

1 AN ACT in relation to the regulation of professions.

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

4 Section 5. The Massage Licensing Act is amended by
5 changing Sections 10, 15, 20, 35, 55, 90, and 160 as follows:

6 (225 ILCS 57/10)

7 (Section scheduled to be repealed on January 1, 2012)

8 Sec. 10. Definitions. As used in this Act:

9 "Approved massage school" means a facility which meets
10 minimum standards for training and curriculum as determined
11 by the Department.

12 "Board" means the Massage Licensing Therapy Board
13 appointed by the Director.

14 "Compensation" means the payment, loan, advance,
15 donation, contribution, deposit, or gift of money or anything
16 of value.

17 "Department" means the Department of Professional
18 Regulation.

19 "Director" means the Director of Professional Regulation.

20 "Massage" or "massage therapy" means a system of
21 structured palpation or movement of the soft tissue of the
22 body. The system may include, but is not limited to,
23 techniques such as effleurage or stroking and gliding,
24 petrissage or kneading, tapotement or percussion, friction,
25 vibration, compression, and stretching activities as they
26 pertain to massage therapy. These techniques may be applied
27 by a licensed massage therapist with or without the aid of
28 lubricants, salt or herbal preparations, hydromassage,
29 thermal massage, or a massage device that mimics or enhances
30 the actions possible by human hands. The purpose of the
31 practice of massage, as licensed under this Act, is to

1 enhance the general health and well-being of the mind and
 2 body of the recipient. "Massage" does not include the
 3 diagnosis of a specific pathology. "Massage" does not include
 4 those acts of physical therapy or therapeutic or corrective
 5 measures that are outside the scope of massage therapy
 6 practice as defined in this Section.

7 "Massage therapist" means a person who is licensed by the
 8 Department and administers massage for compensation.

9 "Professional massage or bodywork therapy association"
 10 means a state or nationally chartered organization that is
 11 devoted to the massage specialty and therapeutic approach and
 12 meets the following requirements:

13 (1) The organization requires that its members meet
 14 minimum educational requirements. The educational
 15 requirements must include anatomy, physiology, hygiene,
 16 sanitation, ethics, technical theory, and application of
 17 techniques.

18 (2) The organization has an established code of
 19 ethics and has procedures for the suspension and
 20 revocation of membership of persons violating the code of
 21 ethics.

22 (Source: P.A. 92-860, eff. 6-1-03.)

23 (225 ILCS 57/15)

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

25 Sec. 15. Licensure requirements. Beginning January 1,
 26 2005 2004, persons engaged in massage for compensation must
 27 be licensed by the Department. The Department shall issue a
 28 license to an individual who meets all of the following
 29 requirements:

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

32 (2) The applicant is at least 18 years of age and
 33 of good moral character. In determining good moral

1 character, the Department may take into consideration
 2 conviction of any crime under the laws of the United
 3 States or any state or territory thereof that is a felony
 4 or a misdemeanor or any crime that is directly related to
 5 the practice of the profession. Such a conviction shall
 6 not operate automatically as a complete bar to a license,
 7 except in the case of any conviction for prostitution,
 8 rape, or sexual misconduct, or where the applicant is a
 9 registered sex offender.

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

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

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

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

27 (Source: P.A. 92-860, eff. 6-1-03.)

28 (225 ILCS 57/20)

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

30 Sec. 20. Grandfathering provision.

31 (a) For a period of one year after the effective date of
 32 the rules adopted under this Act, the Department may issue a
 33 license to an individual who, in addition to meeting the

1 requirements set forth in paragraphs (1) and (2) of Section
2 15, produces proof that he or she has met at least one of the
3 following requirements before the effective date of this Act:

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

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

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

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

18 (b) An applicant who can show proof of having engaged in
19 the practice of massage therapy for at least 10 hours per
20 week for a minimum of one year prior to the effective date of
21 this Act and has less than 100 hours of formal training or
22 has been practicing for less than one year with 100 hours of
23 formal training must complete at least 100 additional hours
24 of formal training consisting of at least 25 hours in anatomy
25 and physiology by January 1, 2005 2004.

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

31 (d) For purposes of this Section, "formal training" means
32 a massage therapy curriculum approved by the Illinois State
33 Board of Education or the Illinois Board of Higher Education
34 or course work provided by continuing education sponsors

1 approved by the Department.

2 (Source: P.A. 92-860, eff. 6-1-03.)

3 (225 ILCS 57/35)

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

5 Sec. 35. Massage Licensing Board.

6 (a) The Director shall appoint a Massage Licensing
7 Board, which shall serve in an advisory capacity to the
8 Director. The Board shall consist of 7 members, of whom 6
9 shall be massage therapists with at least 3 years of
10 experience in massage. One of the massage therapist members
11 shall represent a massage therapy school from the private
12 sector and one of the massage therapist members shall
13 represent a massage therapy school from the public sector.
14 One member of the Board shall be a member of the public who
15 is not licensed under this Act or a similar Act in Illinois
16 or another jurisdiction. Membership on the Board shall
17 reasonably reflect the various massage therapy and non-exempt
18 bodywork organizations. Membership on the Board shall
19 reasonably reflect the geographic areas of the State.

20 (b) Members shall be appointed to a 3-year term, except
21 that initial appointees shall serve the following terms: 2
22 ~~members including the non-voting member~~ shall serve for one
23 year, 2 members shall serve for 2 years, and 3 members shall
24 serve for 3 years. A member whose term has expired shall
25 continue to serve until his or her successor is appointed.
26 No member shall be reappointed to the Board for a term that
27 would cause his or her continuous service on the Board to
28 exceed 9 years. Appointments to fill vacancies shall be made
29 in the same manner as the original appointments for the
30 unexpired portion of the vacated term.

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

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

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

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

19 (Source: P.A. 92-860, eff. 6-1-03.)

20 (225 ILCS 57/55)

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

22 Sec. 55. Exclusive jurisdiction. Beginning January 1,
23 2005 ~~2004~~, the regulation and licensing of massage therapy is
24 an exclusive power and function of the State. Beginning
25 January 1, 2005 ~~2004~~, a home rule unit may not regulate or
26 license massage therapists. This Section is a denial and
27 limitation of home rule powers and functions under subsection
28 (h) of Section 6 of Article VII of the Illinois Constitution.

29 (Source: P.A. 92-860, eff. 6-1-03.)

30 (225 ILCS 57/90)

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

32 Sec. 90. Violations; injunction; cease and desist

1 order.

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

16 (b) If, after January 1, 2005 ~~2004~~, any person practices
17 as a massage therapist or holds himself or herself out as a
18 massage therapist without being licensed under the provisions
19 of this Act, then the Director, any licensed massage
20 therapist, any interested party, or any person injured
21 thereby may petition for relief as provided in subsection
22 (a) of this Section or may apply to the circuit court of the
23 county in which the violation or some part thereof occurred,
24 or in which the person complained of has his or her principal
25 place of business or resides, to prevent the violation. The
26 court has jurisdiction to enforce obedience by injunction or
27 by other process restricting the person complained of from
28 further violation and enjoining upon him or her obedience.

29 (c) Whenever, in the opinion of the Department, a person
30 violates any provision of this Act, the Department may issue
31 a rule to show cause why an order to cease and desist should
32 not be entered against him. The rule shall clearly set forth
33 the grounds relied upon by the Department and shall provide a
34 period of 7 days from the date of the rule to file an answer

1 to the satisfaction of the Department. Failure to answer to
2 the satisfaction of the Department shall cause an order to
3 cease and desist to be issued immediately.

4 (Source: P.A. 92-860, eff. 6-1-03.)

5 (225 ILCS 57/160)

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

7 Sec. 160. Returned checks; fines. Any person who
8 delivers a check or other payment to the Department that is
9 returned to the Department unpaid by the financial
10 institution upon which it is drawn shall pay to the
11 Department, in addition to the amount already owed to the
12 Department, a fine of \$50. ~~If the check or other payment was~~
13 ~~for a renewal or issuance fee and that person practices~~
14 ~~without paying the renewal fee or issuance fee and the fine~~
15 ~~due, an additional fine of \$100 shall be imposed.~~ The fines
16 imposed by this Section are in addition to any other
17 discipline provided under this Act for unlicensed practice or
18 practice on a nonrenewed license. The Department shall notify
19 the person that payment of fees and fines shall be paid to
20 the Department by certified check or money order within 30
21 calendar days of the notification. If, after the expiration
22 of 30 days from the date of the notification, the person has
23 failed to submit the necessary remittance, the Department
24 shall automatically terminate the license or deny the
25 application, without hearing. If, after termination or
26 denial, the person seeks a license, he or she shall apply to
27 the Department for restoration or issuance of the license and
28 pay all fees and fines due to the Department. The Department
29 may establish a fee for the processing of an application for
30 restoration of a license to pay all expenses of processing
31 this application. The Director may waive the fines due under
32 this Section in individual cases where the Director finds
33 that the fines would be unreasonable or unnecessarily

1 burdensome.

2 (Source: P.A. 92-860, eff. 6-1-03.)

3 Section 99. Effective date. This Act takes effect on
4 June 1, 2003.