



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0153

Introduced 2/8/2011, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

See Index

Amends the Massage Licensing Act. Requires that Social Security numbers be on all applications for original, renewed, reinstated, or restored licenses. Permits applicants license as massage therapist in another state or territory to be license by endorsement if the requirements for licensure in the state or territory in which the applicant was licensed were, at the time of licensure, substantially equivalent to the requirements in force in this State on that date. Requires every holder of a massage license to display it or a copy of the license in a conspicuous place in the holder's principal office or other location where the holder renders massage therapy services. Allows the Department to take action, including imposing fines not to exceed \$10,000 per violation, if the individual meets the requirements for grounds for disciplinary action. Permits the Department to disclose information and documents related to an examination or investigation of a licensee or applicant only to law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Provides that any formal complaint against a licensee filed with the Department or an order issued by the Department against a licensee or applicant shall be a public record. Makes other changes. Amends the Regulatory Sunset Act to extend the Massage Licensing Act from January 1, 2012 to January 1, 2022. Effective immediately.

LRB097 06454 CEL 46536 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5. The Regulatory Sunset Act is amended by changing
5 Section 4.22 and by adding Section 4.32 as follows:

6 (5 ILCS 80/4.22)

7 Sec. 4.22. Acts repealed on January 1, 2012. The following
8 Acts are repealed on January 1, 2012:

9 The Detection of Deception Examiners Act.

10 The Home Inspector License Act.

11 The Interior Design Title Act.

12 ~~The Massage Licensing Act.~~

13 The Petroleum Equipment Contractors Licensing Act.

14 The Professional Boxing Act.

15 The Real Estate Appraiser Licensing Act of 2002.

16 The Water Well and Pump Installation Contractor's License
17 Act.

18 (Source: P.A. 95-331, eff. 8-21-07.)

19 (5 ILCS 80/4.32 new)

20 Sec. 4.32. Acts repealed on January 1, 2022. The following
21 Act is repealed on January 1, 2022:

22 The Massage Licensing Act.

1 Section 10. The Massage Licensing Act is amended by
2 changing Sections 10, 15, 25, 30, 35, 40, 45, 55, 60, 70, 85,
3 90, 95, 100, 105, 110, 115, 120, 125, 130, 135, 145, 150, 155,
4 160, and 165 and by adding Sections 17, 19, 32, and 168 as
5 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 "Address of Record" means the designated address recorded
10 by the Department in the applicant's or licensee's application
11 file or license file as maintained by the Department's
12 licensure maintenance unit. It is the duty of the applicant or
13 licensee to inform the Department of any change of address and
14 those changes must be made either through the Department's
15 website or by contacting the Department.

16 "Approved massage school" means a facility which meets
17 minimum standards for training and curriculum as determined by
18 the Department.

19 "Board" means the Massage Licensing Board appointed by the
20 Secretary ~~Director~~.

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

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

1 ~~"Director" means the Director of Professional Regulation.~~

2 "Massage" or "massage therapy" means a system of structured
3 palpation or movement of the soft tissue of the body. The
4 system may include, but is not limited to, techniques such as
5 effleurage or stroking and gliding, petrissage or kneading,
6 tapotement or percussion, friction, vibration, compression,
7 and stretching activities as they pertain to massage therapy.
8 These techniques may be applied by a licensed massage therapist
9 with or without the aid of lubricants, salt or herbal
10 preparations, hydromassage, thermal massage, or a massage
11 device that mimics or enhances the actions possible by human
12 hands. The purpose of the practice of massage, as licensed
13 under this Act, is to enhance the general health and well-being
14 of the mind and body of the recipient. "Massage" does not
15 include the diagnosis of a specific pathology. "Massage" does
16 not include those acts of physical therapy or therapeutic or
17 corrective measures that are outside the scope of massage
18 therapy practice as defined in this Section.

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

21 "Professional massage or bodywork therapy association"
22 means a state or nationally chartered organization that is
23 devoted to the massage specialty and therapeutic approach and
24 meets the following requirements:

25 (1) The organization requires that its members meet
26 minimum educational requirements. The educational

1 requirements must include anatomy, physiology, hygiene,
2 sanitation, ethics, technical theory, and application of
3 techniques.

4 (2) The organization has an established code of ethics
5 and has procedures for the suspension and revocation of
6 membership of persons violating the code of ethics.

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

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

10 (225 ILCS 57/15)

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

12 Sec. 15. Licensure requirements.

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

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

19 (2) The applicant is at least 18 years of age and of
20 good moral character. In determining good moral character,
21 the Department may take into consideration conviction of
22 any crime under the laws of the United States or any state
23 or territory thereof that is a felony or a misdemeanor or
24 any crime that is directly related to the practice of the
25 profession. Such a conviction shall not operate

1 automatically as a complete bar to a license, except in the
2 case of any conviction for prostitution, rape, or sexual
3 misconduct, or where the applicant is a registered sex
4 offender.

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

7 (A) has successfully completed the curriculum or
8 curriculums of one or more massage therapy schools
9 approved by the Department that require a minimum of
10 500 hours and has passed a competency examination
11 approved by the Department;

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

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

22 (b) Each applicant for licensure as a massage therapist
23 shall have his or her fingerprints submitted to the Department
24 of State Police in an electronic format that complies with the
25 form and manner for requesting and furnishing criminal history
26 record information as prescribed by the Department of State

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

17 (Source: P.A. 92-860, eff. 6-1-03; 93-524, eff. 8-12-03;
18 93-908, eff. 8-11-04.)

19 (225 ILCS 57/17 new)

20 Sec. 17. Social Security number on license application. In
21 addition to any other information required to be contained in
22 the application, every application for an original, renewal,
23 reinstated, or restored license under this Act shall include
24 the applicant's Social Security Number.

1 (225 ILCS 57/19 new)

2 Sec. 19. Endorsement. The Department may, in its
3 discretion, license as a massage therapist, by endorsement, on
4 payment of the required fee, an applicant who is a massage
5 therapist licensed under the laws of another state or
6 territory, if the requirements for licensure in the state or
7 territory in which the applicant was licensed were, at the date
8 of his or her licensure, substantially equivalent to the
9 requirements in force in this State on that date. The
10 Department may adopt any rules necessary to implement this
11 Section.

12 Applicants have 3 years from the date of application to
13 complete the application process. If the process has not been
14 completed within the 3 years, the application shall be denied,
15 the fee forfeited, and the applicant must reapply and meet the
16 requirements in effect at the time of reapplication.

17 (225 ILCS 57/25)

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

19 Sec. 25. Exemptions.

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

23 (b) Persons exempted under this Section include, but are
24 not limited to, physicians, podiatrists, naprapaths, and
25 physical therapists.

1 (c) Nothing in this Act prohibits qualified members of
2 other professional groups, including but not limited to nurses,
3 occupational therapists, cosmetologists, and estheticians,
4 from performing massage in a manner consistent with their
5 training and the code of ethics of their respective
6 professions.

7 (d) Nothing in this Act prohibits a student of an approved
8 massage school or program from performing massage, provided
9 that the student does not hold himself or herself out as a
10 licensed massage therapist and does not receive compensation,
11 including tips, ~~charge a fee~~ for massage therapy services.

12 (e) Nothing in this Act prohibits practitioners that do not
13 involve intentional soft tissue manipulation, including but
14 not limited to Alexander Technique, Feldenkrais, Reike, and
15 Therapeutic Touch, from practicing.

16 (f) Practitioners of certain service marked bodywork
17 approaches that do involve intentional soft tissue
18 manipulation, including but not limited to Rolfing, Trager
19 Approach, Polarity Therapy, and Orthobionomy, are exempt from
20 this Act if they are approved by their governing body based on
21 a minimum level of training, demonstration of competency, and
22 adherence to ethical standards.

23 (g) Practitioners of Asian bodywork approaches are exempt
24 from this Act if they are members of the American Organization
25 of Bodywork Therapies of Asia as certified practitioners or if
26 they are approved by an Asian bodywork organization based on a

1 minimum level of training, demonstration of competency, and
2 adherence to ethical standards set by their governing body.

3 (h) Practitioners of other forms of bodywork who restrict
4 manipulation of soft tissue to the feet, hands, and ears, and
5 who do not have the client disrobe, such as reflexology, are
6 exempt from this Act.

7 (i) Nothing in this Act applies to massage therapists from
8 other states or countries when providing educational programs
9 or services for a period not exceeding 30 days within a
10 calendar year.

11 (j) Nothing in this Act prohibits a person from treating
12 ailments by spiritual means through prayer alone in accordance
13 with the tenets and practices of a recognized church or
14 religious denomination.

15 (k) Nothing in this Act applies to the practice of massage
16 therapy by a person either actively licensed as a massage
17 therapist in another state or currently certified by the
18 National Certification Board of Therapeutic Massage and
19 Bodywork or other national certifying body if said person's
20 state does not license massage therapists, if he or she is
21 performing his or her duties for a non-Illinois based team or
22 organization, or for a national athletic event held in this
23 State, so long as he or she restricts his or her practice to
24 his or her team or organization or to event participants during
25 the course of his or her team's or organization's stay in this
26 State or for the duration of the event. ~~Nothing in this Act~~

1 ~~applies to persons or entities practicing the specified~~
2 ~~occupations set forth in subsection (a) of, and pursuant to a~~
3 ~~licensing exemption granted in subsection (b) or (d) of,~~
4 ~~Section 2105-350 of the Department of Professional Regulation~~
5 ~~Law of the Civil Administrative Code of Illinois, but only for~~
6 ~~so long as the 2016 Olympic and Paralympic Games Professional~~
7 ~~Licensure Exemption Law is operable.~~

8 (Source: P.A. 96-7, eff. 4-3-09.)

9 (225 ILCS 57/30)

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

11 Sec. 30. Title protection.

12 (a) Persons regulated by this Act are designated as massage
13 therapists and therefore are exclusively entitled to utilize
14 the terms "massage", "massage therapy", and "massage
15 therapist" when advertising or printing promotional material.

16 (b) Anyone who knowingly aids and abets one or more persons
17 not authorized to use a professional title regulated by this
18 Act or knowingly employs persons not authorized to use the
19 regulated professional title in the course of their employment,
20 commits a violation of this Act.

21 (c) Anyone not authorized, under the definitions of this
22 Act, to utilize the term "massage", "massage therapy", or
23 "massage therapist" and who knowingly utilizes these terms when
24 advertising commits a violation of this Act.

25 (d) Nothing in this Act shall prohibit the use of the terms

1 "massage", "massage therapy", or "massage therapist" by a salon
2 registered under the Barber, Cosmetology, Esthetics, Hair
3 Braiding, and Nail Technology Act of 1985, provided that the
4 salon offers massage therapy services in accordance with this
5 Act.

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

7 (225 ILCS 57/32 new)

8 Sec. 32. Display. Every holder of a license shall display
9 it, or a copy, in a conspicuous place in the holder's principal
10 office or any other location where the holder renders massage
11 therapy services.

12 (225 ILCS 57/35)

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

14 Sec. 35. Massage Licensing Board.

15 (a) The Secretary ~~Director~~ shall appoint a Massage
16 Licensing Board, which shall serve in an advisory capacity to
17 the Secretary ~~Director~~. The Board shall consist of 7 members,
18 of whom 6 shall be massage therapists with at least 3 years of
19 experience in massage. One of the massage therapist members
20 shall represent a massage therapy school from the private
21 sector and one of the massage therapist members shall represent
22 a massage therapy school from the public sector. One member of
23 the Board shall be a member of the public who is not licensed
24 under this Act or a similar Act in Illinois or another

1 jurisdiction. Membership on the Board shall reasonably reflect
2 the various massage therapy and non-exempt bodywork
3 organizations. Membership on the Board shall reasonably
4 reflect the geographic areas of the State. The Board shall meet
5 annually to elect a chairperson and vice chairperson. The Board
6 shall hold regularly scheduled meetings during the year. A
7 simple majority of the Board shall constitute a quorum at any
8 meeting. Any action taken by the Board must be on the
9 affirmative vote of a simple majority of members. Voting by
10 proxy shall not be permitted. In the case of an emergency where
11 all Board members cannot meet in person, the Board may convene
12 a meeting via an electronic format in accordance with the Open
13 Meetings Act.

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

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

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

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

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

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

21 (225 ILCS 57/40)

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

23 Sec. 40. Duties of the Department. The Department shall
24 exercise the powers and duties prescribed by the Civil
25 Administrative Code of Illinois for administration of

1 licensing acts and shall exercise other powers and duties
2 necessary for effectuating the purpose of this Act. The
3 Department shall adopt rules to implement, interpret, or make
4 specific the provisions and purposes of this Act; however, no
5 such rules shall be adopted by the Department except upon
6 review by the Board.

7 ~~Subject to provisions of this Act, the Department shall:~~

8 ~~(1) Formulate rules required for the administration of~~
9 ~~this Act. Notice of proposed rule making shall be~~
10 ~~transmitted to the Board and the Department shall review~~
11 ~~the Board's response and any recommendations made in the~~
12 ~~response.~~

13 ~~(2) Determine the qualifications of an applicant for~~
14 ~~licensure by endorsement.~~

15 ~~(3) Conduct hearings or proceedings to refuse to issue~~
16 ~~or renew or to revoke a license or to suspend, place on~~
17 ~~probation, reprimand, or otherwise discipline a person~~
18 ~~licensed under this Act.~~

19 ~~(4) Solicit the advice and expert knowledge of the~~
20 ~~Board on any matter relating to the administration and~~
21 ~~enforcement of this Act.~~

22 ~~(5) Maintain a roster of the names and addresses of all~~
23 ~~licensees and all persons whose licenses have been~~
24 ~~suspended, revoked, or denied renewal for cause within the~~
25 ~~previous calendar year. The roster shall be available upon~~
26 ~~written request and payment of the required fee.~~

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

2 (225 ILCS 57/45)

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

4 Sec. 45. Grounds for discipline.

5 (a) The Department may refuse to issue or renew, or may
6 revoke, suspend, place on probation, reprimand, or take other
7 disciplinary or non-disciplinary action, as the Department
8 considers appropriate, including the imposition of fines not to
9 exceed \$10,000 ~~\$1,000~~ for each violation, with regard to any
10 license or licensee for any one or more of the following:

11 (1) violations of this Act or of the rules adopted
12 under this Act; being convicted of any crime under the laws
13 of the United States or any state or territory thereof that
14 is a felony or a misdemeanor, an essential element of which
15 is dishonesty, or any that is directly related to the
16 practice of massage. Conviction, as used in this paragraph,
17 shall include a finding or verdict of guilty, an admission
18 of guilt, or a plea of nolo contendere;

19 (2) conviction by plea of guilty or nolo contendere,
20 finding of guilt, jury verdict, or entry of judgment or by
21 sentencing of any crime, including, but not limited to,
22 convictions, preceding sentences of supervision,
23 conditional discharge, or first offender probation, under
24 the laws of any jurisdiction of the United States: (i) that
25 is a felony; or (ii) that is a misdemeanor, an essential

1 element of which is dishonesty, or that is directly related
2 to the practice of the profession ~~advertising in a false,~~
3 ~~deceptive, or misleading manner;~~

4 (3) professional incompetence; ~~aiding, assisting,~~
5 ~~procuring, or advising any unlicensed person to practice~~
6 ~~massage contrary to any rules or provisions of this Act;~~

7 (4) advertising in a false, deceptive, or misleading
8 manner;

9 (5) aiding, abetting, assisting, procuring, advising,
10 employing, or contracting with any unlicensed person to
11 practice massage contrary to any rules or provisions of
12 this Act;

13 (6) ~~(4)~~ engaging in immoral conduct in the commission
14 of any act, such as sexual abuse, sexual misconduct, or
15 sexual exploitation, related to the licensee's practice;

16 (7) ~~(5)~~ engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public;

19 (8) ~~(6)~~ practicing or offering to practice beyond the
20 scope permitted by law or accepting and performing
21 professional responsibilities which the licensee knows or
22 has reason to know that he or she is not competent to
23 perform;

24 (9) ~~(7)~~ knowingly delegating professional
25 responsibilities to a person unqualified by training,
26 experience, or licensure to perform;

1 (10) ~~(8)~~ failing to provide information in response to
2 a written request made by the Department within 60 days;

3 (11) ~~(9)~~ having a habitual or excessive use of or
4 addiction to alcohol, narcotics, stimulants, or any other
5 chemical agent or drug which results in the inability to
6 practice with reasonable judgment, skill, or safety;

7 (12) ~~(10)~~ having a pattern of practice or other
8 behavior that demonstrates incapacity or incompetence to
9 practice under this Act;

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

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

17 (15) willfully making or filing false records or
18 reports in his or her practice, including, but not limited
19 to, false records filed with State agencies or departments;

20 (16) ~~(11)~~ making a material misstatement in furnishing
21 information to the Department or otherwise making
22 misleading, deceptive, untrue, or fraudulent
23 representations in violation of this Act or otherwise in
24 the practice of the profession;

25 (17) fraud or misrepresentation in applying for or
26 procuring a license under this Act or in connection with

1 applying for renewal of a license under this Act; ~~(12)~~
2 ~~making any misrepresentation for the purpose of obtaining a~~
3 ~~license; or~~

4 (18) inability to practice the profession with
5 reasonable judgment, skill, or safety as a result of
6 physical illness, including, but not limited to,
7 deterioration through the aging process, loss of motor
8 skill, or a mental illness or disability; ~~(13) having a~~
9 ~~physical illness, including but not limited to~~
10 ~~deterioration through the aging process or loss of motor~~
11 ~~skills, that results in the inability to practice the~~
12 ~~profession with reasonable judgment, skill, or safety.~~

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

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

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

20 All fines shall be paid within 60 days of the effective
21 date of the order imposing the fine.

22 (b) A person not licensed under this Act and engaged in the
23 business of offering massage therapy services through others,
24 shall not aid, abet, assist, procure, advise, employ, or
25 contract with any unlicensed person to practice massage therapy
26 contrary to any rules or provisions of this Act. A person

1 violating this subsection (b) shall be treated as a licensee
2 for the purposes of disciplinary action under this Section and
3 shall be subject to cease and desist orders as provided in
4 Section 90 of this Act.

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

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

20 (e) The Department shall deny a license or renewal
21 authorized by this Act to a person who has defaulted on an
22 educational loan or scholarship provided or guaranteed by the
23 Illinois Student Assistance Commission or any governmental
24 agency of this State in accordance with item (5) of subsection
25 (g) of Section 2105-15 of the Civil Administrative Code of
26 Illinois.

1 (f) In cases where the Department of Healthcare and Family
2 Services has previously determined that a licensee or a
3 potential licensee is more than 30 days delinquent in the
4 payment of child support and has subsequently certified the
5 delinquency to the Department, the Department may refuse to
6 issue or renew or may revoke or suspend that person's license
7 or may take other disciplinary action against that person based
8 solely upon the certification of delinquency made by the
9 Department of Healthcare and Family Services in accordance with
10 item (5) of subsection (g) of Section 1205-15 of the Civil
11 Administrative Code of Illinois.

12 (g) ~~(e)~~ The determination by a circuit court that a
13 licensee is subject to involuntary admission or judicial
14 admission, as provided in the Mental Health and Developmental
15 Disabilities Code, operates as an automatic suspension. The
16 suspension will end only upon ~~(i)~~ a finding by a court that the
17 patient is no longer subject to involuntary admission or
18 judicial admission and the issuance of a court order so finding
19 and discharging the patient ~~and (ii) the recommendation of the~~
20 ~~Board to the Director that the licensee be allowed to resume~~
21 ~~his or her practice.~~

22 (h) ~~(d)~~ In enforcing this Act ~~Section~~, the Department or
23 Board, upon a showing of a possible violation, may compel an
24 individual licensed to practice under this Act, or who has
25 applied for licensure under this Act, to submit to a mental or
26 physical examination, or both, as required by and at the

1 expense of the Department. The Department or Board may order
2 the examining physician to present testimony concerning the
3 mental or physical examination of the licensee or applicant. No
4 information shall be excluded by reason of any common law or
5 statutory privilege relating to communications between the
6 licensee or applicant and the examining physician. The
7 examining physicians shall be specifically designated by the
8 Board or Department. The individual to be examined may have, at
9 his or her own expense, another physician of his or her choice
10 present during all aspects of this examination. The examination
11 shall be performed by a physician licensed to practice medicine
12 in all its branches. Failure of an individual to submit to a
13 mental or physical examination, when directed, shall result in
14 an automatic suspension without hearing ~~be grounds for~~
15 ~~suspension of his or her license until the individual submits~~
16 ~~to the examination if the Department finds, after notice and~~
17 ~~hearing, that the refusal to submit to the examination was~~
18 ~~without reasonable cause.~~

19 A person holding a license under this Act or who has
20 applied for a license under this Act who, because of a physical
21 or mental illness or disability, including, but not limited to,
22 deterioration through the aging process or loss of motor skill,
23 is unable to practice the profession with reasonable judgment,
24 skill, or safety, may be required by the Department to submit
25 to care, counseling, or treatment by physicians approved or
26 designated by the Department as a condition, term, or

1 restriction for continued, reinstated, or renewed licensure to
2 practice. Submission to care, counseling, or treatment as
3 required by the Department shall not be considered discipline
4 of a license. If the licensee refuses to enter into a care,
5 counseling, or treatment agreement or fails to abide by the
6 terms of the agreement, the Department may file a complaint to
7 revoke, suspend, or otherwise discipline the license of the
8 individual. The Secretary may order the license suspended
9 immediately, pending a hearing by the Department. Fines shall
10 not be assessed in disciplinary actions involving physical or
11 mental illness or impairment.

12 ~~If the Department or Board finds an individual unable to~~
13 ~~practice because of the reasons set forth in this Section, the~~
14 ~~Department or Board may require that individual to submit to~~
15 ~~care, counseling, or treatment by physicians approved or~~
16 ~~designated by the Department or Board, as a condition, term, or~~
17 ~~restriction for continued, reinstated, or renewed licensure to~~
18 ~~practice; or, in lieu of care, counseling, or treatment, the~~
19 ~~Department may file, or the Board may recommend to the~~
20 ~~Department to file, a complaint to immediately suspend, revoke,~~
21 ~~or otherwise discipline the license of the individual. An~~
22 ~~individual whose license was granted, continued, reinstated,~~
23 ~~renewed, disciplined or supervised subject to such terms,~~
24 ~~conditions, or restrictions, and who fails to comply with such~~
25 ~~terms, conditions, or restrictions, shall be referred to the~~
26 ~~Director for a determination as to whether the individual shall~~

1 ~~have his or her license suspended immediately, pending a~~
2 ~~hearing by the Department.~~

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

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

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

18 (225 ILCS 57/55)

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

20 Sec. 55. Exclusive jurisdiction. The ~~Beginning January 1,~~
21 ~~2005, the~~ regulation and licensing of massage therapy is an
22 exclusive power and function of the State. A ~~Beginning January~~
23 ~~1, 2005, a~~ home rule unit may not regulate or license massage
24 therapists. This Section is a denial and limitation of home
25 rule powers and functions under subsection (h) of Section 6 of

1 Article VII of the Illinois Constitution.

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

3 (225 ILCS 57/60)

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

5 Sec. 60. Administrative Procedure Act. The Illinois
6 Administrative Procedure Act is hereby expressly adopted and
7 incorporated herein as if all of the provisions of that Act
8 were included in this Act, except that the provision of
9 subsection (d) of Section 10-65 of the Illinois Administrative
10 Procedure Act that provides that at hearings the licensee has
11 the right to show compliance with all lawful requirements for
12 retention, continuation, or renewal of the license is
13 specifically excluded. For the purposes of this Act the notice
14 required under Section 10-25 of the Administrative Procedure
15 Act is deemed sufficient when mailed to the address of record
16 ~~last known address~~ of a party.

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

18 (225 ILCS 57/70)

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

20 Sec. 70. Restoration of expired licenses. A massage
21 therapist who has permitted his or her license to expire or who
22 has had his or her license on inactive status may have his or
23 her license restored by making application to the Department
24 and filing proof acceptable to the Department of his or her

1 fitness to have his or her license restored, including sworn
2 evidence certifying to active practice in another jurisdiction
3 satisfactory to the Department, and by paying the required
4 restoration fee and showing proof of completion of required
5 continuing education. Licensees must provide proof of
6 completion of 24 hours approved continuing education to renew
7 their license.

8 If the massage therapist has not maintained an active
9 practice in another jurisdiction satisfactory to the
10 Department, the Board shall determine, by an evaluation program
11 established by rule his or her fitness to resume active status
12 and may require the massage therapist to complete a period of
13 evaluated clinical experience and may require successful
14 completion of an examination.

15 A massage therapist whose license has been expired or
16 placed on inactive status for more than 5 years may have his or
17 her license restored by making application to the Department
18 and filing proof acceptable to the Department of his or her
19 fitness to have his or her license restored, including sworn
20 evidence certifying to active practice in another
21 jurisdiction, by paying the required restoration fee, and by
22 showing proof of the completion of 24 hours of continuing
23 education.

24 However, any registrant whose license has expired while he
25 or she has been engaged (i) in Federal Service on active duty
26 with the United States Army, Navy, Marine Corps, Air Force,

1 Coast Guard, or Public Health Service or the State Militia
2 called into the service or training of the United States of
3 America, or (ii) in training or education under the supervision
4 of the United States preliminary to induction into the military
5 service, may have his or her license reinstated or restored
6 without paying any lapsed renewal fees, if within 2 years after
7 honorable termination of such service, training, or education,
8 he or she furnishes to the Department with satisfactory
9 evidence to the effect that he or she has been so engaged and
10 that his or her service, training, or education has been so
11 terminated.

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

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

1 (225 ILCS 57/85)

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

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

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

10 (225 ILCS 57/90)

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

12 Sec. 90. Violations; injunction; cease and desist order.

13 (a) If any person violates a provision of this Act, the
14 Secretary ~~Director~~ may, in the name of the People of the State
15 of Illinois, through the Attorney General of the State of
16 Illinois or the State's Attorney in the county in which the
17 offense occurs, petition for an order enjoining the violation
18 or for an order enforcing compliance with this Act. Upon the
19 filing of a verified petition in court, the court may issue a
20 temporary restraining order, without notice or bond, and may
21 preliminarily and permanently enjoin the violation. If it is
22 established that the person has violated or is violating the
23 injunction, the court may punish the offender for contempt of
24 court. Proceedings under this Section shall be in addition to,

1 and not in lieu of, all other remedies and penalties provided
2 by this Act.

3 (b) If ~~, after January 1, 2005,~~ any person practices as a
4 massage therapist or holds himself or herself out as a massage
5 therapist without being licensed under the provisions of this
6 Act, then the Secretary ~~Director~~, any licensed massage
7 therapist, any interested party, or any person injured thereby
8 may petition for relief as provided in subsection (a) of this
9 Section or may apply to the circuit court of the county in
10 which the violation or some part thereof occurred, or in which
11 the person complained of has his or her principal place of
12 business or resides, to prevent the violation. The court has
13 jurisdiction to enforce obedience by injunction or by other
14 process restricting the person complained of from further
15 violation and enjoining upon him or her obedience.

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

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

1 (225 ILCS 57/95)

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

3 Sec. 95. Investigations; notice and hearing. The
4 Department may investigate the actions of any applicant or of
5 any person or persons rendering or offering to render massage
6 therapy services or any person holding or claiming to hold a
7 license as a massage therapist. The Department shall, before
8 refusing to issue or renew a license or to discipline a
9 licensee under Section 45, at least 30 days prior to the date
10 set for the hearing, (i) notify the accused in writing of the
11 charges made and the time and place for the hearing on the
12 charges, (ii) direct him or her to file a written answer with
13 the Department under oath within 20 days after the service of
14 the notice, and (iii) inform the applicant or licensee that
15 failure to file an answer will result in a default judgment
16 being entered against the applicant or licensee. At the time
17 and place fixed in the notice, the Department shall proceed to
18 hear the charges and the parties of their counsel shall be
19 accorded ample opportunity to present any pertinent
20 statements, testimony, evidence, and arguments. The Department
21 may continue the hearing from time to time. In case the person,
22 after receiving the notice, fails to file an answer, his or her
23 license, may, in the discretion of the Department, be revoked,
24 suspended, placed on probationary status, or the Department may
25 take whatever disciplinary actions considered proper,
26 including limiting the scope, nature, or extent of the person's

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

1 ~~placed on probationary status and the Department may take~~
2 ~~whatever disciplinary action it deems proper, including~~
3 ~~limiting the scope, nature, or extent of the person's practice~~
4 ~~or the imposition of a fine, without a hearing, if the act or~~
5 ~~acts charged constitute sufficient grounds for that action~~
6 ~~under this Act. At the time and place fixed in the notice, the~~
7 ~~Board shall proceed to hear the charges and the parties or~~
8 ~~their counsel shall be accorded ample opportunity to present~~
9 ~~statements, testimony, evidence and argument that may be~~
10 ~~pertinent to the charges or to the licensee's defense. The~~
11 ~~Board may continue a hearing from time to time.~~

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

13 (225 ILCS 57/100)

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

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

1 ~~of the Department shall be the record of the proceeding.~~

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

3 (225 ILCS 57/105)

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

5 Sec. 105. Subpoenas; depositions; oaths. ~~Compelling~~
6 ~~testimony.~~

7 (a) The Department may subpoena and bring before it any
8 person to take the oral or written testimony or compel the
9 production of any books, papers, records, or any other
10 documents that the Secretary or his or her designee deems
11 relevant or material to any such investigation or hearing
12 conducted by the Department with the same fees and in the same
13 manner as prescribed in civil cases in the courts of this
14 State.

15 (b) Any circuit court, upon the application of the licensee
16 or the Department, may order the attendance and testimony of
17 witnesses and the production of relevant documents, files,
18 records, books, and papers in connection with any hearing or
19 investigation. The circuit court may compel obedience to its
20 order by proceedings for contempt.

21 (c) The Secretary, the hearing officer, any member of the
22 Board, or a certified shorthand court reporter may administer
23 oaths at any hearing the Department conducts. Notwithstanding
24 any other statute or Department rule to the contrary, all
25 requests for testimony, production of documents, or records

1 ~~shall be in accordance with this Act. 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 (Source: P.A. 92-860, eff. 6-1-03.)

10 (225 ILCS 57/110)

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

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

20 The report of findings and recommendations of the Board
21 shall be the basis for the Department's order or refusal or for
22 the granting of a license unless the Secretary ~~Director~~ shall
23 determine that the Board's report is contrary to the manifest
24 weight of the evidence, in which case the Secretary ~~Director~~
25 may issue an order in contravention of the Board's report. The

1 finding is not admissible in evidence against the person in a
2 criminal prosecution brought for the violation of this Act, but
3 the hearing and finding are not a bar to a criminal prosecution
4 brought for the violation of this Act.

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

6 (225 ILCS 57/115)

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

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

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

1 (225 ILCS 57/120)

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

3 Sec. 120. Secretary ~~Director~~; rehearing. Whenever the
4 Secretary believes that substantial justice has not been done
5 in the revocation, suspension, or refusal to issue, restore, or
6 renew a license, or other discipline of an applicant or
7 licensee, the Secretary may order a rehearing by the same or
8 other hearing officers ~~Whenever the Director is satisfied that~~
9 ~~substantial justice has not been done in the revocation,~~
10 ~~suspension, or refusal to issue or renew a license, the~~
11 ~~Director may order a rehearing by the same or other examiners.~~

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

13 (225 ILCS 57/125)

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

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

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

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

10 (225 ILCS 57/130)

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

12 Sec. 130. Order or certified copy; prima facie proof. An
13 order or a certified copy thereof, over the seal of the
14 Department and purporting to be signed by the Secretary
15 ~~Director~~, shall be prima facie proof that:

16 (1) the signature is the genuine signature of the
17 Secretary ~~Director~~;

18 (2) the Secretary ~~Director~~ is duly appointed and
19 qualified; and

20 (3) the Board and the members of the Board are
21 qualified to act.

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

23 (225 ILCS 57/135)

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

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

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

18 (225 ILCS 57/145)

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

20 Sec. 145. Temporary suspension of a license. The Secretary
21 ~~Director~~ may temporarily suspend the license of a massage
22 therapist without a hearing, simultaneously with the
23 institution of proceedings for a hearing provided for in
24 Section 95 of this Act, if the Secretary ~~Director~~ finds that
25 the evidence in his or her possession indicates that

1 continuation in practice would constitute an imminent danger to
2 the public. In the event that the Secretary ~~Director~~
3 temporarily suspends the license of a massage therapist without
4 a hearing, a hearing by the Board must be held within 30
5 calendar days after the suspension has occurred.

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

7 (225 ILCS 57/150)

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

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

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

18 The Department shall not be required to certify any record
19 to the court or file any answer in court or otherwise appear in
20 any court in a judicial review proceeding, unless and until
21 ~~there is filed in the court, with the complaint, a receipt from~~
22 the Department has received from the plaintiff acknowledging
23 payment of the costs of furnishing and certifying the record,
24 which costs shall be determined by the Department. Failure on
25 the part of the plaintiff to file a receipt in court shall be

1 grounds for dismissal of the action.

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

3 (225 ILCS 57/155)

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

5 Sec. 155. Violations.

6 (a) A person who is found to have violated any provision of
7 this Act is guilty of a Class A misdemeanor for the first
8 offense and a Class 4 felony for the second and any subsequent
9 offense.

10 (b) Whoever knowingly practices or offers to practice
11 massage therapy in this State without a license for that
12 purpose, or whoever knowingly aids, abets, assists, procures,
13 advises, employs, or contracts with any unlicensed person to
14 practice massage therapy contrary to any rule or provision of
15 this Act, shall be guilty of a Class A misdemeanor and, for
16 each subsequent conviction, shall be guilty of a Class 4
17 felony.

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

19 (225 ILCS 57/160)

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

21 Sec. 160. Returned checks; fines. Any person who delivers a
22 check or other payment to the Department that is returned to
23 the Department unpaid by the financial institution upon which
24 it is drawn shall pay to the Department, in addition to the

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

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

21 (225 ILCS 57/165)

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

23 Sec. 165. Unlicensed practice; violation; civil penalty.

24 (a) Any person who practices, offers to practice, attempts
25 to practice, or holds himself or herself out to practice

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

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

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

20 (d) All moneys collected under this Section shall be
21 deposited into the General Professions Dedicated Fund.

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

23 (225 ILCS 57/168 new)

24 Sec. 168. Confidentiality. All information collected by
25 the Department in the course of an examination or investigation

1 of a licensee or applicant, including, but not limited to, any
2 complaint against a licensee filed with the Department and
3 information collected to investigate any such complaint, shall
4 be maintained for the confidential use of the Department and
5 shall not be disclosed. The Department may not disclose the
6 information to anyone other than law enforcement officials,
7 other regulatory agencies that have an appropriate regulatory
8 interest as determined by the Secretary, or to a party
9 presenting a lawful subpoena to the Department. Information and
10 documents disclosed to a federal, State, county, or local law
11 enforcement agency shall not be disclosed by the agency for any
12 purpose to any other agency or person. A formal complaint filed
13 against a licensee by the Department or any order issued by the
14 Department against a licensee or applicant shall be a public
15 record, except as otherwise prohibited by law.

16 (225 ILCS 57/20 rep.)

17 Section 15. The Massage Licensing Act is amended by
18 repealing Section 20.

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

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