



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5019

Introduced 2/8/2024, by Rep. Janet Yang Rohr

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 80/4.40
325 ILCS 5/4

Creates the Art Therapy Licensing and Practice Act. Provides for licensure of licensed clinical professional art therapists and licensed associate art therapists by the Department of Financial and Professional Regulation. Establishes the Art Therapy Advisory Board. Establishes the powers and duties of the Advisory Board, including advising the Department of Financial and Professional Regulation on all matters pertaining to licensure, education, and continuing education requirements for licensees. Establishes the powers and duties of the Department, including prescribing rules defining what constitutes an appropriate curriculum for art therapy, reviewing the qualifications of applicants for licenses, investigating alleged violations of the Act, conducting hearings on disciplinary and other matters, and establishing a schedule of fees for the administration and enforcement of the Act. Establishes qualifications for licensure as a licensed clinical professional art therapist and licensed associate art therapist. Establishes grounds for discipline of a license. Provides for civil and criminal penalties for violations of the Act. Creates provisions concerning formal hearings, including transcripts of proceedings, appointment of hearing officers, subpoenas and depositions, and rehearings. Provides for judicial review of all final administrative decisions of the Department. Preempts home rule powers by providing that regulation and licensing of professional art therapists are exclusive powers and functions of the State. Amends the Regulatory Sunset Act to repeal the Art Therapy Licensing and Practice Act on January 1, 2030. Amends the Abused and Neglected Child Reporting Act to provide that licensed clinical professional art therapists and licensed associate art therapists are mandatory reporters under the Act.

LRB103 36304 AWJ 66402 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 Art
5 Therapy Licensing and Practice Act.

6 Section 5. Declaration of public policy; purpose. The
7 practice of art therapy is hereby declared to affect the
8 public health, safety, and welfare and to be subject to
9 regulation in the public interest. The purpose of this Act is
10 to ensure the highest degree of professional conduct on the
11 part of art therapists, to guarantee the availability of art
12 therapy services provided by a qualified professional to
13 persons in need of those services, and to protect the public
14 from the practice of art therapy by unqualified individuals.

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

16 "Accredited educational institution" means a university or
17 college accredited by the Commission on Accreditation of
18 Allied Health Education Programs, another nationally
19 recognized accrediting agency of institutions of higher
20 education, or an institution and clinical program approved by
21 the American Art Therapy Association.

22 "Address of record" means the designated address recorded

1 by the Department in the applicant's application file or the
2 licensee's license file, as maintained by the Department's
3 licensure maintenance unit.

4 "Advisory Board" means the Art Therapy Advisory Board.

5 "Art therapy" means the integrated use of psychotherapy,
6 counseling, and evidence-based practices in combination with
7 art therapy theory, including, but not limited to, specialized
8 training in art media, the creative process, the
9 neurobiological implications of art-making, and art-based
10 assessment models to prevent and alleviate mental and
11 emotional disorders and psychopathology. "Art therapy" also
12 includes the use of the aforementioned practices and theories
13 to promote optimal cognitive, mental, and emotional health
14 through diagnosis and assessment, testing, treatment,
15 evaluation, and rehabilitation in a professional relationship
16 to assist individuals, couples, families, groups, and
17 organizations to alleviate emotional disorders, to understand
18 conscious and unconscious motivation, to resolve emotional,
19 relationship, and attitudinal conflicts, and to modify
20 behaviors that interfere with effective emotional, social,
21 adaptive, and intellectual functioning.

22 "Art therapy treatment" includes the use of expressive
23 arts media, creative techniques, nonverbal communication,
24 psychotherapy, art-based assessment models, and the creative
25 process in a therapeutic relationship between a licensed
26 clinical professional art therapist and the therapist's

1 client. "Art therapy treatment" also includes:

2 (1) evaluation, assessment, and diagnosis to define
3 and implement individualized treatment plans and establish
4 treatment objectives to address developmental, behavioral,
5 cognitive, and emotional needs;

6 (2) therapeutic interventions to facilitate
7 alternative modes of receptive and expressive
8 communication that can circumvent the limitations of
9 verbal articulation;

10 (3) implementing an individualized treatment plan that
11 is consistent with any other developmental,
12 rehabilitative, habilitative, medical, mental health,
13 preventive, wellness care, or educational services being
14 provided to the client;

15 (4) planning, implementing, and evaluating an
16 individualized treatment plan using treatment
17 interventions that include psychotherapy or counseling
18 integrated with art therapy theory, the creative process,
19 or art media to facilitate human development and to
20 identify and remediate mental, emotional, or behavioral
21 disorders and associated distresses that interfere with
22 daily functioning;

23 (5) utilizing appropriate knowledge and specialized
24 training in art therapy theory, art media, the creative
25 process, the neurobiological implications of art-making,
26 psychotherapy and counseling principles and theory, and

1 clinical decision-making skills to inform practice and
2 determine the appropriate course of action within the
3 clinician's scope of psychotherapeutic art therapy
4 practice, tailored to the context of each specific
5 clinical setting.

6 "Department" means the Department of Financial and
7 Professional Regulation.

8 "Email address of record" means the designated email
9 address recorded by the Department in the applicant's
10 application file or the licensee's license file, as maintained
11 by the Department's licensure maintenance unit.

12 "Face-to-face meeting" means a meeting that is live,
13 interactive, and visual, including video meetings if the
14 meeting is synchronous and involves verbal and visual
15 interaction during supervision.

16 "Licensed associate art therapist" or "LAAT" means a
17 person who has (i) completed a master's or doctoral degree
18 program in art therapy, or an equivalent course of study from
19 an accredited educational institution as outlined in Section
20 60; (ii) satisfied the requirements for licensure set forth in
21 Section 60; and (iii) been issued a license to practice art
22 therapy under an approved qualified art therapy supervisor in
23 accordance with rules of the Department.

24 "Licensed clinical professional art therapist" or "LCPAT"
25 means a person who has (i) completed a master's or doctoral
26 degree program in art therapy, or an equivalent course of

1 study, from an accredited educational institution; (ii) taken
2 the Art Therapy Credentials Board exam or any licensing or
3 credentialing exam deemed to be substantially equivalent by
4 the Department; (iii) satisfied the requirements for licensure
5 set forth in Section 60; and (iv) been issued a license for the
6 independent practice of art therapy by the Department.

7 "Practice clinical professional art therapy" means to
8 engage professionally as a primary provider, for compensation
9 in art therapy, psychotherapy, art therapy treatment, and
10 appraisal activities by providing services to promote optimal
11 cognitive, mental, and emotional health through diagnosis and
12 assessment, testing, treatment, evaluation, and rehabilitation
13 and to prevent and alleviate mental and emotional disorders
14 and psychopathology.

15 "Qualified art therapy supervisor" means an Art Therapy
16 Certified Supervisor credentialed by the Art Therapy
17 Credentials Board, a Registered Art Therapist or
18 Board-Certified Registered Art Therapist certified by the Art
19 Therapy Credentials Board, a licensed clinical professional
20 art therapist, or another licensed mental health care provider
21 approved by the Department and licensed in Illinois,
22 including, but not limited to, licensed clinical social
23 workers, licensed marriage and family therapists, or licensed
24 clinical professional counselors.

25 "Secretary" means the Secretary of Financial and
26 Professional Regulation or the Secretary's designee.

1 "Supervision" means a formalized professional relationship
2 between a qualified art therapy supervisor and supervisee in
3 which the qualified art therapy supervisor directs, guides,
4 monitors, instructs, and evaluates the supervisee's clinical
5 professional art therapy practice while promoting the
6 development of the supervisee's knowledge, skills, and
7 abilities to provide clinical professional art therapy
8 services in an ethical and competent manner. "Supervision"
9 includes:

10 (1) an acceptance of direct responsibility for the
11 client services rendered by the supervisee via
12 face-to-face meetings with the person under supervision;

13 (2) the qualified art therapy experience is under the
14 order, control, and full professional responsibility of a
15 qualified art therapy supervisor who reviews aspects of
16 art therapy practice and case management in a face-to-face
17 meeting with the person;

18 (3) the qualified art therapy supervisor ensures that
19 the extent, kind, and quality of art therapy performed is
20 consistent with the education, training, and experience of
21 the person being supervised;

22 (4) reviewing client or patient records, monitoring
23 and evaluating assessment, diagnosis, and treatment
24 decisions of the art therapist trainee; or

25 (5) ensuring compliance with laws and regulations
26 governing the practice of clinical professional art

1 therapy and licensed associate art therapy.

2 Section 15. Address of record; email address of record.

3 All applicants and licensees shall:

4 (1) provide a valid address and email address to the
5 Department, which serves as the address of record and
6 email address of record, respectively, at the time of
7 application for licensure or renewal of a license; and

8 (2) inform the Department of any change of address of
9 record or email address of record within 14 days after the
10 change either through the Department's website or by
11 contacting the Department's licensure maintenance unit.

12 Section 20. Art Therapy Advisory Board. There is created
13 within the Department an Art Therapy Advisory Board, which
14 shall consist of 5 members. The Secretary shall appoint all
15 members of the Advisory Board. The Advisory Board shall
16 consist of persons familiar with the practice of art therapy
17 to provide the Secretary with expertise and assistance in
18 carrying out the Secretary's duties under this Act. The
19 Secretary shall appoint members of the Advisory Board to serve
20 for terms of 4 years, and members may be appointed by the
21 Secretary to serve consecutive terms. Any vacancy shall be
22 filled in the same manner as a regular appointment. The
23 Secretary shall appoint 3 members who practice clinical
24 professional art therapy in this State, one member who is a

1 licensed health care provider who is not an art therapist, and
2 one member who is a consumer. Members shall serve without
3 compensation.

4 The Secretary may terminate the appointment of any member
5 for cause as determined by the Secretary.

6 The Secretary may consider the recommendation of the
7 Advisory Board on all matters and questions relating to this
8 Act.

9 Members of the Advisory Board shall be reimbursed for all
10 legitimate, necessary, and authorized expenses.

11 Members of the Advisory Board shall have no liability in
12 any action based upon a disciplinary proceeding or other
13 activity performed in good faith as a member of the Advisory
14 Board.

15 Section 25. Art Therapy Advisory Board; powers and duties.

16 (a) The Advisory Board shall meet at least 4 times per year
17 or as otherwise called by the Secretary.

18 (b) The Advisory Board shall advise the Department on all
19 matters pertaining to the licensure for, disciplinary actions
20 for, education for, continuing education requirements for, and
21 practice of art therapy in this State.

22 (c) The Advisory Board may make recommendations as it
23 deems advisable to the Secretary on any matters and questions
24 relating to this Act and the profession and practice of art
25 therapy.

1 (d) The Advisory Board shall annually elect one of its
2 members as chairperson and one of its members as vice
3 chairperson.

4 Section 30. Exemptions. Nothing in this Act may be
5 construed to prohibit or restrict the practice, services, or
6 activities of the following:

7 (1) A person licensed, certified, or regulated under
8 the laws of this State in another profession or
9 occupation, including physicians, psychologists,
10 registered nurses, marriage and family therapists, social
11 workers, occupational therapists, professional
12 counselors, speech-language pathologists or audiologists,
13 or personnel supervised by a licensed professional,
14 performing work, including the use of art, incidental to
15 the practice of that person's licensed, certified, or
16 regulated profession or occupation if the person does not
17 represent themselves as a licensed associate art therapist
18 or licensed clinical professional art therapist.

19 (2) Practice of art therapy as an integral part of a
20 program of study for students enrolled in an accredited
21 art therapy program if the students do not represent
22 themselves as licensed clinical professional art
23 therapists.

24 Section 35. Unlicensed practice; violation; civil penalty.

1 (a) A person may not engage in the practice of art therapy,
2 use the title "licensed clinical professional art therapist"
3 or "licensed associate art therapist", or use the abbreviation
4 "LCPAT" or "LAAT" or any other title, designation, word,
5 letter, abbreviation or insignia indicating the practice of
6 art therapy unless licensed under this Act.

7 (b) A person who practices, offers to practice, attempts
8 to practice, or holds the person out to practice art therapy
9 without being licensed or exempt under this Act, as described
10 in subsection (a), shall, in addition to any other penalty
11 provided by law, pay a civil penalty to the Department in an
12 amount not to exceed \$10,000 for each offense, as determined
13 by the Department. The civil penalty shall be assessed by the
14 Department after a hearing is held under this Act regarding
15 the provision of a hearing for the discipline of a licensee.

16 (c) The Department may investigate any actual, alleged, or
17 suspected unlicensed activity.

18 (d) The civil penalty shall be paid within 60 days after
19 the effective date of the order imposing the civil penalty.
20 The order shall constitute a final judgment and may be filed
21 and execution had thereon in the same manner as any judgment
22 from any court of record. The Attorney General may bring an
23 action in circuit court to enforce the collection of any
24 monetary penalty imposed.

25 Section 40. Powers and duties of the Department. The

1 Department shall adopt rules for the annual renewal process
2 for a license as a clinical professional art therapist or
3 licensed associate art therapist, including:

4 (1) implementing a continuing education requirement as
5 a condition of license renewal for licenses issued under
6 its jurisdiction;

7 (2) establishing standards for continuing education,
8 including the subject matter and content of courses of
9 study and the number and type of continuing education
10 credits required of a licensee as a condition of biennial
11 license renewal;

12 (3) allowing continuing education credits to be earned
13 from the American Art Therapy Association and other
14 organizations providing continuing education and
15 accredited educational programs, including, but not
16 limited to, programs relating to meetings of constituents
17 and components of art therapy associations recognized by
18 the Department, examinations, papers, publications,
19 presentations, teaching and research appointments, and
20 establishing procedures for the issuance of credit upon
21 satisfactory proof of the completion of these programs,
22 including that each hour of instruction shall be
23 equivalent to one credit;

24 (4) approving only those continuing education programs
25 as are available to all persons practicing art therapy in
26 this State on a nondiscriminatory basis;

1 (5) reviewing applications to ascertain the
2 qualifications of applicants for licenses;

3 (6) authorizing examinations to ascertain the
4 qualifications of those applicants who require
5 examinations as a component of a license;

6 (7) conducting hearings on proceedings to refuse to
7 issue or renew a license or to revoke, suspend, place on
8 probation, or reprimand licenses issued under this Act or
9 otherwise discipline a licensee; and

10 (8) adopting rules necessary for the administration of
11 this Act.

12 Section 45. Application for original license. Applications
13 for original licenses shall be made to the Department on forms
14 prescribed by the Department and accompanied by the required
15 fee, which is not refundable. All applications shall contain
16 information that, in the judgment of the Department, will
17 enable the Department to approve or disapprove of the
18 qualifications of the applicant for a license under this Act.
19 If an applicant fails to obtain a license under this Act within
20 3 years after filing the application, the application shall be
21 denied. The applicant may make a new application, which shall
22 be accompanied by the required nonrefundable fee. The
23 applicant shall meet the qualifications required for licensure
24 at the time of reapplication.

1 Section 50. Social security number on license application.
2 In addition to any other information required to be contained
3 in the application, every application for an original license
4 under this Act shall include the applicant's social security
5 number, which shall be retained in the Department's records
6 pertaining to the license. As soon as practical, the
7 Department shall assign a customer's identification number to
8 each applicant for a license. Every application for a renewal,
9 reinstatement, or restoration of a license shall require the
10 applicant's customer identification number.

11 Section 55. Qualifications for licensure as a licensed
12 clinical professional art therapist.

13 (a) The Secretary shall issue a license to an applicant
14 for a clinical professional art therapist license if the
15 applicant has completed and submitted an application form in
16 the manner as the Secretary prescribes, accompanied by
17 applicable fees, and evidence satisfactory to the Secretary
18 that the applicant has fulfilled the following requirements:

19 (1) is at least 18 years of age;

20 (2) is of good moral character. In determining moral
21 character under this paragraph, the Department may take
22 into consideration whether the applicant has engaged in
23 conduct or activities which would constitute grounds for
24 discipline under this Act;

25 (3) has demonstrated professional competency by

1 satisfactorily completing the Board-Certified Registered
2 Art Therapist Board exam by the Art Therapy Credentials
3 Board or a substantially equivalent exam approved by the
4 Department; and

5 (4) has either:

6 (A) (i) received a master's degree or doctoral
7 degree in art therapy that includes at least 700 hours
8 of supervised internship experience from an accredited
9 educational institution; and (ii) completed at least
10 3,360 total hours of postgraduate experience under
11 direct supervision completed in a period of not less
12 than 2 years. Of these 3,360 total hours, 1,680 hours
13 must be in direct contact with a client and 500 hours
14 of the 1,680 client contact hours must be under the
15 supervision of an Art Therapy Certified Supervisor
16 credentialed by the Art Therapy Credentials Board, a
17 Board-Certified Registered Art Therapist certified by
18 the Art Therapy Credentials Board, or a licensed
19 clinical professional art therapist, and the remaining
20 hours may be earned under the supervision of any
21 qualified art therapy supervisor; or

22 (B) received a master's degree or higher in a
23 related mental health field and has (i) completed a
24 minimum of 3 graduate credit hours in each of the
25 following subject areas: human growth and development;
26 social and cultural foundations of counseling;

1 theories of art therapy; art therapy techniques; group
2 dynamics, processing, and counseling; lifestyle and
3 career development; appraisal; research and
4 evaluation; professional, legal, and ethical
5 responsibilities; marriage and family therapy;
6 psychopathology; addictions; history of art therapy;
7 and theory of art therapy; (ii) earned at least 700
8 hours of supervised internship experience from an
9 accredited educational institution; and (iii) has
10 completed at least 3,360 total hours of postgraduate
11 experience under direct supervision completed in a
12 period of not less than 2 years. Of these 3,360 total
13 hours, 1,680 hours must be in direct contact with a
14 client and 1,000 hours of the 1,680 client contact
15 hours must be direct provision of art therapy under
16 the supervision of a Board-Certified Registered Art
17 Therapist certified by the Art Therapy Credentials
18 Board, an Art Therapy Certified Supervisor
19 credentialed by the Art Therapy Credentials Board, or
20 a licensed clinical professional art therapist, the
21 remaining hours may be earned under the supervision of
22 any qualified art therapy supervisor.

23 Section 60. Qualifications for licensure as a licensed
24 associate art therapist. The Secretary shall issue a license
25 for an associate art therapist to an applicant who has

1 submitted evidence, satisfactory to the Secretary, that the
2 applicant has:

3 (1) Completed the educational requirements for
4 licensure as a clinical professional art therapist in the
5 State of Illinois as outlined in Section 55.

6 (2) Entered into an agreement for supervision with a
7 qualified art therapy supervisor.

8 A license issued under this Section is valid for a period
9 of 5 years. At the end of the 5-year period, a licensed
10 associate art therapist who has not met the requirements for
11 licensure as a clinical professional art therapist may submit
12 an application for extension of licensure as an associate art
13 therapist to the Secretary. The application shall include (i)
14 a plan for completing the requirements to obtain licensure as
15 a licensed clinical professional art therapist, (ii)
16 documentation of compliance with the continuing education
17 requirements, (iii) documentation of compliance with
18 requirements related to supervision, and (iv) letters of
19 recommendation from at least 2 qualified art therapy
20 supervisors. An extension of a license as an associate art
21 therapist under this Section is valid for a period of 2 years
22 and is not renewable.

23 Section 65. Unlawful practice of licensed associate art
24 therapists; rules.

25 (a) It is unlawful for a person to practice as a licensed

1 associate art therapist or to hold oneself out to be or
2 represent or permit to be represented that the person is a
3 licensed associate art therapist unless the person holds a
4 license as a licensed associate art therapist issued by the
5 Department.

6 (b) The Department shall adopt rules governing
7 requirements for the practice of licensed associate art
8 therapists. The rules shall include requirements for
9 continuing education and supervision of licensed associate art
10 therapists.

11 Section 70. Standards for supervision.

12 (a) A qualified art therapy supervisor shall:

13 (1) supervise only in those areas within the qualified
14 art therapy supervisor's competence, as determined by
15 education, training, and experience;

16 (2) provide supervision appropriate to the particular
17 level of licensure being applied for or maintained;

18 (3) ensure that the supervisee is practicing within
19 the scope of the supervisee's license;

20 (b) In addition to the requirements of subsection (a), a
21 qualified art therapy supervisor shall specifically instruct
22 and provide guidance:

23 (1) relating to the qualified art therapy supervisor's
24 scope of practice of clinical professional art therapy;

25 (2) to supervisees in appropriate billing practices if

1 applicable to the practice site, including:

2 (A) providing services involving the application
3 of therapy principles and methods in the diagnosis,
4 prevention, treatment, and amelioration of
5 psychological problems, emotional conditions, or
6 mental conditions of individuals, families, couples,
7 or groups;

8 (B) recordkeeping;

9 (C) disclosure of fees and financial arrangements;

10 and

11 (D) appropriate maintenance and destruction of
12 clinical and financial records.

13 Section 75. License renewal.

14 (a) Every license issued under this Act shall be renewed
15 biennially. A license shall be renewed upon payment of a
16 renewal fee if the applicant is in compliance with this Act at
17 the time of application for renewal. The following shall also
18 be required for license renewal:

19 (1) Proof of completion of a minimum of 40 hours of
20 continuing education as established by rule.

21 (2) For those licensed clinical professional art
22 therapists that have direct patient interactions with
23 adult populations age 26 or older, proof of completion of
24 at least one hour of training on the diagnosis, treatment,
25 and care of individuals with Alzheimer's disease and other

1 dementias per renewal period; this training shall include,
2 but not be limited to, assessment and diagnosis, effective
3 communication strategies, and management and care
4 planning; this one-hour course counts toward meeting the
5 minimum credit hours required for continuing education.

6 (b) A licensee shall inform the Secretary of any changes
7 to the licensee's address. Each licensee shall be responsible
8 for timely renewal of the licensee's license.

9 Section 80. Inactive status. A person who notifies the
10 Department in writing on forms prescribed by the Department
11 may elect to place the person's license on inactive status and
12 shall, subject to rule of the Department, be excused from
13 payment of renewal fees until the person notifies the
14 Department, in writing, of the person's desire to restore
15 active status. A person requesting restoration from inactive
16 status must pay the current renewal fee to restore the
17 person's license. Practice by an individual whose license is
18 on inactive status shall be considered to be the unlicensed
19 practice of art therapy and shall be grounds for discipline
20 under this Act.

21 Section 85. Fees; deposit of fees. The Department shall,
22 by rule, establish all fees for the administration and
23 enforcement of this Act. These fees are nonrefundable. All the
24 fees and fines collected under this Act shall be deposited

1 into the General Professions Dedicated Fund. The moneys
2 deposited into the General Professions Dedicated Fund under
3 this Act shall be used by the Department, as appropriate, for
4 the ordinary and contingent expenses of the Department. Moneys
5 deposited in the General Professions Dedicated Fund under this
6 Act may be invested and reinvested, with all earnings received
7 from these investments being deposited into that Fund and used
8 for the same purposes as the fees and fines deposited in that
9 Fund.

10 Section 90. Checks or orders dishonored. A person who
11 issues or delivers a check or other order to the Department
12 that is returned to the Department unpaid by the financial
13 institution upon which it is drawn shall pay to the
14 Department, in addition to the amount already owed to the
15 Department, a fine of \$50. The fines imposed by this Section
16 are in addition to any other discipline provided under this
17 Act prohibiting unlicensed practice or practice on a
18 nonrenewed license. The Department shall notify the person
19 that payment of fees and fines shall be paid to the Department
20 by certified check or money order within 30 calendar days
21 after notification. If, after the expiration of 30 days from
22 the date of the notification, the person has failed to submit
23 the necessary remittance, the Department shall automatically
24 terminate the license or certification or deny the
25 application, without hearing. If, after termination or denial,

1 the person seeks a license, the person 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 costs and expenses of
6 processing of the application. The Secretary may waive the
7 fines due under this Section in individual cases where the
8 Secretary finds that the fines would be unnecessarily
9 burdensome.

10 Section 95. Endorsement.

11 (a) An applicant licensed as a licensed clinical
12 professional art therapist or its equivalent in another state,
13 territory, or jurisdiction, as recognized by the Department,
14 is eligible for licensure if the applicant provides:

15 (1) a completed Department-approved application and
16 paid the required fees;

17 (2) an official transcript from the educational
18 institution which awarded the master's or doctoral degree;

19 (3) a copy of a current license from each state,
20 territory, or jurisdiction in which the applicant has been
21 licensed, registered, or otherwise authorized to practice
22 clinical professional art therapy;

23 (4) documentation, satisfactory to the Department,
24 that the applicant is currently licensed in good standing
25 to practice art therapy in another state, territory, or

1 jurisdiction; and

2 (5) verification that the applicant has:

3 (A) no history of disciplinary action, past or
4 pending, in a state, territory, or jurisdiction in
5 which the applicant holds a license to practice art
6 therapy; and

7 (B) not committed any act or omission that would
8 be grounds for discipline or denial of licensure.

9 (b) An applicant is eligible for licensure as a licensed
10 clinical professional art therapist by the Department if the
11 applicant (i) is a resident of Illinois, (ii) has completed
12 the required education and supervision required under Section
13 55, and (iii) has practiced art therapy for a period of not
14 less than 2 years before the effective date of this Act.

15 Section 100. Privileged communications and exceptions.

16 (a) A licensed clinical professional art therapist or
17 licensed associate art therapist may not disclose any
18 information acquired from persons consulting the therapist in
19 a professional capacity, except that which may be voluntarily
20 disclosed under any of the following circumstances:

21 (1) In the course of formally reporting, conferring,
22 or consulting with administrative superiors, colleagues,
23 or consultants who share professional responsibility, in
24 which instance all recipients of the information are
25 similarly bound to regard the communication as privileged.

1 (2) With the written consent of the person who
2 provided the information and about whom the information
3 concerns.

4 (3) In the case of death or disability, with the
5 written consent of the personal representative of an
6 estate or of a person.

7 (4) When a communication reveals the intended
8 commission of a crime or harmful act and the disclosure is
9 judged necessary in the professional judgment of the
10 licensed clinical professional art therapist or licensed
11 associate art therapist to protect any person from a clear
12 risk of serious mental or physical harm or injury or to
13 forestall a serious threat to the public safety.

14 (5) When a person waives the privilege by bringing any
15 public charges or filing a lawsuit against the licensee.

16 (b) A person having access to records or a person who
17 participates in providing art therapy services, participates
18 in providing human services, or is supervised by a licensed
19 clinical professional art therapist is similarly bound to
20 regard all information and communications as privileged under
21 this Section.

22 Section 105. Grounds for discipline.

23 (a) The Department may refuse to issue, renew, or may
24 revoke, suspend, place on probation, reprimand, or take other
25 disciplinary or nondisciplinary action as the Department deems

1 appropriate, including the issuance of fines not to exceed
2 \$10,000 for each violation, with regard to any license for any
3 one or more of the following:

4 (1) Material misstatement in furnishing information to
5 the Department or to any other State agency.

6 (2) Violations or negligent or intentional disregard
7 of this Act, or any of its rules.

8 (3) Conviction by plea of guilty or nolo contendere,
9 finding of guilt by a judge or jury verdict or entry of
10 judgment or sentencing, 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) that
14 is a felony or (ii) that is a misdemeanor of which
15 dishonesty is an essential element of which is dishonesty
16 or that is directly related to the practice of art
17 therapy.

18 (4) Making any misrepresentation for the purpose of
19 obtaining a license, or violating any provision of this
20 Act or its rules.

21 (5) Negligence in the rendering of art therapy
22 services.

23 (6) Aiding or assisting another person in violating
24 any provision of this Act or any of its rules.

25 (7) Failing to provide information within 60 days in
26 response to a written request made by the Department.

1 (8) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public and violating the rules of
4 professional conduct adopted by the Department.

5 (9) Failing to maintain the confidentiality of any
6 information received from a client unless otherwise
7 authorized or required by law.

8 (10) Failure to maintain client records of services
9 provided and provide copies to clients upon request.

10 (11) Exploiting a client for personal advantage,
11 profit, or interest.

12 (12) Habitual or excessive use of or addiction to
13 alcohol, narcotics, stimulants, or any other chemical
14 agent or drug which results in inability to practice with
15 reasonable skill, judgment, or safety.

16 (13) Discipline by another governmental agency,
17 territory, or unit of government of the United States or a
18 foreign nation if at least one of the grounds for the
19 discipline is the same or substantially equivalent to
20 those set forth in this Section.

21 (14) Directly or indirectly giving to or receiving
22 from a person, firm, corporation, partnership, or
23 association any fee, commission, rebate, or other form of
24 compensation for a professional service not actually
25 rendered. Nothing in this paragraph affects a bona fide
26 independent contractor or employment arrangement among

1 health care professionals, health facilities, health care
2 providers, or other entities, except as otherwise
3 prohibited by law. An employment arrangement may include
4 provisions for compensation, health insurance, pension, or
5 other employment benefits for the provision of services
6 within the scope of the licensee's practice under this
7 Act. Nothing in this paragraph shall be construed to
8 require an employment arrangement to receive professional
9 fees for services rendered.

10 (15) A finding by the Department that the licensee,
11 after having the license placed on probationary status,
12 has violated the terms of probation.

13 (16) Failing to refer a client to other health care
14 professionals when the licensee is unable or unwilling to
15 adequately support or serve the client.

16 (17) Willfully filing false reports relating to a
17 licensee's practice, including, but not limited to, false
18 records filed with federal or State agencies or
19 departments.

20 (18) Willfully failing to report an instance of
21 suspected child abuse or neglect as required by the Abused
22 and Neglected Child Reporting Act.

23 (19) Being named as a perpetrator in an indicated
24 report by the Department of Children and Family Services
25 pursuant to the Abused and Neglected Child Reporting Act
26 and upon proof by clear and convincing evidence that the

1 licensee has caused a child to be an abused child or
2 neglected child as defined in the Abused and Neglected
3 Child Reporting Act.

4 (20) Physical or mental disability, including
5 deterioration through the aging process or loss of
6 abilities and skills that results in the inability to
7 practice the profession with reasonable judgment, skill,
8 or safety.

9 (21) Solicitation of professional services by using
10 false or misleading advertising.

11 (22) Fraud or making any misrepresentation in applying
12 for or procuring a license under this Act or in connection
13 with applying for renewal of a license under this Act.

14 (23) Practicing or attempting to practice under a name
15 other than the full name as shown on the license or any
16 other legally authorized name.

17 (24) Gross overcharging for professional services,
18 including filing statements for collection of fees or
19 moneys for which services are not rendered.

20 (25) Charging for professional services not rendered,
21 including filing false statements for the collection of
22 fees for which services are not rendered.

23 (26) Allowing one's license under this Act to be used
24 by an unlicensed person in violation of this Act.

25 (b) The determination by a court that a licensee is
26 subject to involuntary admission or judicial admission as

1 provided in the Mental Health and Developmental Disabilities
2 Code shall result in an automatic suspension of the licensee's
3 license. The suspension ends upon a finding by a court that the
4 licensee is no longer subject to involuntary admission or
5 judicial admission, the issuance of an order so finding and
6 discharging the patient, and the determination of the
7 Secretary that the licensee be allowed to resume professional
8 practice.

9 (c) The Department may refuse to issue or renew or may
10 suspend without hearing the license of any person who fails to
11 file a return, to pay the tax penalty or interest shown in a
12 filed return, or to pay any final assessment of the tax,
13 penalty, or interest as required by any Act regarding the
14 payment of taxes administered by the Department of Revenue
15 until the requirements of the Act are satisfied in accordance
16 with subsection (g) of Section 2105-15 of the Department of
17 Professional Regulation Law of the Civil Administrative Code
18 of Illinois.

19 (d) If the Department of Healthcare and Family Services
20 has previously determined that a licensee or a potential
21 licensee is more than 30 days delinquent in the payment of
22 child support and has subsequently certified the delinquency
23 to the Department, the Department may refuse to issue or renew
24 or may revoke or suspend that person's license or may take
25 other disciplinary action against that person based solely
26 upon the certification of delinquency made by the Department

1 of Healthcare and Family Services in accordance with paragraph
2 (5) of subsection (a) of Section 2105-15 of the Department of
3 Professional Regulation Law of the Civil Administrative Code
4 of Illinois.

5 (e) All fines or costs imposed under this Section shall be
6 paid within 60 days after the effective date of the order
7 imposing the fine or costs or in accordance with the terms set
8 forth in the order imposing the fine.

9 Section 110. Violations; injunction; cease and desist
10 order.

11 (a) If any person violates the provisions of this Act, the
12 Secretary may, in the name of the People of the State of
13 Illinois, through the Attorney General or the State's Attorney
14 of any county in which the violation is alleged to have
15 occurred, petition for an order enjoining the violation or for
16 an order enforcing compliance with this Act. Upon the filing
17 of a verified petition, the court with appropriate
18 jurisdiction may issue a temporary restraining order without
19 notice or bond and may preliminarily and permanently enjoin
20 the violation. If it is established that the person has
21 violated or is violating the injunction, the court may punish
22 the offender for contempt of court. Proceedings under this
23 Section are in addition to all other remedies and penalties
24 provided by this Act.

25 (b) Whenever, in the opinion of the Department, a person

1 violates any provision of this Act, the Department may issue a
2 rule to show cause why an order to cease and desist should not
3 be entered against that person. The rule shall clearly set
4 forth the grounds relied upon by the Department and shall
5 allow at least 7 days from the date of the rule to file an
6 answer satisfactory to the Department. Failure to answer to
7 the satisfaction of the Department shall cause an order to
8 cease and desist to be issued.

9 Section 115. Investigations; notice and hearing. The
10 Department may investigate the actions of an applicant or a
11 person holding or claiming to hold a license or engaging in the
12 practice of art therapy. The Department shall, before
13 revoking, suspending, placing on probation, reprimanding, or
14 taking any other disciplinary action under Section 105, at
15 least 30 days before the date set for the hearing, (i) notify
16 the accused, in writing, of any charges made and the time and
17 place for the hearing on the charges, (ii) direct the accused
18 to file a written answer to the charges with the Department
19 under oath within 20 days after service of the notice, and
20 (iii) inform the accused that, if the accused fails to answer,
21 default will be taken against the accused or that the
22 accused's license may be suspended, revoked, placed on
23 probationary status, or other disciplinary action taken with
24 regard to the license, including limiting the scope, nature,
25 or extent of the accused's practice, as the Department may

1 deem proper. In case the person, after receiving notice, fails
2 to file an answer, the accused's license may, in the
3 discretion of the Department, be suspended, revoked, placed on
4 probationary status, or the Department may take whatever
5 disciplinary action considered proper, including limiting the
6 scope, nature, or extent of the person's practice or the
7 imposition of a fine, without a hearing, if the act or acts
8 charged constitute sufficient grounds for such action under
9 this Act. The written notice may be served by personal
10 delivery, mail, or email to the address of record or email
11 address of record.

12 Section 120. Record of proceedings; transcript. The
13 Department, at its expense, shall preserve a record of all
14 proceedings at the formal hearing of any case except as
15 otherwise provided by statute or rule.

16 Section 125. Subpoenas; depositions; oaths. The Department
17 may subpoena and bring before it any person in this State and
18 take the oral or written testimony or compel the production of
19 any books, papers, records, or any other documents that the
20 Secretary or the Secretary's designee deems relevant or
21 material to any investigation or hearing conducted by the
22 Department with the same fees and mileage and in the same
23 manner as prescribed in civil cases in the courts of this
24 State. The Secretary, the shorthand court reporter, the

1 designated hearing officer, and every member of the Advisory
2 Board may administer oaths at any hearing which the Department
3 conducts. Notwithstanding any other statute or Department rule
4 to the contrary, all requests for testimony and for the
5 production of documents or records shall be in accordance with
6 this Act.

7 Section 130. Compelling testimony. Any court, upon
8 application of the Department, designated hearing officer, or
9 the applicant or licensee against whom proceedings under
10 Section 105 are pending may order the attendance and testimony
11 of witnesses and the production of relevant documents, papers,
12 files, books, and records in connection with a hearing or
13 investigation. The court may compel obedience to its order by
14 proceedings for contempt.

15 Section 135. Findings and recommendations. At the
16 conclusion of the hearing, the hearing officer or Advisory
17 Board shall present to the Secretary a written report of its
18 findings of fact, conclusions of law, and recommendations. The
19 report shall contain a finding whether the licensee violated
20 this Act or failed to comply with the conditions required in
21 this Act. The hearing officer or Advisory Board shall specify
22 the nature of the violation or failure to comply and shall make
23 its recommendations to the Secretary. The report of findings
24 of fact, conclusions of law, and recommendation of the hearing

1 officer or Advisory Board shall be the basis for the
2 Department's order for refusing to issue, restore, or renew a
3 license, or for otherwise disciplining a licensee. If the
4 Secretary disagrees with the recommendations of the hearing
5 officer or Advisory Board, the Secretary may issue an order in
6 contravention of the hearing officer's or Advisory Board's
7 recommendations. The finding is not admissible in evidence
8 against the person in a criminal prosecution brought for the
9 violation of this Act, but the hearing and findings are not a
10 bar to a criminal prosecution brought for the violation of
11 this Act.

12 Section 140. Secretary; rehearing. Whenever the Secretary
13 believes substantial justice has not been done in the
14 revocation, suspension, or refusal to issue or renew a license
15 or the discipline of a licensee, the Secretary may order a
16 rehearing.

17 Section 145. Appointment of a hearing officer. The
18 Secretary has the authority to appoint an attorney licensed to
19 practice law in the State to serve as the hearing officer in an
20 action for refusal to issue or renew a license or permit or to
21 discipline a licensee. The hearing officer has full authority
22 to conduct the hearing. The hearing officer shall report the
23 hearing officer's findings of fact, conclusions of law, and
24 recommendations to the Secretary.

1 Section 150. Order or certified copy; prima facie proof.
2 An order or certified copy of an order, over the seal of the
3 Department and purporting to be signed by the Secretary, is
4 prima facie proof that: (1) the signature is the genuine
5 signature of the Secretary; and (2) the Secretary is duly
6 appointed and qualified.

7 Section 155. Restoration of license from discipline. At
8 any time after the successful completion of a term of
9 indefinite probation, suspension, or revocation of a license,
10 the Department may restore the license to active status,
11 unless, after an investigation and a hearing, the Secretary
12 determines that restoration is not in the public interest. A
13 person whose license has been revoked as authorized in this
14 Act may not apply for restoration of that license until
15 authorized to do so under the Civil Administrative Code of
16 Illinois.

17 Section 160. Summary suspension of license. The Secretary
18 may summarily suspend the license of an art therapist without
19 a hearing, simultaneously with the institution of proceedings
20 for a hearing provided for in Section 115, if the Secretary
21 finds that the evidence indicates that the continuation of
22 practice by the licensed clinical professional art therapist
23 would constitute an imminent danger to the public. If the

1 Secretary summarily suspends the license of an individual
2 without a hearing, a hearing must be held within 30 days after
3 the suspension has occurred and shall be concluded as
4 expeditiously as possible.

5 Section 165. Administrative review; venue.

6 (a) All final administrative decisions of the Department
7 are subject to judicial review pursuant to the Administrative
8 Review Law and its rules. As used in this Section,
9 "administrative decision" has the same meaning as used in
10 Section 3-101 of the Code of Civil Procedure.

11 (b) Proceedings for judicial review shall be commenced in
12 the circuit court of the county in which the party applying for
13 review resides, but if the party is not a resident of this
14 State, the venue shall be in Sangamon County.

15 Section 170. Certification of record; costs. The
16 Department does not need to certify a record to the court, to
17 file an answer in court, or to otherwise appear in court in a
18 judicial review proceeding unless the Department has received
19 from the plaintiff payment of the costs of furnishing and
20 certifying the record, which costs shall be determined by the
21 Department. Failure on the part of the plaintiff to file the
22 receipt in court is grounds for dismissal of the action.

23 Section 175. Violations. Unless otherwise specified, a

1 person found to have violated any provision of this Act is
2 guilty of a Class A misdemeanor.

3 Section 180. Illinois Administrative Procedure Act;
4 application. The Illinois Administrative Procedure Act is
5 incorporated in this Act as if all the provisions of that Act
6 were included in this Act, except subsection (d) of Section
7 10-65 of the Illinois Administrative Procedure Act, which
8 provides that at hearings the license holder has the right to
9 show compliance with all lawful requirements for retention,
10 continuation, or renewal of the license, is specifically
11 excluded. For the purpose of this Act, the notice required
12 under Section 10-25 of the Illinois Administrative Procedure
13 Act is deemed sufficient when mailed to the last known address
14 of a party or the address of record.

15 Section 185. Home rule. The regulation and licensing of
16 clinical professional art therapists and associate art
17 therapists are exclusive powers and functions of the State. A
18 home rule unit may not regulate or license clinical
19 professional art therapists or associate art therapists. This
20 Section is a denial and limitation of home rule powers and
21 functions under subsection (h) of Section 6 of Article VII of
22 the Illinois Constitution.

23 Section 190. Confidentiality. All information collected by

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

18 Section 900. The Regulatory Sunset Act is amended by
19 changing Section 4.40 as follows:

20 (5 ILCS 80/4.40)

21 Sec. 4.40. Acts repealed on January 1, 2030. The following
22 Acts are repealed on January 1, 2030:

23 The Art Therapy Licensing and Practice Act

24 The Auction License Act.

1 The Illinois Architecture Practice Act of 1989.
2 The Illinois Professional Land Surveyor Act of 1989.
3 The Orthotics, Prosthetics, and Pedorthics Practice Act.
4 The Perfusionist Practice Act.
5 The Professional Engineering Practice Act of 1989.
6 The Real Estate License Act of 2000.
7 The Structural Engineering Practice Act of 1989.
8 (Source: P.A. 101-269, eff. 8-9-19; 101-310, eff. 8-9-19;
9 101-311, eff. 8-9-19; 101-312, eff. 8-9-19; 101-313, eff.
10 8-9-19; 101-345, eff. 8-9-19; 101-346, eff. 8-9-19; 101-357,
11 eff. 8-9-19; 102-558, eff. 8-20-21.)

12 Section 905. The Abused and Neglected Child Reporting Act
13 is amended by changing Section 4 as follows:

14 (325 ILCS 5/4)

15 Sec. 4. Persons required to report; privileged
16 communications; transmitting false report.

17 (a) The following persons are required to immediately
18 report to the Department when they have reasonable cause to
19 believe that a child known to them in their professional or
20 official capacities may be an abused child or a neglected
21 child:

22 (1) Medical personnel, including any: physician
23 licensed to practice medicine in any of its branches
24 (medical doctor or doctor of osteopathy); resident;

1 intern; medical administrator or personnel engaged in the
2 examination, care, and treatment of persons; psychiatrist;
3 surgeon; dentist; dental hygienist; chiropractic
4 physician; podiatric physician; physician assistant;
5 emergency medical technician; physical therapist; physical
6 therapy assistant; occupational therapist; occupational
7 therapy assistant; acupuncturist; registered nurse;
8 licensed practical nurse; advanced practice registered
9 nurse; genetic counselor; respiratory care practitioner;
10 home health aide; or certified nursing assistant.

11 (2) Social services and mental health personnel,
12 including any: licensed professional counselor; licensed
13 clinical professional counselor; licensed social worker;
14 licensed clinical social worker; licensed psychologist or
15 assistant working under the direct supervision of a
16 psychologist; associate licensed marriage and family
17 therapist; licensed marriage and family therapist;
18 licensed clinical professional art therapist; licensed
19 associate art therapist; field personnel of the
20 Departments of Healthcare and Family Services, Public
21 Health, Human Services, Human Rights, or Children and
22 Family Services; supervisor or administrator of the
23 General Assistance program established under Article VI of
24 the Illinois Public Aid Code; social services
25 administrator; or substance abuse treatment personnel.

26 (3) Crisis intervention personnel, including any:

1 crisis line or hotline personnel; or domestic violence
2 program personnel.

3 (4) Education personnel, including any: school
4 personnel (including administrators and certified and
5 non-certified school employees); personnel of institutions
6 of higher education; educational advocate assigned to a
7 child in accordance with the School Code; member of a
8 school board or the Chicago Board of Education or the
9 governing body of a private school (but only to the extent
10 required under subsection (d)); or truant officer.

11 (5) Recreation or athletic program or facility
12 personnel; or an athletic trainer.

13 (6) Child care personnel, including any: early
14 intervention provider as defined in the Early Intervention
15 Services System Act; director or staff assistant of a
16 nursery school or a child day care center; or foster
17 parent, homemaker, or child care worker.

18 (7) Law enforcement personnel, including any: law
19 enforcement officer; field personnel of the Department of
20 Juvenile Justice; field personnel of the Department of
21 Corrections; probation officer; or animal control officer
22 or field investigator of the Department of Agriculture's
23 Bureau of Animal Health and Welfare.

24 (8) Any funeral home director; funeral home director
25 and embalmer; funeral home employee; coroner; or medical
26 examiner.

1 (9) Any member of the clergy.

2 (10) Any physician, physician assistant, registered
3 nurse, licensed practical nurse, medical technician,
4 certified nursing assistant, licensed social worker,
5 licensed clinical social worker, or licensed professional
6 counselor of any office, clinic, licensed behavior
7 analyst, licensed assistant behavior analyst, or any other
8 physical location that provides abortions, abortion
9 referrals, or contraceptives.

10 (b) When 2 or more persons who work within the same
11 workplace and are required to report under this Act share a
12 reasonable cause to believe that a child may be an abused or
13 neglected child, one of those reporters may be designated to
14 make a single report. The report shall include the names and
15 contact information for the other mandated reporters sharing
16 the reasonable cause to believe that a child may be an abused
17 or neglected child. The designated reporter must provide
18 written confirmation of the report to those mandated reporters
19 within 48 hours. If confirmation is not provided, those
20 mandated reporters are individually responsible for
21 immediately ensuring a report is made. Nothing in this Section
22 precludes or may be used to preclude any person from reporting
23 child abuse or child neglect.

24 (c) (1) As used in this Section, "a child known to them in
25 their professional or official capacities" means:

26 (A) the mandated reporter comes into contact with the

1 child in the course of the reporter's employment or
2 practice of a profession, or through a regularly scheduled
3 program, activity, or service;

4 (B) the mandated reporter is affiliated with an
5 agency, institution, organization, school, school
6 district, regularly established church or religious
7 organization, or other entity that is directly responsible
8 for the care, supervision, guidance, or training of the
9 child; or

10 (C) a person makes a specific disclosure to the
11 mandated reporter that an identifiable child is the victim
12 of child abuse or child neglect, and the disclosure
13 happens while the mandated reporter is engaged in the
14 reporter's employment or practice of a profession, or in a
15 regularly scheduled program, activity, or service.

16 (2) Nothing in this Section requires a child to come
17 before the mandated reporter in order for the reporter to make
18 a report of suspected child abuse or child neglect.

19 (d) If an allegation is raised to a school board member
20 during the course of an open or closed school board meeting
21 that a child who is enrolled in the school district of which
22 the person is a board member is an abused child as defined in
23 Section 3 of this Act, the member shall direct or cause the
24 school board to direct the superintendent of the school
25 district or other equivalent school administrator to comply
26 with the requirements of this Act concerning the reporting of

1 child abuse. For purposes of this paragraph, a school board
2 member is granted the authority in that board member's
3 individual capacity to direct the superintendent of the school
4 district or other equivalent school administrator to comply
5 with the requirements of this Act concerning the reporting of
6 child abuse.

7 Notwithstanding any other provision of this Act, if an
8 employee of a school district has made a report or caused a
9 report to be made to the Department under this Act involving
10 the conduct of a current or former employee of the school
11 district and a request is made by another school district for
12 the provision of information concerning the job performance or
13 qualifications of the current or former employee because the
14 current or former employee is an applicant for employment with
15 the requesting school district, the general superintendent of
16 the school district to which the request is being made must
17 disclose to the requesting school district the fact that an
18 employee of the school district has made a report involving
19 the conduct of the applicant or caused a report to be made to
20 the Department, as required under this Act. Only the fact that
21 an employee of the school district has made a report involving
22 the conduct of the applicant or caused a report to be made to
23 the Department may be disclosed by the general superintendent
24 of the school district to which the request for information
25 concerning the applicant is made, and this fact may be
26 disclosed only in cases where the employee and the general

1 superintendent have not been informed by the Department that
2 the allegations were unfounded. An employee of a school
3 district who is or has been the subject of a report made
4 pursuant to this Act during the employee's employment with the
5 school district must be informed by that school district that
6 if the employee applies for employment with another school
7 district, the general superintendent of the former school
8 district, upon the request of the school district to which the
9 employee applies, shall notify that requesting school district
10 that the employee is or was the subject of such a report.

11 (e) Whenever such person is required to report under this
12 Act in the person's capacity as a member of the staff of a
13 medical or other public or private institution, school,
14 facility or agency, or as a member of the clergy, the person
15 shall make report immediately to the Department in accordance
16 with the provisions of this Act and may also notify the person
17 in charge of such institution, school, facility or agency, or
18 church, synagogue, temple, mosque, or other religious
19 institution, or designated agent of the person in charge that
20 such report has been made. Under no circumstances shall any
21 person in charge of such institution, school, facility or
22 agency, or church, synagogue, temple, mosque, or other
23 religious institution, or designated agent of the person in
24 charge to whom such notification has been made, exercise any
25 control, restraint, modification or other change in the report
26 or the forwarding of such report to the Department.

1 (f) In addition to the persons required to report
2 suspected cases of child abuse or child neglect under this
3 Section, any other person may make a report if such person has
4 reasonable cause to believe a child may be an abused child or a
5 neglected child.

6 (g) The privileged quality of communication between any
7 professional person required to report and the professional
8 person's patient or client shall not apply to situations
9 involving abused or neglected children and shall not
10 constitute grounds for failure to report as required by this
11 Act or constitute grounds for failure to share information or
12 documents with the Department during the course of a child
13 abuse or neglect investigation. If requested by the
14 professional, the Department shall confirm in writing that the
15 information or documents disclosed by the professional were
16 gathered in the course of a child abuse or neglect
17 investigation.

18 The reporting requirements of this Act shall not apply to
19 the contents of a privileged communication between an attorney
20 and the attorney's client or to confidential information
21 within the meaning of Rule 1.6 of the Illinois Rules of
22 Professional Conduct relating to the legal representation of
23 an individual client.

24 A member of the clergy may claim the privilege under
25 Section 8-803 of the Code of Civil Procedure.

26 (h) Any office, clinic, or any other physical location

1 that provides abortions, abortion referrals, or contraceptives
2 shall provide to all office personnel copies of written
3 information and training materials about abuse and neglect and
4 the requirements of this Act that are provided to employees of
5 the office, clinic, or physical location who are required to
6 make reports to the Department under this Act, and instruct
7 such office personnel to bring to the attention of an employee
8 of the office, clinic, or physical location who is required to
9 make reports to the Department under this Act any reasonable
10 suspicion that a child known to office personnel in their
11 professional or official capacity may be an abused child or a
12 neglected child.

13 (i) Any person who enters into employment on and after
14 July 1, 1986 and is mandated by virtue of that employment to
15 report under this Act, shall sign a statement on a form
16 prescribed by the Department, to the effect that the employee
17 has knowledge and understanding of the reporting requirements
18 of this Act. On and after January 1, 2019, the statement shall
19 also include information about available mandated reporter
20 training provided by the Department. The statement shall be
21 signed prior to commencement of the employment. The signed
22 statement shall be retained by the employer. The cost of
23 printing, distribution, and filing of the statement shall be
24 borne by the employer.

25 (j) Persons required to report child abuse or child
26 neglect as provided under this Section must complete an

1 initial mandated reporter training, including a section on
2 implicit bias, within 3 months of their date of engagement in a
3 professional or official capacity as a mandated reporter, or
4 within the time frame of any other applicable State law that
5 governs training requirements for a specific profession, and
6 at least every 3 years thereafter. The initial requirement
7 only applies to the first time they engage in their
8 professional or official capacity. In lieu of training every 3
9 years, medical personnel, as listed in paragraph (1) of
10 subsection (a), must meet the requirements described in
11 subsection (k).

12 The mandated reporter trainings shall be in-person or
13 web-based, and shall include, at a minimum, information on the
14 following topics: (i) indicators for recognizing child abuse
15 and child neglect, as defined under this Act; (ii) the process
16 for reporting suspected child abuse and child neglect in
17 Illinois as required by this Act and the required
18 documentation; (iii) responding to a child in a
19 trauma-informed manner; and (iv) understanding the response of
20 child protective services and the role of the reporter after a
21 call has been made. Child-serving organizations are encouraged
22 to provide in-person annual trainings.

23 The implicit bias section shall be in-person or web-based,
24 and shall include, at a minimum, information on the following
25 topics: (i) implicit bias and (ii) racial and ethnic
26 sensitivity. As used in this subsection, "implicit bias" means

1 the attitudes or internalized stereotypes that affect people's
2 perceptions, actions, and decisions in an unconscious manner
3 and that exist and often contribute to unequal treatment of
4 people based on race, ethnicity, gender identity, sexual
5 orientation, age, disability, and other characteristics. The
6 implicit bias section shall provide tools to adjust automatic
7 patterns of thinking and ultimately eliminate discriminatory
8 behaviors. During these trainings mandated reporters shall
9 complete the following: (1) a pretest to assess baseline
10 implicit bias levels; (2) an implicit bias training task; and
11 (3) a posttest to reevaluate bias levels after training. The
12 implicit bias curriculum for mandated reporters shall be
13 developed within one year after January 1, 2022 (the effective
14 date of Public Act 102-604) and shall be created in
15 consultation with organizations demonstrating expertise and or
16 experience in the areas of implicit bias, youth and adolescent
17 developmental issues, prevention of child abuse, exploitation,
18 and neglect, culturally diverse family systems, and the child
19 welfare system.

20 The mandated reporter training, including a section on
21 implicit bias, shall be provided through the Department,
22 through an entity authorized to provide continuing education
23 for professionals licensed through the Department of Financial
24 and Professional Regulation, the State Board of Education, the
25 Illinois Law Enforcement Training Standards Board, or the
26 Illinois State Police, or through an organization approved by

1 the Department to provide mandated reporter training,
2 including a section on implicit bias. The Department must make
3 available a free web-based training for reporters.

4 Each mandated reporter shall report to the mandated
5 reporter's employer and, when applicable, to the mandated
6 reporter's licensing or certification board that the mandated
7 reporter received the mandated reporter training. The mandated
8 reporter shall maintain records of completion.

9 Beginning January 1, 2021, if a mandated reporter receives
10 licensure from the Department of Financial and Professional
11 Regulation or the State Board of Education, and the mandated
12 reporter's profession has continuing education requirements,
13 the training mandated under this Section shall count toward
14 meeting the licensee's required continuing education hours.

15 (k) (1) Medical personnel, as listed in paragraph (1) of
16 subsection (a), who work with children in their professional
17 or official capacity, must complete mandated reporter training
18 at least every 6 years. Such medical personnel, if licensed,
19 must attest at each time of licensure renewal on their renewal
20 form that they understand they are a mandated reporter of
21 child abuse and neglect, that they are aware of the process for
22 making a report, that they know how to respond to a child in a
23 trauma-informed manner, and that they are aware of the role of
24 child protective services and the role of a reporter after a
25 call has been made.

26 (2) In lieu of repeated training, medical personnel, as

1 listed in paragraph (1) of subsection (a), who do not work with
2 children in their professional or official capacity, may
3 instead attest each time at licensure renewal on their renewal
4 form that they understand they are a mandated reporter of
5 child abuse and neglect, that they are aware of the process for
6 making a report, that they know how to respond to a child in a
7 trauma-informed manner, and that they are aware of the role of
8 child protective services and the role of a reporter after a
9 call has been made. Nothing in this paragraph precludes
10 medical personnel from completing mandated reporter training
11 and receiving continuing education credits for that training.

12 (l) The Department shall provide copies of this Act, upon
13 request, to all employers employing persons who shall be
14 required under the provisions of this Section to report under
15 this Act.

16 (m) Any person who knowingly transmits a false report to
17 the Department commits the offense of disorderly conduct under
18 subsection (a)(7) of Section 26-1 of the Criminal Code of
19 2012. A violation of this provision is a Class 4 felony.

20 Any person who knowingly and willfully violates any
21 provision of this Section other than a second or subsequent
22 violation of transmitting a false report as described in the
23 preceding paragraph, is guilty of a Class A misdemeanor for a
24 first violation and a Class 4 felony for a second or subsequent
25 violation; except that if the person acted as part of a plan or
26 scheme having as its object the prevention of discovery of an

1 abused or neglected child by lawful authorities for the
2 purpose of protecting or insulating any person or entity from
3 arrest or prosecution, the person is guilty of a Class 4 felony
4 for a first offense and a Class 3 felony for a second or
5 subsequent offense (regardless of whether the second or
6 subsequent offense involves any of the same facts or persons
7 as the first or other prior offense).

8 (n) A child whose parent, guardian or custodian in good
9 faith selects and depends upon spiritual means through prayer
10 alone for the treatment or cure of disease or remedial care may
11 be considered neglected or abused, but not for the sole reason
12 that the child's parent, guardian or custodian accepts and
13 practices such beliefs.

14 (o) A child shall not be considered neglected or abused
15 solely because the child is not attending school in accordance
16 with the requirements of Article 26 of the School Code, as
17 amended.

18 (p) Nothing in this Act prohibits a mandated reporter who
19 reasonably believes that an animal is being abused or
20 neglected in violation of the Humane Care for Animals Act from
21 reporting animal abuse or neglect to the Department of
22 Agriculture's Bureau of Animal Health and Welfare.

23 (q) A home rule unit may not regulate the reporting of
24 child abuse or neglect in a manner inconsistent with the
25 provisions of this Section. This Section is a limitation under
26 subsection (i) of Section 6 of Article VII of the Illinois

1 Constitution on the concurrent exercise by home rule units of
2 powers and functions exercised by the State.

3 (r) For purposes of this Section "child abuse or neglect"
4 includes abuse or neglect of an adult resident as defined in
5 this Act.

6 (Source: P.A. 102-604, eff. 1-1-22; 102-861, eff. 1-1-23;
7 102-953, eff. 5-27-22; 103-22, eff. 8-8-23; 103-154, eff.
8 6-30-23.)