



Rep. Bob Morgan

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10400HB1806ham001

LRB104 07364 AAS 23082 a

1 AMENDMENT TO HOUSE BILL 1806

2 AMENDMENT NO. _____. Amend House Bill 1806 by replacing
3 everything after the enacting clause with the following:

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

1 performed to assist a licensed professional in the delivery of
2 therapy or psychotherapy services that do not involve
3 therapeutic communication. "Administrative or supplementary
4 support" includes, but is not limited to:

5 (1) preparing and maintaining client records,
6 including therapy notes;

7 (2) managing appointment scheduling and reminders;

8 (3) processing billing and insurance claims;

9 (4) analyzing anonymized data to track client progress
10 or identify trends, subject to review by a licensed
11 professional;

12 (5) identifying and organizing external resources or
13 referrals for client use; and

14 (6) drafting general communications related to therapy
15 logistics that do not include therapeutic advice.

16 "Artificial intelligence" means a machine-based system
17 that, for explicit or implicit objectives, infers from the
18 input it receives how to generate output such as predictions,
19 content, recommendations, or decisions that can influence real
20 or virtual environments. "Artificial intelligence" includes
21 generative artificial intelligence, which consists of an
22 automated computing system that, when prompted with human
23 prompts, descriptions, or queries, can produce outputs that
24 simulate human-produced content, including, but not limited
25 to, the following:

26 (1) textual outputs, such as short answers, essays, or

1 poetry or longer compositions or answers;

2 (2) image outputs, such as fine art, photographs,
3 conceptual art, diagrams, or other images;

4 (3) multimedia outputs, such as audio or video in the
5 form of compositions or songs or short-form or long-form
6 audio or video; and

7 (4) other content that would be otherwise produced by
8 human means.

9 "Consent" means a clear, explicit affirmative act by an
10 individual that: (i) unambiguously communicates the
11 individual's express, freely given, informed, voluntary,
12 specific, and unambiguous written agreement, including a
13 written agreement provided by electronic means, and (ii) is
14 revocable by the individual. "Consent" does not include an
15 agreement that is obtained by the following:

16 (1) the acceptance of a general or broad terms of use
17 agreement or a similar document that contains descriptions
18 of artificial intelligence along with other unrelated
19 information;

20 (2) an individual hovering over, muting, pausing, or
21 closing a given piece of digital content; or

22 (3) an agreement obtained through the use of deceptive
23 actions.

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

26 "Licensed professional" means an individual who holds a

1 valid license issued by this State to provide therapy or
2 psychotherapy services, including:

3 (1) a licensed clinical psychologist;

4 (2) a licensed clinical social worker;

5 (3) a licensed social worker;

6 (4) a licensed professional counselor;

7 (5) a licensed clinical professional counselor;

8 (6) a licensed marriage and family therapist;

9 (7) a certified alcohol and other drug counselor
10 authorized to provide therapy or psychotherapy services;

11 (8) a licensed professional music therapist;

12 (9) a licensed advanced practice psychiatric nurse as
13 defined in Section 1-101.3 of the Mental Health and
14 Developmental Disabilities Code;

15 (10) a licensed physician; and

16 (11) any other professional authorized by this State
17 to provide therapy or psychotherapy services.

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

22 "Religious counseling" means counseling provided by clergy
23 members, pastoral counselors, or other religious leaders
24 acting within the scope of their religious duties if the
25 services are explicitly faith-based and are not represented as
26 clinical mental health services or therapy or psychotherapy

1 services.

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

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

7 (1) direct interactions with clients for the purpose
8 of understanding or reflecting their thoughts, emotions,
9 or experiences;

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

12 (3) offering emotional support, reassurance, or
13 empathy in response to psychological or emotional
14 distress;

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

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

19 "Therapy or psychotherapy services" means services
20 provided to diagnose, treat, or improve an individual's mental
21 health or behavioral health. "Therapy or psychotherapy
22 services" does not include religious counseling or peer
23 support.

24 Section 15. Permitted use of artificial intelligence.

25 (a) As used in this Section, "permitted use of artificial

1 intelligence" means the use of artificial intelligence tools
2 or systems by a licensed professional to assist in providing
3 administrative or supplementary support in therapy or
4 psychotherapy services where the licensed professional
5 maintains full responsibility for all interactions, outputs,
6 and data use associated with the system and satisfies the
7 requirements of subsection (b).

8 (b) No licensed professional shall be permitted to use
9 artificial intelligence to assist in providing administrative
10 or supplementary support in therapy or psychotherapy where the
11 client's therapeutic session is recorded or transcribed
12 unless:

13 (1) the patient or the patient's legally authorized
14 representative is informed in writing of the following:

15 (A) that artificial intelligence will be used; and

16 (B) the specific purpose of the artificial
17 intelligence tool or system that will be used; and

18 (2) the patient or the patient's legally authorized
19 representative provides consent to the use of artificial
20 intelligence.

21 Section 20. Prohibition on unauthorized therapy services.

22 (a) An individual, corporation, or entity may not provide,
23 advertise, or otherwise offer therapy or psychotherapy
24 services, including through the use of Internet-based
25 artificial intelligence, to the public in this State unless

1 the therapy or psychotherapy services are conducted by an
2 individual who is a licensed professional.

3 (b) A licensed professional may use artificial
4 intelligence systems only to the extent the use meets the
5 requirements of Section 15. A licensed professional may not
6 allow an artificial intelligence system to do any of the
7 following:

8 (1) make independent therapeutic decisions;

9 (2) directly interact with clients in any form of
10 therapeutic communication;

11 (3) generate therapeutic recommendations or treatment
12 plans without review and approval by the licensed
13 professional; or

14 (4) detect emotions or mental states.

15 Section 25. Disclosure of records and communications. All
16 records kept by a licensed professional and all communications
17 between an individual seeking therapy or psychotherapy
18 services and a licensed professional shall be confidential and
19 shall not be disclosed except as required under the Mental
20 Health and Developmental Disabilities Confidentiality Act.

21 Section 30. Enforcement and penalties.

22 (a) Any individual, corporation, or entity found in
23 violation of this Act shall pay a civil penalty to the
24 Department in an amount not to exceed \$10,000 per violation,

1 as determined by the Department, with penalties assessed based
2 on the degree of harm and the circumstances of the violation.
3 The civil penalty shall be assessed by the Department after a
4 hearing is held in accordance with Section 2105-100 of the
5 Department of Professional Regulation Law of the Civil
6 Administrative Code of Illinois. An individual, corporation,
7 or entity found in violation of this Act shall pay the civil
8 penalty within 60 days after the date of an order by the
9 Department imposing the civil penalty. The order shall
10 constitute a judgment and may be filed and executed in the same
11 manner as any judgment from a court of record.

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

14 Section 35. Exceptions. This Act does not apply to the
15 following:

- 16 (1) religious counseling;
17 (2) peer support; and
18 (3) self-help materials and educational resources that
19 are available to the public and do not purport to offer
20 therapy or psychotherapy services.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."