

SB1930



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1930

Introduced 2/26/2021, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 80/4.41 new

Creates the Traditional Asian Healing Therapist Licensing Act. Provides for the licensure of traditional Asian healing therapist, which specifically includes the practice of Asian bodywork therapy, clinical Qigong therapy, and Thai bodywork therapy, by the Department of Financial and Professional Regulation. Creates the Traditional Asian Healing Therapist Licensing Board. Sets forth provisions concerning application, qualifications, grounds for disciplinary action, and administrative procedures. Amends the Regulatory Sunset Act to set a repeal date for the new Act of January 1, 2032. Effective immediately.

LRB102 17194 SPS 22648 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE 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 1. Short title. This Act may be cited as the
5 Traditional Asian Healing Therapist Licensing Act.

6 Section 5. Declaration of public policy. The practice of
7 traditional Asian healing therapy, specifically Asian bodywork
8 therapy, clinical Qigong therapy, and Thai bodywork therapy,
9 are hereby declared to affect the public health, safety, and
10 welfare and to be subject to regulation in the public
11 interest. The purpose of this Act is to protect and benefit the
12 public by setting standards of qualifications, education,
13 training, and experience for those who seek to practice
14 traditional Asian healing therapy, to promote high standards
15 of professional performance for those licensed to practice
16 traditional Asian healing therapies in the State of Illinois,
17 and to protect the public from unprofessional conduct by
18 persons licensed to practice.

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

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

1 "Asian bodywork therapist" means a person who is licensed
2 by the Department and administers Asian bodywork therapy for
3 compensation.

4 "Asian bodywork therapy" means the evaluation and
5 treatment of the body, mind, emotions, and spirit based upon
6 Chinese medical principles using manual pressure and
7 manipulation. "Asian bodywork therapy" includes, but is not
8 limited to, assessment in accordance with Chinese medicine
9 principles and assessment techniques. The scope of practice of
10 Asian bodywork therapy applies traditional Chinese medicine
11 principles and methodologies, including, but not limited to,
12 using hands, forearms, elbows, knees, feet, or hand-held,
13 non-puncturing, or mechanical appliances or devices that
14 enhance treatment outcomes. "Asian bodywork therapy" includes,
15 but is not limited to, the utilization of any or all of the
16 following techniques: pressing, soothing, kneading, vibration,
17 friction, passive stretching within the normal anatomical
18 range of motion, active assistive and resistive movement and
19 stretching, tapping, or exercising and manipulation of the
20 soft tissues and fascia. Application and use of any of the
21 following may be utilized by properly trained practitioners to
22 assist in treatment: oils, lotions, gels, liniments, rubbing
23 alcohol, powders, creams, cupping, moxibustion, gua sha,
24 elastic therapeutic tape, instrument-assisted soft tissue
25 mobilization, magnets, tuning forks, acupressure seeds, beads,
26 press balls, teishins, enshins, zanshins, ion pumping cords,

1 Manaka hammer and wooden needle, shonishin tools and other
2 non-insertive tools and devices, hot and cold therapy
3 (including heat lamps and heating pads), compresses, external
4 application of medicinal plants, eastern lifestyle
5 suggestions, and other techniques, practices, and adjunct
6 therapies.

7 "Board" means the Traditional Asian Healing Therapist
8 Licensing Board.

9 "Clinical Qigong therapist" means a person who is licensed
10 by the Department and administers clinical Qigong therapy for
11 compensation.

12 "Clinical Qigong therapy" means the evaluation and
13 treatment of the body, mind, emotions, and spirit based upon
14 Chinese medical principles and skills derived through
15 self-cultivation. The scope of practice of clinical Qigong
16 therapy includes Qi transmission through non-touch and light
17 touch methods and prescription of Qigong exercises and
18 meditations. Cupping, tuning forks, guasha, moxibustion,
19 external application of medicinal plants, eastern lifestyle
20 suggestions, and other techniques, practices, and adjunct
21 therapies may be used by properly trained practitioners.

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

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

26 "Director" means the Director of Professional Regulation.

1 "Minimum standard of training" means at least 600 hours of
2 training including anatomy, physiology, ethics, business,
3 directly supervised clinical work, traditional health theories
4 relevant to the practice of the therapy, and application of
5 techniques, in addition to any definitions added by rule.

6 "NCCAOM" means the National Certification Commission for
7 Acupuncture and Oriental Medicine.

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

10 "Thai bodywork therapist" means a person who is licensed
11 by the Department and administers Thai bodywork therapy for
12 compensation.

13 "Thai bodywork therapy" or "Thai bodywork" means a system
14 of observation, evaluation, treatment of the body, mind, and
15 spirit according to traditional Thai medicine principles. The
16 system may include, but is not limited to, structured
17 palpation or movement of the soft tissue of the body using
18 techniques such as compression, kneading, thumbing,
19 percussion, passive joint range of motion, and stretching
20 activities as they pertain to bodywork therapy. The
21 practitioner may use their hands, elbows, knees, or feet to
22 affect desired changes in the soft tissue. The system may also
23 include, but is not limited to, use of liniments, balms, gaan
24 kroot (scraping), luk pra kob (warm herbal compresses), tok
25 sen (vibrational therapy), external application of medicinal
26 plants, eastern lifestyle suggestions including exercise,

1 posture, sleep and diet, meditation, mantra and chanting,
2 Buddhist philosophy, and other techniques or practices. These
3 techniques may be applied by a licensed Thai bodywork
4 therapist with or without the aid of lubricants, herbal
5 preparations, or a non-mechanical device that mimics or
6 enhances the actions possible by human hands. The purpose of
7 the practice of Thai bodywork therapy, as licensed under this
8 Act, is to enhance the general health and well-being of the
9 mind, body, and spirit of the recipient and to relieve pain and
10 suffering.

11 "Traditional Asian healing therapist" means a person who
12 is licensed by the Department and administers traditional
13 Asian healing therapy for compensation.

14 "Traditional Asian healing therapy" means the health care
15 professions of Asian bodywork therapy, clinical Qigong
16 therapy, and Thai bodywork therapy. "Traditional Asian healing
17 therapy" does not include the diagnosis of a specific
18 pathology, nor does it include acts of physical therapy or
19 therapeutic or corrective measures that are outside the scope
20 of Asian bodywork therapy, clinical Qigong therapy, and Thai
21 bodywork therapy as defined in this Section.

22 Section 15. Licensure requirements.

23 (a) Beginning July 1, 2022, or the effective date of the
24 rules adopted under this Act, whichever is later, persons
25 engaged in traditional Asian healing therapy for compensation

1 must be licensed by the Department. The Department shall issue
2 a license to an individual who meets all of the following
3 requirements:

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

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

19 (3) The applicant has met one of the following
20 requirements:

21 (A) has successfully completed the curriculum or
22 curriculums of one or more traditional Asian healing
23 therapy schools approved by the Department that
24 requires a minimum standard of training and has passed
25 a competency examination approved by the Board, to
26 include, but not be limited to, the NCCAOM ABT Exam

1 Module, National Certification Exam for Therapeutic
2 Massage and Bodywork, the Massage and Bodywork
3 Licensing Exam, or a traditional Asian healing therapy
4 certification or competency examination approved by
5 the Board;

6 (B) holds a current license from another
7 jurisdiction having licensure requirements that meet
8 or exceed those defined within this Act; or

9 (C) has moved to Illinois from a jurisdiction with
10 no licensure requirement, and has met one of the
11 following requirements:

12 (i) has provided documentation that he or she
13 is currently certified by the National
14 Certification Commission for Acupuncture and
15 Oriental Medicine as a Diplomate in Asian Bodywork
16 Therapy;

17 (ii) has successfully passed another
18 traditional Asian healing therapy certifying
19 examination approved by the Board; or

20 (iii) is a member in good standing of the
21 American Organization for Bodywork Therapies of
22 Asia, the National Qigong Association, the Thai
23 Healing Alliance International, or another
24 professional membership association approved by
25 the Board or Department, at a level of membership
26 as specified by rule.

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

22 Section 20. Licensure of current practitioners.

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

1 requirements set forth in paragraphs (1) and (2) of subsection
2 (a) of Section 15, produces proof that he or she has met at
3 least one of the following requirements by the time of
4 application:

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

15 (2) is a member of the American Organization for
16 Bodywork Therapies of Asia at a level of membership
17 requiring at least 500 hours of training, including
18 Certified Practitioner, Registered Instructor, or
19 Certified Instructor;

20 (3) is a member of the Thai Healing Alliance
21 International at a level of membership requiring at least
22 200 hours of training, including Registered Thai Therapist
23 or Instructor;

24 (4) is certified by the National Qigong Association as
25 a Clinical Qigong Practitioner with a minimum of 500 hours
26 of training;

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

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

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

16 (b) An individual who has practiced traditional Asian
17 healing therapy for a minimum of one year prior to July 1,
18 2021, or the effective date of this Act, whichever is later,
19 but has less than 200 hours of formal training, or an
20 individual who has practiced for less than one year, but has
21 200 hours of formal training, may be issued a license under
22 this Section, but must complete at least 100 additional hours
23 of formal training consisting of at least 25 hours in anatomy
24 and physiology by July 1, 2023 or 2 years after the effective
25 date of the rules adopted under this Act, whichever is later.

26 (c) For purposes of this Section, "formal training" is

1 described as a traditional Asian healing therapy curriculum
2 approved or endorsed by the American Organization for Bodywork
3 Therapies of Asia Council of Schools and Programs, the
4 National Certification Board for Therapeutic Massage and
5 Bodywork, the Commission on Massage Therapy Accreditation, the
6 Illinois State Board of Education, the Illinois Board of
7 Higher Education, or course work approved by the Board or
8 Department.

9 Section 25. Exemptions.

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

13 (b) Nothing in this Act prohibits a student of an approved
14 traditional Asian healing therapy school or program from
15 performing traditional Asian healing therapy, provided that
16 the student does not hold himself or herself out as a licensed
17 traditional Asian healing therapist and does not receive
18 compensation for traditional Asian healing therapy services.

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

21 (d) Nothing in this Act applies to traditional Asian
22 healing therapists or acupuncturists from other states,
23 territories, or countries when providing educational programs
24 or services for a period not exceeding 30 days within a
25 calendar year.

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

5 (f) Nothing in this Act prohibits a person from engaging
6 in a profession not specifically named or defined within this
7 Act.

8 Section 30. Title protection.

9 (a) Persons regulated by this Act are designated as a
10 traditional Asian healing therapists and, therefore, are
11 exclusively entitled to utilize the terms that reflect their
12 credentials of Asian bodywork, Asian bodywork therapy,
13 clinical Qigong, clinical Qigong therapy, Thai bodywork, Thai
14 bodywork therapy, and their abbreviations or derivations, or
15 any specific titles, abbreviations or derivations of Asian
16 bodywork therapy forms when advertising or printing
17 promotional material. Protected Asian bodywork therapy
18 form-specific titles include, but are not limited to,
19 "Acupressure," "Amma", "Amma Therapy", "Chi Nei Tsang", "Five
20 Element Shiatsu", "Integrative Eclectic Shiatsu", "Japanese
21 Shiatsu", "Jin Shin Do Bodymind Acupressure", "Jin Shou
22 Tuina", "Macrobiotic Shiatsu", "Nuad Bo 'Rarn", "Okazaki
23 Restorative Therapy", "Pacific and Asian Restoration Therapies
24 of Danzan Ryu", "Shiatsu", "Shiatsu Anma Therapy", "Tuina",
25 and "Zen Shiatsu".

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

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

11 Section 35. Traditional Asian Healing Therapist Licensing
12 Board.

13 (a) The Director shall appoint a Traditional Asian Healing
14 Therapist Licensing Board, which shall serve in an advisory
15 capacity to the Director. The Board shall consist of 7
16 members, 6 of whom shall be therapists with at least 3 years of
17 experience in traditional Asian healing therapy. At least one
18 of the 6 therapist members shall represent a traditional Asian
19 healing therapy school. One member of the Board shall be a
20 member of the public who is not licensed under this Act or a
21 similar Act in Illinois or another jurisdiction. Membership on
22 the Board shall reasonably reflect the various traditional
23 Asian healing therapy forms. Membership on the Board shall
24 reasonably reflect the geographic areas of the State. The
25 Board shall meet annually to elect a chairperson and vice

1 chairperson. The Board shall hold regularly scheduled meetings
2 during the year. A simple majority of the Board shall
3 constitute a quorum at any meeting. Any action taken by the
4 Board must be on the affirmative vote of a simple majority of
5 members. Voting by proxy shall not be permitted. The Board
6 shall convene meetings either in person or via an electronic
7 format in accordance with the Open Meetings Act at the
8 discretion of the Director.

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

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

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

25 (e) The Director shall consider the recommendations of the
26 Board on questions involving the standards of professional

1 conduct, discipline, and qualifications of candidates and
2 licensees under this Act. Nothing shall limit the ability of
3 the Board to provide recommendations to the Director in regard
4 to any matter affecting the administration of this Act. The
5 Director shall give due consideration to all recommendations
6 of the Board. If the Director takes action contrary to a
7 recommendation of the Board, the Director shall provide a
8 written explanation of that action.

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

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

23 Section 45. Grounds for discipline.

24 (a) The Department may refuse to issue or renew, or may

1 revoke, suspend, place on probation, reprimand, or take other
2 disciplinary action, as the Department considers appropriate,
3 including the imposition of fines not to exceed \$1,000 for
4 each violation, with regard to any license or licensee for any
5 one or more of the following:

6 (1) violations of this Act or of the rules adopted
7 under this Act;

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

17 (3) professional incompetence;

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

23 (5) aiding, abetting, assisting, procuring, advising,
24 employing, or contracting with any unlicensed person to
25 practice traditional Asian healing therapy contrary to any
26 rules or provisions of this Act;

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

4 (7) engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public;

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

12 (9) knowingly delegating professional
13 responsibilities to a person unqualified by training,
14 experience, or licensure to perform;

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

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

21 (12) having a pattern of practice or other behavior
22 that demonstrates incapacity or incompetence to practice
23 under this Act;

24 (13) discipline by another state, District of
25 Columbia, territory, or foreign nation, if at least one of
26 the grounds for the discipline is the same or

1 substantially equivalent to those set forth in this
2 Section;

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

6 (15) willfully making or filing false records or
7 reports in his or her practice, including, but not limited
8 to, false records filed with State agencies or
9 departments;

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

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

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

23 (19) charging for professional services not rendered,
24 including filing false statements for the collection of
25 fees for which services are not rendered;

26 (20) practicing under a false or, except as provided

1 by law, an assumed name; or

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

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

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

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

23 (d) The Department may refuse to issue or may suspend the
24 license of any person who fails to file a tax return, to pay
25 the tax, penalty, or interest shown in a filed tax return, or
26 to pay any final assessment of tax, penalty, or interest, as

1 required by any tax Act administered by the Illinois
2 Department of Revenue, until the requirements of the tax Act
3 are satisfied in accordance with subsection (g) of Section
4 2105-15 of the Professional Regulation Law of the Civil
5 Administrative Code of Illinois.

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

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

26 In instances in which the Director immediately suspends a

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

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

14 Section 50. Advertising. It is a violation of this Act for
15 any person, organization, or corporation to advertise
16 traditional Asian healing therapy services unless the person
17 providing the service holds a valid license under this Act,
18 except for those excluded licensed professionals who are
19 allowed to include traditional Asian healing therapy in their
20 scope of practice. A traditional Asian healing therapist may
21 not advertise unless he or she has a current license issued by
22 this State. As used in this Section, "advertise" includes, but
23 is not limited to, the issuance of any card, sign, or device to
24 any person; the causing, permitting, or allowing of any sign
25 or marking on or in any building, vehicle, or structure;

1 advertising in any newspaper, magazine, or digital media; any
2 listing or advertising in any directory under a classification
3 or heading that includes the words "Asian bodywork", "Asian
4 bodywork therapy", "clinical Qigong", "clinical Qigong
5 therapy", "Thai bodywork", "Thai bodywork therapy", or any
6 form-specific titles as specified in subsection (a) of Section
7 30 of this Act; or commercials broadcast by any means.

8 Section 55. Exclusive jurisdiction. Beginning July 1,
9 2022, or the effective date of the rules adopted under this
10 Act, whichever is later, the regulation and licensing of
11 traditional Asian healing therapy is an exclusive power and
12 function of the State of Illinois. Beginning July 1, 2022, or
13 the effective date of the rules adopted under this Act,
14 whichever is later, a home rule unit may not regulate or
15 license traditional Asian healing therapists or traditional
16 Asian healing therapy establishments. This Section is a denial
17 and limitation of home rule powers and functions under
18 subsection (h) of Section 6 of Article VII of the Illinois
19 Constitution.

20 Section 60. Illinois Administrative Procedure Act. The
21 Illinois Administrative Procedure Act is hereby expressly
22 adopted and incorporated herein as if all of the provisions of
23 that Act were included in this Act, except that the provisions
24 of subsection (d) of Section 10-65 of the Illinois

1 Administrative Procedure Act that provides that at hearings
2 the licensee has the right to show compliance with all lawful
3 requirements for retention, continuation, or renewal of the
4 license is specifically excluded. For the purposes of this Act
5 the notice required under Section 10-25 of the Illinois
6 Administrative Procedure Act is deemed sufficient when mailed
7 to the last known address of a party.

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

11 Section 67. Continuing education. The Department shall
12 adopt rules for continuing education for persons licensed
13 under this Act that require a completion of 12 hours of
14 approved continuing education per year in the license renewal
15 period. The Department shall establish by rule a means for the
16 verification of completion of the continuing education
17 required by this Section. This verification may be
18 accomplished through audits of records maintained by the
19 licensee, by requiring the filing of continuing education
20 certificates with the Department, or by other means
21 established by the Department. Licensees are required to
22 maintain proof of continuing education or certificates for a
23 period of 3 years.

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

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

1 effect that he or she has been so engaged and that his or her
2 service, training, or education has been terminated.

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

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

14 A traditional Asian healing therapist whose license is on
15 inactive status shall not practice traditional Asian healing
16 therapy in the State, and any practice conducted shall be
17 deemed unlicensed practice.

18 Section 80. Fees. The fees assessed under this Act shall
19 be set by rule.

20 Section 85. Deposit of fees and fines; appropriations. All
21 fees and fines collected under this Act shall be deposited
22 into the General Professions Dedicated Fund. All moneys in the
23 Fund shall be used by the Department of Financial and

1 Professional Regulation, as appropriated, for the ordinary and
2 contingent expenses of the Department.

3 Section 90. Violations; injunction; cease and desist
4 order.

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

19 (b) If, after July 1, 2022, or the effective date of the
20 rules adopted under this Act, whichever is later, any person
21 practices as a traditional Asian healing therapist or holds
22 himself or herself out as a traditional Asian healing
23 therapist without being licensed under the provisions of this
24 Act, then the Director, any licensed traditional Asian healing
25 therapist, any interested party, or any person injured thereby

1 may petition for relief as provided in subsection (a) of this
2 Section or may apply to the circuit court of the county in
3 which the violation or some part thereof occurred, or in which
4 the person complained of has his or her principal place of
5 business or resides, to prevent the violation. The court has
6 jurisdiction to enforce obedience by injunction or by other
7 process restricting the person complained of from further
8 violation and enjoining upon him or her obedience.

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

18 Section 95. Investigations; notice and hearing. The
19 Department may investigate the actions of any applicant or of
20 any person holding or claiming to hold a license. The
21 Department shall, before refusing to issue or renew a license
22 or to discipline a licensee pursuant to Section 45, notify the
23 applicant or holder of a license in writing, at least 30 days
24 prior to the date set for the hearing, of the nature of the
25 charges and that a hearing will be held on the date designated.

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

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

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

17 Section 110. Findings and recommendations. At the
18 conclusion of the hearing, the Board shall present to the
19 Director a written report of its findings and recommendations.
20 The report shall contain a finding of whether or not the
21 accused person violated this Act or failed to comply with the
22 conditions required in this Act. The Board shall specify the
23 nature of the violation or failure to comply and shall make its

1 recommendations to the Director.

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

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

1 motion for rehearing, the 20-day period within which the
2 motion may be filed shall commence upon the delivery of the
3 transcript to the respondent.

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

9 Section 125. Appointment of a hearing officer. The
10 Director shall have the authority to appoint any attorney duly
11 licensed to practice law in this State to serve as the hearing
12 officer in any action for refusal to issue or renew a license
13 or permit or for the discipline of a licensee. The hearing
14 officer shall have full authority to conduct the hearing. At
15 least one member of the Board shall attend each hearing. The
16 hearing officer shall report his or her findings and
17 recommendations to the Board and the Director. The Board shall
18 have 60 days after receipt of the report to review the report
19 of the hearing officer and present its findings of fact,
20 conclusions of law, and recommendations to the Director. If
21 the Board fails to present its report within the 60-day
22 period, the Director shall issue an order based on the report
23 of the hearing officer. If the Director determines that the
24 Board's report is contrary to the manifest weight of the

1 evidence, he or she may issue an order in contravention of the
2 Board's report.

3 Section 130. Order or certified copy; prima facie proof.
4 An order or a certified copy thereof, over the seal of the
5 Department and purporting to be signed by the Director, shall
6 be prima facie proof that:

7 (1) the signature is the genuine signature of the
8 Director;

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

10 (3) the Board and the members of the Board are
11 qualified to act.

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

23 Section 140. Surrender of license. Upon the revocation or

1 suspension of any license, the licensee shall surrender the
2 license to the Department and, if the licensee fails to do so,
3 the Department shall have the right to seize the license.

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

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

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

24 The Department shall not be required to certify any record

1 to the court or file any answer in court or otherwise appear in
2 any court in a judicial review proceeding, unless and until
3 the Department has received from the plaintiff payment of the
4 costs of furnishing and certifying the record, which costs
5 shall be determined by the Department. Failure on the part of
6 the plaintiff to file a receipt in court shall be grounds for
7 dismissal of the action.

8 Section 155. Violations.

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

13 (b) Any person representing himself or herself or
14 advertising as an Asian bodywork therapist, clinical Qigong
15 therapist, Thai bodywork therapist, or derivations thereof, or
16 that the services he or she renders are defined in Section 10,
17 or who uses any titles, words, or derivations thereof as
18 listed in subsection (a) of Section 30 of this Act, or who uses
19 any initials, abbreviations or letters, including, but not
20 limited to "ABT", "CQT", "TBT", indicating that he or she is
21 engaged in the practice of Asian bodywork therapy, clinical
22 Qigong therapy, or Thai bodywork therapy when he or she does
23 not possess a currently valid license commits a Class A
24 misdemeanor for a first offense and a Class 4 felony for a
25 second or subsequent offense.

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

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

1 the person seeks a license, he or she shall apply to the
2 Department for restoration or issuance of the license and pay
3 all fees and fines due to the Department. The Department may
4 establish a fee for the processing of an application for
5 restoration of a license to pay all expenses of processing
6 this application. The Director may waive the fines due under
7 this Section in individual cases where the Director finds that
8 the fines would be unreasonable or unnecessarily burdensome.

9 Section 165. Unlicensed practice; violation; civil
10 penalty.

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

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

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

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

14 Section 900. The Regulatory Sunset Act is amended by
15 adding Section 4.41 as follows:

16 (5 ILCS 80/4.41 new)

17 Sec. 4.41. Act repealed on January 1, 2032. The following
18 Act is repealed on January 1, 2032:

19 The Traditional Asian Healing Therapist Licensing Act.

20 Section 999. Effective date. This Act takes effect upon
21 becoming law.