



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1806

Introduced 1/28/2025, by Rep. Bob Morgan

SYNOPSIS AS INTRODUCED:

New Act

Creates the Wellness and Oversight for Psychological Resources Act. Defines terms. Provides that an individual, corporation, or entity may not provide, advertise, or otherwise offer therapy or psychotherapy services to the public in the State unless the therapy or psychotherapy services are conducted by an individual who is a licensed professional. Provides that a licensed professional may use an artificial intelligence system only to the extent the use of the artificial intelligence system meets the definition of permitted use of artificial intelligence systems. Provides that a licensed professional may not use an artificial intelligence system in therapy or psychotherapy services to make independent therapeutic decisions, directly interact with clients in any form of therapeutic communication, or generate therapeutic recommendations or treatment plans without the review and approval by a licensed professional. Provides that any individual, corporation, or entity found in violation of the Act shall pay a civil penalty to the Department of Financial and Professional Regulation in an amount not to exceed \$10,000 per violation, as determined by the Department, with penalties assessed based on the degree of harm and the circumstances of the violation. Provides that the civil penalty shall be assessed by the Department after a hearing is held in accordance with the Department of Professional Regulation Law. Requires that an individual, corporation, or entity found in violation of the Act shall pay the civil penalty within 60 days after the date of an order by the Department imposing the civil penalty. Provides that the Department shall have authority to investigate any actual, alleged, or suspected violations of the Act. Effective immediately.

LRB104 07364 AAS 17404 b

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the
5 Wellness and Oversight for Psychological Resources Act.

6 Section 5. Purpose. The purpose of this Act is to
7 safeguard individuals seeking therapy or psychotherapy
8 services by ensuring these services are delivered by
9 qualified, licensed, or certified professionals. This Act is
10 intended to protect consumers from unlicensed or unqualified
11 providers, including unregulated artificial intelligence
12 systems, while respecting individual choice and access to
13 community-based and faith-based mental health support.

14 Section 10. Definitions. In this Act:

15 "Administrative or supplementary support" means tasks
16 performed to assist a licensed professional in the delivery of
17 therapy or psychotherapy services that do not involve
18 therapeutic communication. "Administrative or supplementary
19 support" includes, but is not limited to:

20 (1) preparing and maintaining client records,
21 including therapy notes;

22 (2) managing appointment scheduling and reminders;

- 1 (3) processing billing and insurance claims;
- 2 (4) analyzing anonymized data to track client progress
- 3 or identify trends, subject to review by a licensed
- 4 professional;
- 5 (5) identifying and organizing external resources or
- 6 referrals for client use; and
- 7 (6) drafting general communications related to therapy
- 8 logistics that do not include therapeutic advice.

9 "Department" means the Department of Financial and
10 Professional Regulation.

11 "Licensed professional" means an individual who holds a
12 valid license issued by this State to provide therapy or
13 psychotherapy services, including, but not limited to:

- 14 (1) a licensed clinical psychologist;
- 15 (2) a licensed clinical social worker;
- 16 (3) a licensed social worker;
- 17 (4) a licensed professional counselor;
- 18 (5) a licensed clinical professional counselor;
- 19 (6) a licensed marriage and family therapist;
- 20 (7) a certified alcohol and other drug counselor
- 21 authorized to provide therapy or psychotherapy services;
- 22 (8) a licensed behavioral analyst;
- 23 (9) a licensed professional music therapist;
- 24 (10) a licensed advanced practice psychiatric nurse as
- 25 defined in Section 1-101.3 of the Mental Health and
- 26 Developmental Disabilities Code;

1 (11) a licensed physician; and

2 (12) any other professional authorized by this State
3 to provide therapy or psychotherapy services.

4 "Peer support" means services provided by individuals with
5 lived experience of mental health conditions or recovery from
6 substance use that are intended to offer encouragement,
7 understanding, and guidance without clinical intervention.

8 "Permitted use of artificial intelligence systems" means
9 the use of artificial intelligence tools or systems by a
10 licensed professional to assist in providing administrative or
11 supplementary support in therapy or psychotherapy services if
12 the licensed professional maintains full responsibility for
13 all interactions, outputs, and data use associated with the
14 system.

15 "Religious counseling" means counseling provided by clergy
16 members, pastoral counselors, or other religious leaders
17 acting within the scope of their religious duties if the
18 services are explicitly faith-based and are not represented as
19 clinical mental health services or therapy or psychotherapy
20 services.

21 "Therapeutic communication" means any verbal, non-verbal,
22 or written interaction conducted in a clinical or professional
23 setting that is intended to diagnose, treat, or address an
24 individual's mental, emotional, or behavioral health concerns.

25 "Therapeutic communication" includes, but is not limited to:

26 (1) direct interactions with clients for the purpose

1 of understanding or reflecting their thoughts, emotions,
2 or experiences;

3 (2) providing guidance, therapeutic strategies, or
4 interventions designed to achieve mental health outcomes;

5 (3) offering emotional support, reassurance, or
6 empathy in response to psychological or emotional
7 distress;

8 (4) collaborating with clients to develop or modify
9 therapeutic goals or treatment plans; and

10 (5) offering behavioral feedback intended to promote
11 psychological growth or address mental health conditions.

12 "Therapy or psychotherapy services" means services
13 provided to diagnose, treat, or improve an individual's mental
14 health or behavioral health. "Therapy or psychotherapy
15 services" does not include religious counseling or peer
16 support.

17 Section 15. Prohibition on unauthorized therapy services.

18 (a) An individual, corporation, or entity may not provide,
19 advertise, or otherwise offer therapy or psychotherapy
20 services to the public in this State unless the therapy or
21 psychotherapy services are conducted by an individual who is a
22 licensed professional.

23 (b) A licensed professional may use artificial
24 intelligence systems only to the extent the use meets the
25 definition of permitted use of artificial intelligence

1 systems. A licensed professional may not allow an artificial
2 intelligence system to do any of the following:

- 3 (1) make independent therapeutic decisions;
- 4 (2) directly interact with clients in any form of
5 therapeutic communication; or
- 6 (3) generate therapeutic recommendations or treatment
7 plans without review and approval by the licensed
8 professional.

9 Section 20. Enforcement and penalties.

10 (a) Any individual, corporation, or entity found in
11 violation of this Act shall pay a civil penalty to the
12 Department in an amount not to exceed \$10,000 per violation,
13 as determined by the Department, with penalties assessed based
14 on the degree of harm and the circumstances of the violation.
15 The civil penalty shall be assessed by the Department after a
16 hearing is held in accordance with Section 2105-100 of the
17 Department of Professional Regulation Law of the Civil
18 Administrative Code of Illinois. An individual, corporation,
19 or entity found in violation of this Act shall pay the civil
20 penalty within 60 days after the date of an order by the
21 Department imposing the civil penalty. The order shall
22 constitute a judgment and may be filed and executed in the same
23 manner as any judgment from a court of record.

24 (b) The Department shall have authority to investigate any
25 actual, alleged, or suspected violation of this Act.

1 Section 25. Exceptions. This Act does not apply to the
2 following:

3 (1) religious counseling;

4 (2) peer support; and

5 (3) self-help materials and educational resources that are
6 available to the public and do not purport to offer therapy or
7 psychotherapy services.

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