involving the refusal
17 to issue or renew a license or discipline of a licensee, a copy
18 of the Board's report shall be served upon the respondent by
19 the Department, either personally or as provided in this Act
20 for the service of the notice of hearing. Within 20 days after
21 service, the respondent may present to the Department a
22 motion, in writing and specifying particular grounds for a
23 rehearing. If no motion for rehearing is filed, then upon the
24 expiration of the time specified for filing the motion, or if a
25 motion for rehearing is denied, then upon the denial, the

1 Director may enter an order in accordance with recommendations
2 of the Board, except as provided in Section 110 of this Act. If
3 the respondent shall order from the reporting service and pay
4 for a transcript of the record within the time for filing a
5 motion for rehearing, the 20-day period within which the
6 motion may be filed shall commence upon the delivery of the
7 transcript to the respondent.

8 Section 120. Director; rehearing. Whenever the Director is
9 satisfied that substantial justice has not been done in the
10 revocation, suspension, or refusal to issue or renew a
11 license, the Director may order a rehearing by the same or
12 other examiners.

13 Section 125. Appointment of a hearing officer. The
14 Director shall have the authority to appoint any attorney duly
15 licensed to practice law in this State to serve as the hearing
16 officer in any action for refusal to issue or renew a license
17 or permit or for the discipline of a licensee. The hearing
18 officer shall have full authority to conduct the hearing. At
19 least one member of the Board shall attend each hearing. The
20 hearing officer shall report his or her findings and
21 recommendations to the Board and the Director. The Board shall
22 have 60 days after receipt of the report to review the report
23 of the hearing officer and present its findings of fact,
24 conclusions of law, and recommendations to the Director. If

1 the Board fails to present its report within the 60-day
2 period, the Director shall issue an order based on the report
3 of the hearing officer. If the Director determines that the
4 Board's report is contrary to the manifest weight of the
5 evidence, he or she may issue an order in contravention of the
6 Board's report.

7 Section 130. Order or certified copy; prima facie proof.
8 An order or a certified copy thereof, over the seal of the
9 Department and purporting to be signed by the Director, shall
10 be prima facie proof that:

11 (1) the signature is the genuine signature of the
12 Director;

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

14 (3) the Board and the members of the Board are
15 qualified to act.

16 Section 135. Restoration of license from discipline. At
17 any time after the successful completion of a term of
18 indefinite probation, suspension, or revocation of a license,
19 the Department may restore the license to the licensee, upon
20 written recommendation of the Board, unless after an
21 investigation and a hearing the Director determines that
22 restoration is not in the public interest. No person or entity
23 whose license, certificate, or authority has been revoked as
24 authorized in this Act may apply for restoration of that

1 license, certification, or authority as provided for in the
2 Civil Administrative Code of Illinois.

3 Section 140. Surrender of license. Upon the revocation or
4 suspension of any license, the licensee shall surrender the
5 license to the Department and, if the licensee fails to do so,
6 the Department shall have the right to seize the license.

7 Section 145. Temporary suspension of a license. The
8 Director may temporarily suspend the license of a traditional
9 Asian healing therapist without a hearing, simultaneously with
10 the institution of proceedings for a hearing provided for in
11 Section 95 of this Act, if the Director finds that the evidence
12 in his or her possession indicates that continuation in
13 practice would constitute an imminent danger to the public.
14 The Director temporarily suspends the license of a traditional
15 Asian healing therapist without a hearing, a hearing by the
16 Board must be held within 30 calendar days after the
17 suspension has occurred.

18 Section 150. Administrative review; venue. All final
19 administrative decisions of the Department are subject to
20 judicial review under the Administrative Review Law and its
21 rules. The term "administrative decision" is defined as in
22 Section 3-101 of the Code of Civil Procedure.

23 Proceedings for judicial review shall be commenced in the

1 circuit court of the county in which the party applying for
2 relief resides; but if the party is not a resident of this
3 State, the venue shall be in Sangamon County.

4 The Department shall not be required to certify any record
5 to the court or file any answer in court or otherwise appear in
6 any court in a judicial review proceeding, unless and until
7 the Department has received from the plaintiff payment of the
8 costs of furnishing and certifying the record, which costs
9 shall be determined by the Department. Failure on the part of
10 the plaintiff to file a receipt in court shall be grounds for
11 dismissal of the action.

12 Section 155. Violations.

13 (a) A person who is found to have violated any provision of
14 this Act is guilty of a Class A misdemeanor for the first
15 offense and a Class 4 felony for the second and any subsequent
16 offense.

17 (b) Any person representing himself or herself or
18 advertising as an Asian bodywork therapist, clinical Qigong
19 therapist, Thai bodywork therapist, or derivations thereof, or
20 that the services he or she renders are defined in Section 10,
21 or who uses any titles, words, or derivations thereof as
22 listed in subsection (a) of Section 30 of this Act, or who uses
23 any initials, abbreviations or letters, including, but not
24 limited to "ABT", "CQT", "TBT", indicating that he or she is
25 engaged in the practice of Asian bodywork therapy, clinical

1 Qigong therapy, or Thai bodywork therapy when he or she does
2 not possess a currently valid license commits a Class A
3 misdemeanor for a first offense and a Class 4 felony for a
4 second or subsequent offense.

5 (c) Whoever knowingly practices or offers to practice any
6 form of Asian bodywork therapy, clinical Qigong therapy, or
7 Thai bodywork therapy in this State without a license for that
8 purpose, or whoever knowingly aids, abets, assists, procures,
9 advises, employs, or contracts with any unlicensed person to
10 practice any form of Asian bodywork therapy, clinical Qigong
11 therapy, or Thai bodywork therapy contrary to any rule or
12 provision of this Act, shall be guilty of a Class A misdemeanor
13 for a first offense and shall be guilty of a Class 4 felony for
14 a second or subsequent offense.

15 Section 160. Returned checks; fines. Any person who
16 delivers a check or other payment to the Department that is
17 returned to the Department unpaid by the financial institution
18 upon which it is drawn shall pay to the Department, in addition
19 to the amount already owed to the Department, a fine of \$50.
20 The fines imposed by this Section are in addition to any other
21 discipline provided under this Act for unlicensed practice or
22 practice on a non-renewed license. The Department shall notify
23 the person that payment of fees and fines shall be paid to the
24 Department by certified check or money order within 30
25 calendar days of the notification. If, after the expiration of

1 30 days after the date of the notification, the person has
2 failed to submit the necessary remittance, the Department
3 shall automatically terminate the license or deny the
4 application, without hearing. If, after termination or denial,
5 the person seeks a license, he or she shall apply to the
6 Department for restoration or issuance of the license and pay
7 all fees and fines due to the Department. The Department may
8 establish a fee for the processing of an application for
9 restoration of a license to pay all expenses of processing
10 this application. The Director may waive the fines due under
11 this Section in individual cases where the Director finds that
12 the fines would be unreasonable or unnecessarily burdensome.

13 Section 165. Unlicensed practice; violation; civil
14 penalty.

15 (a) Any person who practices, offers to practice, attempts
16 to practice, or holds himself or herself out to practice
17 traditional Asian healing therapy or as a traditional Asian
18 healing therapist without being licensed under this Act, or
19 any person not licensed under this Act who aids, abets,
20 assists, procures, advises, employs, or contracts with any
21 unlicensed person to practice traditional Asian healing
22 therapy contrary to any rules or provisions of this Act,
23 shall, in addition to any other penalty provided by law, pay a
24 civil penalty to the Department in an amount not to exceed
25 \$1,000 for each violation of this Act as determined by the

1 Department. The civil penalty shall be assessed by the
2 Department after a hearing is held in accordance with the
3 provisions set forth in this Act regarding the provision of a
4 hearing for the discipline of a licensee.

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

7 (c) The civil penalty shall be paid within 60 days after
8 the effective date of the order imposing the civil penalty.
9 The order shall constitute a judgment and may be filed, and
10 execution had thereon in the same manner as any judgment from
11 any court of record.

12 Section 170. Severability. If any provision of this Act or
13 the application of any provision of this Act to any person or
14 circumstance is held invalid, the invalidity does not affect
15 other provisions or applications of the Act that can be given
16 effect without the invalid provision or application, and for
17 this purpose the provisions of this Act are severable.

18 Section 900. The Regulatory Sunset Act is amended by
19 adding Section 4.41 as follows:

20 (5 ILCS 80/4.41 new)

21 Sec. 4.41. Act repealed on January 1, 2032. The following
22 Act is repealed on January 1, 2032:

23 The Traditional Asian Healing Therapy Practice Act.

1 Section 999. Effective date. This Act takes effect upon
2 becoming law.".