



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB5649

Introduced 2/9/2024, by Rep. Abdelnasser Rashid

#### SYNOPSIS AS INTRODUCED:

225 ILCS 20/19	from Ch. 111, par. 6369
225 ILCS 20/36.5 new	
225 ILCS 60/60.5 new	
225 ILCS 65/70-5	was 225 ILCS 65/10-45
225 ILCS 65/70-175 new	
225 ILCS 75/19	from Ch. 111, par. 3719
225 ILCS 75/20.5 new	
225 ILCS 107/80	
225 ILCS 107/175 new	
815 ILCS 505/2EEEE new	

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that it is an unlawful practice within the meaning of the Act for a licensed mental health professional to provide mental health services to a patient through the use of artificial intelligence without first obtaining informed consent from the patient for the use of artificial intelligence tools and disclosing the use of artificial intelligence tools to the patient before providing services through the use of artificial intelligence. Amends the Clinical Social Work and Social Work Practice Act, the Medical Practice Act of 1987, the Nurse Practice Act, the Illinois Occupational Therapy Practice Act, and the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act. Makes corresponding changes in grounds for discipline. Provides that the Department of Financial and Professional Regulation may adopt rules to regulate the use of artificial intelligence tools to provide mental health services.

LRB103 39383 RTM 69556 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 5. The Clinical Social Work and Social Work  
5 Practice Act is amended by changing Section 19 and by adding  
6 Section 36.5 as follows:

7 (225 ILCS 20/19) (from Ch. 111, par. 6369)

8 (Section scheduled to be repealed on January 1, 2028)

9 Sec. 19. Grounds for disciplinary action.

10 (1) The Department may refuse to issue or renew a license,  
11 or may suspend, revoke, place on probation, reprimand, or take  
12 any other disciplinary or non-disciplinary action deemed  
13 appropriate by the Department, including the imposition of  
14 fines not to exceed \$10,000 for each violation, with regard to  
15 any license issued under the provisions of this Act for any one  
16 or a combination of the following grounds:

17 (a) material misstatements in furnishing information  
18 to the Department or to any other State agency or in  
19 furnishing information to any insurance company with  
20 respect to a claim on behalf of a licensee or a patient;

21 (b) violations or negligent or intentional disregard  
22 of this Act, or any of the rules promulgated hereunder;

23 (c) conviction of or entry of a plea of guilty or nolo

1           contendere, finding of guilt, jury verdict, or entry of  
2           judgment or sentencing, including, but not limited to,  
3           convictions, preceding sentences of supervision,  
4           conditional discharge, or first offender probation, under  
5           the laws of any jurisdiction of the United States that is  
6           (i) a felony or (ii) a misdemeanor, an essential element  
7           of which is dishonesty, or that is directly related to the  
8           practice of the clinical social work or social work  
9           professions;

10           (d) fraud or misrepresentation in applying for or  
11           procuring a license under this Act or in connection with  
12           applying for renewal or restoration of a license under  
13           this Act;

14           (e) professional incompetence;

15           (f) gross negligence in practice under this Act;

16           (g) aiding or assisting another person in violating  
17           any provision of this Act or its rules;

18           (h) failing to provide information within 60 days in  
19           response to a written request made by the Department;

20           (i) engaging in dishonorable, unethical or  
21           unprofessional conduct of a character likely to deceive,  
22           defraud or harm the public as defined by the rules of the  
23           Department, or violating the rules of professional conduct  
24           adopted by the Department;

25           (j) habitual or excessive use or abuse of drugs  
26           defined in law as controlled substances, of alcohol, or of

1 any other substances that results in the inability to  
2 practice with reasonable judgment, skill, or safety;

3 (k) adverse action taken by another state or  
4 jurisdiction, if at least one of the grounds for the  
5 discipline is the same or substantially equivalent to  
6 those set forth in this Section;

7 (l) directly or indirectly giving to or receiving from  
8 any person, firm, corporation, partnership, or association  
9 any fee, commission, rebate or other form of compensation  
10 for any professional service not actually rendered.  
11 Nothing in this paragraph (l) affects any bona fide  
12 independent contractor or employment arrangements among  
13 health care professionals, health facilities, health care  
14 providers, or other entities, except as otherwise  
15 prohibited by law. Any employment arrangements may include  
16 provisions for compensation, health insurance, pension, or  
17 other employment benefits for the provision of services  
18 within the scope of the licensee's practice under this  
19 Act. Nothing in this paragraph (l) shall be construed to  
20 require an employment arrangement to receive professional  
21 fees for services rendered;

22 (m) a finding by the Department that the licensee,  
23 after having the license placed on probationary status,  
24 has violated the terms of probation or failed to comply  
25 with such terms;

26 (n) abandonment, without cause, of a client;

1           (o) willfully making or filing false records or  
2 reports relating to a licensee's practice, including, but  
3 not limited to, false records filed with Federal or State  
4 agencies or departments;

5           (p) willfully failing to report an instance of  
6 suspected child abuse or neglect as required by the Abused  
7 and Neglected Child Reporting Act;

8           (q) being named as a perpetrator in an indicated  
9 report by the Department of Children and Family Services  
10 under the Abused and Neglected Child Reporting Act, and  
11 upon proof by clear and convincing evidence that the  
12 licensee has caused a child to be an abused child or  
13 neglected child as defined in the Abused and Neglected  
14 Child Reporting Act;

15           (r) physical illness, mental illness, or any other  
16 impairment or disability, including, but not limited to,  
17 deterioration through the aging process, or loss of motor  
18 skills that results in the inability to practice the  
19 profession with reasonable judgment, skill or safety;

20           (s) solicitation of professional services by using  
21 false or misleading advertising;

22           (t) violation of the Health Care Worker Self-Referral  
23 Act;

24           (u) willfully failing to report an instance of  
25 suspected abuse, neglect, financial exploitation, or  
26 self-neglect of an eligible adult as defined in and

1 required by the Adult Protective Services Act; or

2 (v) being named as an abuser in a verified report by  
3 the Department on Aging under the Adult Protective  
4 Services Act, and upon proof by clear and convincing  
5 evidence that the licensee abused, neglected, or  
6 financially exploited an eligible adult as defined in the  
7 Adult Protective Services Act.

8 (w) Violating Section 2EEEE of the Consumer Fraud and  
9 Deceptive Business Practices Act.

10 (2) (Blank).

11 (3) The determination by a court that a licensee is  
12 subject to involuntary admission or judicial admission as  
13 provided in the Mental Health and Developmental Disabilities  
14 Code, will result in an automatic suspension of his license.  
15 Such suspension will end upon a finding by a court that the  
16 licensee is no longer subject to involuntary admission or  
17 judicial admission and issues an order so finding and  
18 discharging the patient, and upon the recommendation of the  
19 Board to the Secretary that the licensee be allowed to resume  
20 professional practice.

21 (4) The Department shall refuse to issue or renew or may  
22 suspend the license of a person who (i) fails to file a return,  
23 pay the tax, penalty, or interest shown in a filed return, or  
24 pay any final assessment of tax, penalty, or interest, as  
25 required by any tax Act administered by the Department of  
26 Revenue, until the requirements of the tax Act are satisfied

1 or (ii) has failed to pay any court-ordered child support as  
2 determined by a court order or by referral from the Department  
3 of Healthcare and Family Services.

4 (4.5) The Department shall not revoke, suspend, summarily  
5 suspend, place on prohibition, reprimand, refuse to issue or  
6 renew, or take any other disciplinary or non-disciplinary  
7 action against a license or permit issued under this Act based  
8 solely upon the licensed clinical social worker authorizing,  
9 recommending, aiding, assisting, referring for, or otherwise  
10 participating in any health care service, so long as the care  
11 was not unlawful under the laws of this State, regardless of  
12 whether the patient was a resident of this State or another  
13 state.

14 (4.10) The Department shall not revoke, suspend, summarily  
15 suspend, place on prohibition, reprimand, refuse to issue or  
16 renew, or take any other disciplinary or non-disciplinary  
17 action against the license or permit issued under this Act to  
18 practice as a licensed clinical social worker based upon the  
19 licensed clinical social worker's license being revoked or  
20 suspended, or the licensed clinical social worker being  
21 otherwise disciplined by any other state, if that revocation,  
22 suspension, or other form of discipline was based solely on  
23 the licensed clinical social worker violating another state's  
24 laws prohibiting the provision of, authorization of,  
25 recommendation of, aiding or assisting in, referring for, or  
26 participation in any health care service if that health care

1 service as provided would not have been unlawful under the  
2 laws of this State and is consistent with the standards of  
3 conduct for a licensed clinical social worker practicing in  
4 Illinois.

5 (4.15) The conduct specified in subsections (4.5) and  
6 (4.10) shall not constitute grounds for suspension under  
7 Section 32.

8 (4.20) An applicant seeking licensure, certification, or  
9 authorization pursuant to this Act who has been subject to  
10 disciplinary action by a duly authorized professional  
11 disciplinary agency of another jurisdiction solely on the  
12 basis of having authorized, recommended, aided, assisted,  
13 referred for, or otherwise participated in health care shall  
14 not be denied such licensure, certification, or authorization,  
15 unless the Department determines that such action would have  
16 constituted professional misconduct in this State; however,  
17 nothing in this Section shall be construed as prohibiting the  
18 Department from evaluating the conduct of such applicant and  
19 making a determination regarding the licensure, certification,  
20 or authorization to practice a profession under this Act.

21 (5) (a) In enforcing this Section, the Department or Board,  
22 upon a showing of a possible violation, may compel a person  
23 licensed to practice under this Act, or who has applied for  
24 licensure under this Act, to submit to a mental or physical  
25 examination, or both, which may include a substance abuse or  
26 sexual offender evaluation, as required by and at the expense



1 of the Department.

2 (b) The Department shall specifically designate the  
3 examining physician licensed to practice medicine in all of  
4 its branches or, if applicable, the multidisciplinary team  
5 involved in providing the mental or physical examination or  
6 both. The multidisciplinary team shall be led by a physician  
7 licensed to practice medicine in all of its branches and may  
8 consist of one or more or a combination of physicians licensed  
9 to practice medicine in all of its branches, licensed clinical  
10 psychologists, licensed clinical social workers, licensed  
11 clinical professional counselors, and other professional and  
12 administrative staff. Any examining physician or member of the  
13 multidisciplinary team may require any person ordered to  
14 submit to an examination pursuant to this Section to submit to  
15 any additional supplemental testing deemed necessary to  
16 complete any examination or evaluation process, including, but  
17 not limited to, blood testing, urinalysis, psychological  
18 testing, or neuropsychological testing.

19 (c) The Board or the Department may order the examining  
20 physician or any member of the multidisciplinary team to  
21 present testimony concerning this mental or physical  
22 examination of the licensee or applicant. No information,  
23 report, record, or other documents in any way related to the  
24 examination shall be excluded by reason of any common law or  
25 statutory privilege relating to communications between the  
26 licensee or applicant and the examining physician or any

1 member of the multidisciplinary team. No authorization is  
2 necessary from the licensee or applicant ordered to undergo an  
3 examination for the examining physician or any member of the  
4 multidisciplinary team to provide information, reports,  
5 records, or other documents or to provide any testimony  
6 regarding the examination and evaluation.

7 (d) The person to be examined may have, at his or her own  
8 expense, another physician of his or her choice present during  
9 all aspects of the examination. However, that physician shall  
10 be present only to observe and may not interfere in any way  
11 with the examination.

12 (e) Failure of any person to submit to a mental or physical  
13 examination without reasonable cause, when ordered, shall  
14 result in an automatic suspension of his or her license until  
15 the person submits to the examination.

16 (f) If the Department or Board finds a person unable to  
17 practice because of the reasons set forth in this Section, the  
18 Department or Board may require that person to submit to care,  
19 counseling, or treatment by physicians approved or designated  
20 by the Department or Board, as a condition, term, or  
21 restriction for continued, reinstated, or renewed licensure to  
22 practice; or, in lieu of care, counseling or treatment, the  
23 Department may file, or the Board may recommend to the  
24 Department to file, a complaint to immediately suspend,  
25 revoke, or otherwise discipline the license of the person. Any  
26 person whose license was granted, continued, reinstated,

1 renewed, disciplined or supervised subject to such terms,  
2 conditions or restrictions, and who fails to comply with such  
3 terms, conditions, or restrictions, shall be referred to the  
4 Secretary for a determination as to whether the person shall  
5 have his or her license suspended immediately, pending a  
6 hearing by the Department.

7 (g) All fines imposed shall be paid within 60 days after  
8 the effective date of the order imposing the fine or in  
9 accordance with the terms set forth in the order imposing the  
10 fine.

11 In instances in which the Secretary immediately suspends a  
12 person's license under this Section, a hearing on that  
13 person's license must be convened by the Department within 30  
14 days after the suspension and completed without appreciable  
15 delay. The Department and Board shall have the authority to  
16 review the subject person's record of treatment and counseling  
17 regarding the impairment, to the extent permitted by  
18 applicable federal statutes and regulations safeguarding the  
19 confidentiality of medical records.

20 A person licensed under this Act and affected under this  
21 Section shall be afforded an opportunity to demonstrate to the  
22 Department or Board that he or she can resume practice in  
23 compliance with acceptable and prevailing standards under the  
24 provisions of his or her license.

25 (h) The Department may adopt rules to implement the  
26 changes made by this amendatory Act of the 102nd General

1 Assembly.

2 (Source: P.A. 102-1117, eff. 1-13-23.)

3 (225 ILCS 20/36.5 new)

4 Sec. 36.5. Use of artificial intelligence. The Department  
5 may adopt rules to regulate the use of artificial intelligence  
6 tools to provide mental health services by persons licensed  
7 under this Act.

8 Section 10. The Medical Practice Act of 1987 is amended by  
9 adding Section 60.5 as follows:

10 (225 ILCS 60/60.5 new)

11 Sec. 60.5. Use of artificial intelligence.

12 (a) A violation of Section 2EEEE of the Consumer Fraud and  
13 Deceptive Business Practices Act shall be grounds for  
14 discipline under this Act.

15 (b) The Department may adopt rules to regulate the use of  
16 artificial intelligence tools to provide mental health  
17 services by persons licensed under this Act.

18 Section 15. The Nurse Practice Act is amended by changing  
19 Section 70-5 and by adding Section 70-175 as follows:

20 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

21 (Section scheduled to be repealed on January 1, 2028)

1           Sec. 70-5. Grounds for disciplinary action.

2           (a) The Department may refuse to issue or to renew, or may  
3           revoke, suspend, place on probation, reprimand, or take other  
4           disciplinary or non-disciplinary action as the Department may  
5           deem appropriate, including fines not to exceed \$10,000 per  
6           violation, with regard to a license for any one or combination  
7           of the causes set forth in subsection (b) below. All fines  
8           collected under this Section shall be deposited in the Nursing  
9           Dedicated and Professional Fund.

10          (b) Grounds for disciplinary action include the following:

11           (1) Material deception in furnishing information to  
12           the Department.

13           (2) Material violations of any provision of this Act  
14           or violation of the rules of or final administrative  
15           action of the Secretary, after consideration of the  
16           recommendation of the Board.

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

26           (4) A pattern of practice or other behavior which

1 demonstrates incapacity or incompetency to practice under  
2 this Act.

3 (5) Knowingly aiding or assisting another person in  
4 violating any provision of this Act or rules.

5 (6) Failing, within 90 days, to provide a response to  
6 a request for information in response to a written request  
7 made by the Department by certified or registered mail or  
8 by email to the email address of record.

9 (7) Engaging in dishonorable, unethical, or  
10 unprofessional conduct of a character likely to deceive,  
11 defraud, or harm the public, as defined by rule.

12 (8) Unlawful taking, theft, selling, distributing, or  
13 manufacturing of any drug, narcotic, or prescription  
14 device.

15 (9) Habitual or excessive use or addiction to alcohol,  
16 narcotics, stimulants, or any other chemical agent or drug  
17 that could result in a licensee's inability to practice  
18 with reasonable judgment, skill, or safety.

19 (10) Discipline by another U.S. jurisdiction or  
20 foreign nation, if at least one of the grounds for the  
21 discipline is the same or substantially equivalent to  
22 those set forth in this Section.

23 (11) A finding that the licensee, after having her or  
24 his license placed on probationary status or subject to  
25 conditions or restrictions, has violated the terms of  
26 probation or failed to comply with such terms or

1 conditions.

2 (12) Being named as a perpetrator in an indicated  
3 report by the Department of Children and Family Services  
4 and under the Abused and Neglected Child Reporting Act,  
5 and upon proof by clear and convincing evidence that the  
6 licensee has caused a child to be an abused child or  
7 neglected child as defined in the Abused and Neglected  
8 Child Reporting Act.

9 (13) Willful omission to file or record, or willfully  
10 impeding the filing or recording or inducing another  
11 person to omit to file or record medical reports as  
12 required by law.

13 (13.5) Willfully failing to report an instance of  
14 suspected child abuse or neglect as required by the Abused  
15 and Neglected Child Reporting Act.

16 (14) Gross negligence in the practice of practical,  
17 professional, or advanced practice registered nursing.

18 (15) Holding oneself out to be practicing nursing  
19 under any name other than one's own.

20 (16) Failure of a licensee to report to the Department  
21 any adverse final action taken against him or her by  
22 another licensing jurisdiction of the United States or any  
23 foreign state or country, any peer review body, any health  
24 care institution, any professional or nursing society or  
25 association, any governmental agency, any law enforcement  
26 agency, or any court or a nursing liability claim related

1 to acts or conduct similar to acts or conduct that would  
2 constitute grounds for action as defined in this Section.

3 (17) Failure of a licensee to report to the Department  
4 surrender by the licensee of a license or authorization to  
5 practice nursing or advanced practice registered nursing  
6 in another state or jurisdiction or current surrender by  
7 the licensee of membership on any nursing staff or in any  
8 nursing or advanced practice registered nursing or  
9 professional association or society while under  
10 disciplinary investigation by any of those authorities or  
11 bodies for acts or conduct similar to acts or conduct that  
12 would constitute grounds for action as defined by this  
13 Section.

14 (18) Failing, within 60 days, to provide information  
15 in response to a written request made by the Department.

16 (19) Failure to establish and maintain records of  
17 patient care and treatment as required by law.

18 (20) Fraud, deceit, or misrepresentation in applying  
19 for or procuring a license under this Act or in connection  
20 with applying for renewal of a license under this Act.

21 (21) Allowing another person or organization to use  
22 the licensee's license to deceive the public.

23 (22) Willfully making or filing false records or  
24 reports in the licensee's practice, including, but not  
25 limited to, false records to support claims against the  
26 medical assistance program of the Department of Healthcare



1 and Family Services (formerly Department of Public Aid)  
2 under the Illinois Public Aid Code.

3 (23) Attempting to subvert or cheat on a licensing  
4 examination administered under this Act.

5 (24) Immoral conduct in the commission of an act,  
6 including, but not limited to, sexual abuse, sexual  
7 misconduct, or sexual exploitation, related to the  
8 licensee's practice.

9 (25) Willfully or negligently violating the  
10 confidentiality between nurse and patient except as  
11 required by law.

12 (26) Practicing under a false or assumed name, except  
13 as provided by law.

14 (27) The use of any false, fraudulent, or deceptive  
15 statement in any document connected with the licensee's  
16 practice.

17 (28) Directly or indirectly giving to or receiving  
18 from a person, firm, corporation, partnership, or  
19 association a fee, commission, rebate, or other form of  
20 compensation for professional services not actually or  
21 personally rendered. Nothing in this paragraph (28)  
22 affects any bona fide independent contractor or employment  
23 arrangements among health care professionals, health  
24 facilities, health care providers, or other entities,  
25 except as otherwise prohibited by law. Any employment  
26 arrangements may include provisions for compensation,

1 health insurance, pension, or other employment benefits  
2 for the provision of services within the scope of the  
3 licensee's practice under this Act. Nothing in this  
4 paragraph (28) shall be construed to require an employment  
5 arrangement to receive professional fees for services  
6 rendered.

7 (29) A violation of the Health Care Worker  
8 Self-Referral Act.

9 (30) Physical illness, mental illness, or disability  
10 that results in the inability to practice the profession  
11 with reasonable judgment, skill, or safety.

12 (31) Exceeding the terms of a collaborative agreement  
13 or the prescriptive authority delegated to a licensee by  
14 his or her collaborating physician or podiatric physician  
15 in guidelines established under a written collaborative  
16 agreement.

17 (32) Making a false or misleading statement regarding  
18 a licensee's skill or the efficacy or value of the  
19 medicine, treatment, or remedy prescribed by him or her in  
20 the course of treatment.

21 (33) Prescribing, selling, administering,  
22 distributing, giving, or self-administering a drug  
23 classified as a controlled substance (designated product)  
24 or narcotic for other than medically accepted therapeutic  
25 purposes.

26 (34) Promotion of the sale of drugs, devices,

1 appliances, or goods provided for a patient in a manner to  
2 exploit the patient for financial gain.

3 (35) Violating State or federal laws, rules, or  
4 regulations relating to controlled substances.

5 (36) Willfully or negligently violating the  
6 confidentiality between an advanced practice registered  
7 nurse, collaborating physician, dentist, or podiatric  
8 physician and a patient, except as required by law.

9 (37) Willfully failing to report an instance of  
10 suspected abuse, neglect, financial exploitation, or  
11 self-neglect of an eligible adult as defined in and  
12 required by the Adult Protective Services Act.

13 (38) Being named as an abuser in a verified report by  
14 the Department on Aging and under the Adult Protective  
15 Services Act, and upon proof by clear and convincing  
16 evidence that the licensee abused, neglected, or  
17 financially exploited an eligible adult as defined in the  
18 Adult Protective Services Act.

19 (39) A violation of any provision of this Act or any  
20 rules adopted under this Act.

21 (40) Violating the Compassionate Use of Medical  
22 Cannabis Program Act.

23 (41) Violating Section 2EEEE of the Consumer Fraud and  
24 Deceptive Business Practices Act.

25 (b-5) The Department shall not revoke, suspend, summarily  
26 suspend, place on probation, reprimand, refuse to issue or

1 renew, or take any other disciplinary or non-disciplinary  
2 action against the license or permit issued under this Act to  
3 practice as a registered nurse or an advanced practice  
4 registered nurse based solely upon the registered nurse or  
5 advanced practice registered nurse providing, authorizing,  
6 recommending, aiding, assisting, referring for, or otherwise  
7 participating in any health care service, so long as the care  
8 was not unlawful under the laws of this State, regardless of  
9 whether the patient was a resident of this State or another  
10 state.

11 (b-10) The Department shall not revoke, suspend, summarily  
12 suspend, place on prohibition, reprimand, refuse to issue or  
13 renew, or take any other disciplinary or non-disciplinary  
14 action against the license or permit issued under this Act to  
15 practice as a registered nurse or an advanced practice  
16 registered nurse based upon the registered nurse's or advanced  
17 practice registered nurse's license being revoked or  
18 suspended, or the registered nurse or advanced practice  
19 registered nurse being otherwise disciplined by any other  
20 state, if that revocation, suspension, or other form of  
21 discipline was based solely on the registered nurse or  
22 advanced practice registered nurse violating another state's  
23 laws prohibiting the provision of, authorization of,  
24 recommendation of, aiding or assisting in, referring for, or  
25 participation in any health care service if that health care  
26 service as provided would not have been unlawful under the

1 laws of this State and is consistent with the standards of  
2 conduct for the registered nurse or advanced practice  
3 registered nurse practicing in Illinois.

4 (b-15) The conduct specified in subsections (b-5) and  
5 (b-10) shall not trigger reporting requirements under Section  
6 65-65 or constitute grounds for suspension under Section  
7 70-60.

8 (b-20) An applicant seeking licensure, certification, or  
9 authorization under this Act who has been subject to  
10 disciplinary action by a duly authorized professional  
11 disciplinary agency of another jurisdiction solely on the  
12 basis of having provided, authorized, recommended, aided,  
13 assisted, referred for, or otherwise participated in health  
14 care shall not be denied such licensure, certification, or  
15 authorization, unless the Department determines that such  
16 action would have constituted professional misconduct in this  
17 State; however, nothing in this Section shall be construed as  
18 prohibiting the Department from evaluating the conduct of such  
19 applicant and making a determination regarding the licensure,  
20 certification, or authorization to practice a profession under  
21 this Act.

22 (c) The determination by a circuit court that a licensee  
23 is subject to involuntary admission or judicial admission as  
24 provided in the Mental Health and Developmental Disabilities  
25 Code, as amended, operates as an automatic suspension. The  
26 suspension will end only upon a finding by a court that the

1 patient is no longer subject to involuntary admission or  
2 judicial admission and issues an order so finding and  
3 discharging the patient; and upon the recommendation of the  
4 Board to the Secretary that the licensee be allowed to resume  
5 his or her practice.

6 (d) The Department may refuse to issue or may suspend or  
7 otherwise discipline the license of any person who fails to  
8 file a return, or to pay the tax, penalty or interest shown in  
9 a filed return, or to pay any final assessment of the tax,  
10 penalty, or interest as required by any tax Act administered  
11 by the Department of Revenue, until such time as the  
12 requirements of any such tax Act are satisfied.

13 (e) In enforcing this Act, the Department, upon a showing  
14 of a possible violation, may compel an individual licensed to  
15 practice under this Act or who has applied for licensure under  
16 this Act, to submit to a mental or physical examination, or  
17 both, as required by and at the expense of the Department. The  
18 Department may order the examining physician to present  
19 testimony concerning the mental or physical examination of the  
20 licensee or applicant. No information shall be excluded by  
21 reason of any common law or statutory privilege relating to  
22 communications between the licensee or applicant and the  
23 examining physician. The examining physicians shall be  
24 specifically designated by the Department. The individual to  
25 be examined may have, at his or her own expense, another  
26 physician of his or her choice present during all aspects of

1 this examination. Failure of an individual to submit to a  
2 mental or physical examination, when directed, shall result in  
3 an automatic suspension without hearing.

4 All substance-related violations shall mandate an  
5 automatic substance abuse assessment. Failure to submit to an  
6 assessment by a licensed physician who is certified as an  
7 addictionist or an advanced practice registered nurse with  
8 specialty certification in addictions may be grounds for an  
9 automatic suspension, as defined by rule.

10 If the Department finds an individual unable to practice  
11 or unfit for duty because of the reasons set forth in this  
12 subsection (e), the Department may require that individual to  
13 submit to a substance abuse evaluation or treatment by  
14 individuals or programs approved or designated by the  
15 Department, as a condition, term, or restriction for  
16 continued, restored, or renewed licensure to practice; or, in  
17 lieu of evaluation or treatment, the Department may file, or  
18 the Board may recommend to the Department to file, a complaint  
19 to immediately suspend, revoke, or otherwise discipline the  
20 license of the individual. An individual whose license was  
21 granted, continued, restored, renewed, disciplined, or  
22 supervised subject to such terms, conditions, or restrictions,  
23 and who fails to comply with such terms, conditions, or  
24 restrictions, shall be referred to the Secretary for a  
25 determination as to whether the individual shall have his or  
26 her license suspended immediately, pending a hearing by the

1 Department.

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

11 An individual licensed under this Act and affected under  
12 this subsection (e) shall be afforded an opportunity to  
13 demonstrate to the Department that he or she can resume  
14 practice in compliance with nursing standards under the  
15 provisions of his or her license.

16 (f) The Department may adopt rules to implement the  
17 changes made by this amendatory Act of the 102nd General  
18 Assembly.

19 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21;  
20 102-1117, eff. 1-13-23.)

21 (225 ILCS 65/70-175 new)

22 Sec. 70-175. Use of artificial intelligence.The Department  
23 may adopt rules to regulate the use of artificial intelligence  
24 tools to provide mental health services by persons licensed  
25 under this Act.



1           Section 20. The Illinois Occupational Therapy Practice Act  
2 is amended by changing Section 19 and by adding Section 20.5 as  
3 follows:

4           (225 ILCS 75/19) (from Ch. 111, par. 3719)

5           (Section scheduled to be repealed on January 1, 2029)

6           Sec. 19. Grounds for discipline.

7           (a) The Department may refuse to issue or renew, or may  
8 revoke, suspend, place on probation, reprimand, or take other  
9 disciplinary or non-disciplinary action as the Department may  
10 deem proper, including imposing fines not to exceed \$10,000  
11 for each violation and the assessment of costs as provided  
12 under Section 19.3 of this Act, with regard to any license for  
13 any one or combination of the following:

14           (1) Material misstatement in furnishing information to  
15 the Department;

16           (2) Violations of this Act, or of the rules  
17 promulgated thereunder;

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

1 of which is dishonesty, or that is directly related to the  
2 practice of the profession;

3 (4) Fraud, misrepresentation, or concealment in  
4 applying for or procuring a license under this Act, or in  
5 connection with applying for renewal of a license under  
6 this Act;

7 (5) Professional incompetence;

8 (6) Aiding or assisting another person, firm,  
9 partnership or corporation in violating any provision of  
10 this Act or rules;

11 (7) Failing, within 60 days, to provide information in  
12 response to a written request made by the Department;

13 (8) Engaging in dishonorable, unethical or  
14 unprofessional conduct of a character likely to deceive,  
15 defraud or harm the public;

16 (9) Habitual or excessive use or abuse of drugs  
17 defined in law as controlled substances, alcohol, or any  
18 other substance that results in the inability to practice  
19 with reasonable judgment, skill, or safety;

20 (10) Discipline by another state, unit of government,  
21 government agency, the District of Columbia, a territory,  
22 or foreign nation, if at least one of the grounds for the  
23 discipline is the same or substantially equivalent to  
24 those set forth herein;

25 (11) Directly or indirectly giving to or receiving  
26 from any person, firm, corporation, partnership, or

1 association any fee, commission, rebate, or other form of  
2 compensation for professional services not actually or  
3 personally rendered. Nothing in this paragraph (11)  
4 affects any bona fide independent contractor or employment  
5 arrangements among health care professionals, health  
6 facilities, health care providers, or other entities,  
7 except as otherwise prohibited by law. Any employment  
8 arrangements may include provisions for compensation,  
9 health insurance, pension, or other employment benefits  
10 for the provision of services within the scope of the  
11 licensee's practice under this Act. Nothing in this  
12 paragraph (11) shall be construed to require an employment  
13 arrangement to receive professional fees for services  
14 rendered;

15 (12) A finding by the Department that the license  
16 holder, after having the license disciplined, has violated  
17 the terms of the discipline;

18 (13) Willfully making or filing false records or  
19 reports in the practice of occupational therapy,  
20 including, but not limited to, false records filed with  
21 the State agencies or departments;

22 (14) Physical illness, including, but not limited to,  
23 deterioration through the aging process or loss of motor  
24 skill which results in the inability to practice under  
25 this Act with reasonable judgment, skill, or safety;

26 (15) Solicitation of professional services other than

1 by permitted advertising;

2 (16) Allowing one's license under this Act to be used  
3 by an unlicensed person in violation of this Act;

4 (17) Practicing under a false or, except as provided  
5 by law, assumed name;

6 (18) Professional incompetence or gross negligence;

7 (19) Malpractice;

8 (20) Promotion of the sale of drugs, devices,  
9 appliances, or goods provided for a patient in any manner  
10 to exploit the client for financial gain of the licensee;

11 (21) Gross, willful, or continued overcharging for  
12 professional services;

13 (22) Mental illness or disability that results in the  
14 inability to practice under this Act with reasonable  
15 judgment, skill, or safety;

16 (23) Violating the Health Care Worker Self-Referral  
17 Act;

18 (24) Failing to refer a patient or individual whose  
19 medical condition should, at the time of evaluation or  
20 treatment, be determined to be beyond the scope of  
21 practice of the occupational therapist to an appropriate  
22 health care professional;

23 (25) Cheating on or attempting to subvert the  
24 licensing examination administered under this Act;

25 (26) Charging for professional services not rendered,  
26 including filing false statements for the collection of

1 fees for which services are not rendered;

2 (27) Practicing beyond the scope of the practice of  
3 occupational therapy;

4 (28) Providing substandard care as an occupational  
5 therapist due to a deliberate or negligent act, negligent  
6 supervision of an occupational therapy assistant, or  
7 failure to act regardless of whether actual injury to the  
8 recipient is established;

9 (29) Providing substandard care as an occupational  
10 therapy assistant, including exceeding the authority to  
11 perform components of intervention selected and delegated  
12 by the supervising occupational therapist regardless of  
13 whether actual injury to the recipient is established;

14 (30) Knowingly delegating responsibilities to an  
15 individual who does not have the knowledge, skills, or  
16 abilities to perform those responsibilities; and

17 (31) Engaging in sexual misconduct. For the purposes  
18 of this paragraph, sexual misconduct includes:

19 (A) engaging in or soliciting a sexual  
20 relationship, whether consensual or non-consensual,  
21 while an occupational therapist or occupational  
22 therapy assistant with the recipient of occupational  
23 therapy services; and

24 (B) making sexual advances, requesting sexual  
25 favors, or engaging in physical contact of a sexual  
26 nature with the recipient of occupational therapy

1 services.

2 (32) Violating Section 2EEEE of the Consumer Fraud and  
3 Deceptive Business Practices Act.

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

8 (b) The determination by a circuit court that a license  
9 holder is subject to involuntary admission or judicial  
10 admission as provided in the Mental Health and Developmental  
11 Disabilities Code, as now or hereafter amended, operates as an  
12 automatic suspension. Such suspension will end only upon a  
13 finding by a court that the patient is no longer subject to  
14 involuntary admission or judicial admission and an order by  
15 the court so finding and discharging the patient. In any case  
16 where a license is suspended under this provision, the  
17 licensee shall file a petition for restoration and shall  
18 include evidence acceptable to the Department that the  
19 licensee can resume practice in compliance with acceptable and  
20 prevailing standards of their profession.

21 (c) The Department may refuse to issue or may suspend  
22 without hearing, as provided for in the Code of Civil  
23 Procedure, the license of any person who fails to file a  
24 return, to pay the tax, penalty, or interest shown in a filed  
25 return, or to pay any final assessment of tax, penalty, or  
26 interest as required by any tax Act administered by the

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

6 (d) In enforcing this Section, the Department, upon a  
7 showing of a possible violation, may compel any individual who  
8 is licensed under this Act or any individual who has applied  
9 for licensure to submit to a mental or physical examination or  
10 evaluation, or both, which may include a substance abuse or  
11 sexual offender evaluation, at the expense of the Department.  
12 The Department shall specifically designate the examining  
13 physician licensed to practice medicine in all of its branches  
14 or, if applicable, the multidisciplinary team involved in  
15 providing the mental or physical examination and evaluation.  
16 The multidisciplinary team shall be led by a physician  
17 licensed to practice medicine in all of its branches and may  
18 consist of one or more or a combination of physicians licensed  
19 to practice medicine in all of its branches, licensed  
20 chiropractic physicians, licensed clinical psychologists,  
21 licensed clinical social workers, licensed clinical  
22 professional counselors, and other professional and  
23 administrative staff. Any examining physician or member of the  
24 multidisciplinary team may require any person ordered to  
25 submit to an examination and evaluation pursuant to this  
26 Section to submit to any additional supplemental testing

1 deemed necessary to complete any examination or evaluation  
2 process, including, but not limited to, blood testing,  
3 urinalysis, psychological testing, or neuropsychological  
4 testing.

5 The Department may order the examining physician or any  
6 member of the multidisciplinary team to provide to the  
7 Department any and all records, including business records,  
8 that relate to the examination and evaluation, including any  
9 supplemental testing performed. The Department may order the  
10 examining physician or any member of the multidisciplinary  
11 team to present testimony concerning this examination and  
12 evaluation of the licensee or applicant, including testimony  
13 concerning any supplemental testing or documents relating to  
14 the examination and evaluation. No information, report,  
15 record, or other documents in any way related to the  
16 examination and evaluation shall be excluded by reason of any  
17 common law or statutory privilege relating to communication  
18 between the licensee or applicant and the examining physician  
19 or any member of the multidisciplinary team. No authorization  
20 is necessary from the licensee or applicant ordered to undergo  
21 an evaluation and examination for the examining physician or  
22 any member of the multidisciplinary team to provide  
23 information, reports, records, or other documents or to  
24 provide any testimony regarding the examination and  
25 evaluation. The individual to be examined may have, at his or  
26 her own expense, another physician of his or her choice



1 present during all aspects of the examination.

2 Failure of any individual to submit to mental or physical  
3 examination or evaluation, or both, when directed, shall  
4 result in an automatic suspension without hearing, until such  
5 time as the individual submits to the examination. If the  
6 Department finds a licensee unable to practice because of the  
7 reasons set forth in this Section, the Department shall  
8 require the licensee to submit to care, counseling, or  
9 treatment by physicians approved or designated by the  
10 Department as a condition for continued, reinstated, or  
11 renewed licensure.

12 When the Secretary immediately suspends a license under  
13 this Section, a hearing upon such person's license must be  
14 convened by the Department within 15 days after the suspension  
15 and completed without appreciable delay. The Department shall  
16 have the authority to review the licensee's record of  
17 treatment and counseling regarding the impairment to the  
18 extent permitted by applicable federal statutes and  
19 regulations safeguarding the confidentiality of medical  
20 records.

21 Individuals licensed under this Act that are affected  
22 under this Section, shall be afforded an opportunity to  
23 demonstrate to the Department that they can resume practice in  
24 compliance with acceptable and prevailing standards under the  
25 provisions of their license.

26 (e) (Blank).

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

13 (Source: P.A. 103-251, eff. 1-1-24.)

14 (225 ILCS 75/20.5 new)

15 Sec. 20.5. Use of artificial intelligence. The Department  
16 may adopt rules to regulate the use of artificial intelligence  
17 tools to provide mental health services by persons licensed  
18 under this Act.

19 Section 25. The Professional Counselor and Clinical  
20 Professional Counselor Licensing and Practice Act is amended  
21 by changing Section 80 and by adding Section 175 as follows:

22 (225 ILCS 107/80)

23 (Section scheduled to be repealed on January 1, 2028)

1           Sec. 80. Grounds for discipline.

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

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

10                   (2) Violations or negligent or intentional disregard  
11                   of this Act or rules adopted under this Act.

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

21                   (4) Fraud or any misrepresentation in applying for or  
22                   procuring a license under this Act or in connection with  
23                   applying for renewal of a license under this Act.

24                   (5) Professional incompetence or gross negligence in  
25                   the rendering of professional counseling or clinical  
26                   professional counseling services.

1 (6) Malpractice.

2 (7) Aiding or assisting another person in violating  
3 any provision of this Act or any rules.

4 (8) Failing to provide information within 60 days in  
5 response to a written request made by the Department.

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

10 (10) Habitual or excessive use or abuse of drugs as  
11 defined in law as controlled substances, alcohol, or any  
12 other substance which results in inability to practice  
13 with reasonable skill, judgment, or safety.

14 (11) Discipline by another jurisdiction, the District  
15 of Columbia, territory, county, or governmental agency, if  
16 at least one of the grounds for the discipline is the same  
17 or substantially equivalent to those set forth in this  
18 Section.

19 (12) Directly or indirectly giving to or receiving  
20 from any person, firm, corporation, partnership, or  
21 association any fee, commission, rebate or other form of  
22 compensation for any professional service not actually  
23 rendered. Nothing in this paragraph (12) affects any bona  
24 fide independent contractor or employment arrangements  
25 among health care professionals, health facilities, health  
26 care providers, or other entities, except as otherwise

1 prohibited by law. Any employment arrangements may include  
2 provisions for compensation, health insurance, pension, or  
3 other employment benefits for the provision of services  
4 within the scope of the licensee's practice under this  
5 Act. Nothing in this paragraph (12) shall be construed to  
6 require an employment arrangement to receive professional  
7 fees for services rendered.

8 (13) A finding by the Board that the licensee, after  
9 having the license placed on probationary status, has  
10 violated the terms of probation.

11 (14) Abandonment of a client.

12 (15) Willfully filing false reports relating to a  
13 licensee's practice, including but not limited to false  
14 records filed with federal or State agencies or  
15 departments.

16 (16) Willfully failing to report an instance of  
17 suspected child abuse or neglect as required by the Abused  
18 and Neglected Child Reporting Act and in matters  
19 pertaining to suspected abuse, neglect, financial  
20 exploitation, or self-neglect of adults with disabilities  
21 and older adults as set forth in the Adult Protective  
22 Services Act.

23 (17) 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 (18) Physical or mental illness or disability,  
5 including, but not limited to, deterioration through the  
6 aging process or loss of abilities and skills which  
7 results in the inability to practice the profession with  
8 reasonable judgment, skill, or safety.

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

11 (20) Allowing one's license under this Act to be used  
12 by an unlicensed person in violation of this Act.

13 (21) A finding that licensure has been applied for or  
14 obtained by fraudulent means.

15 (22) Practicing under a false or, except as provided  
16 by law, an assumed name.

17 (23) Gross and willful overcharging for professional  
18 services including filing statements for collection of  
19 fees or monies for which services are not rendered.

20 (24) Rendering professional counseling or clinical  
21 professional counseling services without a license or  
22 practicing outside the scope of a license.

23 (25) Clinical supervisors failing to adequately and  
24 responsibly monitor supervisees.

25 (26) Violating Section 2EEEE of the Consumer Fraud and  
26 Deceptive Business Practices Act.

1 All fines imposed under this Section shall be paid within  
2 60 days after the effective date of the order imposing the  
3 fine.

4 (b) (Blank).

5 (b-5) The Department may refuse to issue or may suspend  
6 without hearing, as provided for in the Code of Civil  
7 Procedure, the license of any person who fails to file a  
8 return, pay the tax, penalty, or interest shown in a filed  
9 return, or pay any final assessment of the tax, penalty, or  
10 interest as required by any tax Act administered by the  
11 Illinois Department of Revenue, until such time as the  
12 requirements of any such tax Act are satisfied in accordance  
13 with subsection (g) of Section 2105-15 of the Department of  
14 Professional Regulation Law of the Civil Administrative Code  
15 of Illinois.

16 (b-10) In cases where the Department of Healthcare and  
17 Family Services has previously determined a licensee or a  
18 potential licensee is more than 30 days delinquent in the  
19 payment of child support and has subsequently certified the  
20 delinquency to the Department, the Department may refuse to  
21 issue or renew or may revoke or suspend that person's license  
22 or may take other disciplinary action against that person  
23 based solely upon the certification of delinquency made by the  
24 Department of Healthcare and Family Services in accordance  
25 with item (5) of subsection (a) of Section 2105-15 of the  
26 Department of Professional Regulation Law of the Civil

1 Administrative Code of Illinois.

2 (c) The determination by a court that a licensee is  
3 subject to involuntary admission or judicial admission as  
4 provided in the Mental Health and Developmental Disabilities  
5 Code will result in an automatic suspension of his or her  
6 license. The suspension will end upon a finding by a court that  
7 the licensee is no longer subject to involuntary admission or  
8 judicial admission, the issuance of an order so finding and  
9 discharging the patient, and the recommendation of the Board  
10 to the Secretary that the licensee be allowed to resume  
11 professional practice.

12 (c-1) The Department shall not revoke, suspend, summarily  
13 suspend, place on prohibition, reprimand, refuse to issue or  
14 renew, or take any other disciplinary or non-disciplinary  
15 action against the license or permit issued under this Act to  
16 practice as a professional counselor or clinical professional  
17 counselor based solely upon the professional counselor or  
18 clinical professional counselor authorizing, recommending,  
19 aiding, assisting, referring for, or otherwise participating  
20 in any health care service, so long as the care was not  
21 unlawful under the laws of this State, regardless of whether  
22 the patient was a resident of this State or another state.

23 (c-2) The Department shall not revoke, suspend, summarily  
24 suspend, place on prohibition, reprimand, refuse to issue or  
25 renew, or take any other disciplinary or non-disciplinary  
26 action against the license or permit issued under this Act to



1 practice as a professional counselor or clinical professional  
2 counselor based upon the professional counselor's or clinical  
3 professional counselor's license being revoked or suspended,  
4 or the professional counselor or clinical professional  
5 counselor being otherwise disciplined by any other state, if  
6 that revocation, suspension, or other form of discipline was  
7 based solely on the professional counselor or clinical  
8 professional counselor violating another state's laws  
9 prohibiting the provision of, authorization of, recommendation  
10 of, aiding or assisting in, referring for, or participation in  
11 any health care service if that health care service as  
12 provided would not have been unlawful under the laws of this  
13 State and is consistent with the standards of conduct for a  
14 professional counselor or clinical professional counselor  
15 practicing in Illinois.

16 (c-3) The conduct specified in subsections (c-1) and (c-2)  
17 shall not constitute grounds for suspension under Section 145.

18 (c-4) An applicant seeking licensure, certification, or  
19 authorization pursuant to this Act who has been subject to  
20 disciplinary action by a duly authorized professional  
21 disciplinary agency of another jurisdiction solely on the  
22 basis of having authorized, recommended, aided, assisted,  
23 referred for, or otherwise participated in health care shall  
24 not be denied such licensure, certification, or authorization,  
25 unless the Department determines that such action would have  
26 constituted professional misconduct in this State; however,

1 nothing in this Section shall be construed as prohibiting the  
2 Department from evaluating the conduct of such applicant and  
3 making a determination regarding the licensure, certification,  
4 or authorization to practice a profession under this Act.

5 (c-5) In enforcing this Act, the Department, upon a  
6 showing of a possible violation, may compel an individual  
7 licensed to practice under this Act, or who has applied for  
8 licensure under this Act, to submit to a mental or physical  
9 examination, or both, as required by and at the expense of the  
10 Department. The Department may order the examining physician  
11 to present testimony concerning the mental or physical  
12 examination of the licensee or applicant. No information shall  
13 be excluded by reason of any common law or statutory privilege  
14 relating to communications between the licensee or applicant  
15 and the examining physician. The examining physicians shall be  
16 specifically designated by the Department. The individual to  
17 be examined may have, at his or her own expense, another  
18 physician of his or her choice present during all aspects of  
19 this examination. The examination shall be performed by a  
20 physician licensed to practice medicine in all its branches.  
21 Failure of an individual to submit to a mental or physical  
22 examination, when directed, shall result in an automatic  
23 suspension without hearing.

24 All substance-related violations shall mandate an  
25 automatic substance abuse assessment. Failure to submit to an  
26 assessment by a licensed physician who is certified as an

1 addictionist or an advanced practice registered nurse with  
2 specialty certification in addictions may be grounds for an  
3 automatic suspension.

4 If the Department finds an individual unable to practice  
5 or unfit for duty because of the reasons set forth in this  
6 subsection (c-5), the Department may require that individual  
7 to submit to a substance abuse evaluation or treatment by  
8 individuals or programs approved or designated by the  
9 Department, as a condition, term, or restriction for  
10 continued, restored, or renewed licensure to practice; or, in  
11 lieu of evaluation or treatment, the Department may file, or  
12 the Board may recommend to the Department to file, a complaint  
13 to immediately suspend, revoke, or otherwise discipline the  
14 license of the individual. An individual whose license was  
15 granted, continued, restored, renewed, disciplined, or  
16 supervised subject to such terms, conditions, or restrictions,  
17 and who fails to comply with such terms, conditions, or  
18 restrictions, shall be referred to the Secretary for a  
19 determination as to whether the individual shall have his or  
20 her license suspended immediately, pending a hearing by the  
21 Department.

22 A person holding a license under this Act or who has  
23 applied for a license under this Act who, because of a physical  
24 or mental illness or disability, including, but not limited  
25 to, deterioration through the aging process or loss of motor  
26 skill, is unable to practice the profession with reasonable

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

15 In instances in which the Secretary immediately suspends a  
16 person's license under this Section, a hearing on that  
17 person's license must be convened by the Department within 15  
18 days after the suspension and completed without appreciable  
19 delay. The Department shall have the authority to review the  
20 subject individual's record of treatment and counseling  
21 regarding the impairment to the extent permitted by applicable  
22 federal statutes and regulations safeguarding the  
23 confidentiality of medical records.

24 An individual licensed under this Act and affected under  
25 this Section shall be afforded an opportunity to demonstrate  
26 to the Department that he or she can resume practice in

1 compliance with acceptable and prevailing standards under the  
2 provisions of his or her license.

3 (d) (Blank).

4 (e) The Department may adopt rules to implement the  
5 changes made by this amendatory Act of the 102nd General  
6 Assembly.

7 (Source: P.A. 102-878, eff. 1-1-23; 102-1117, eff. 1-13-23.)

8 (225 ILCS 107/175 new)

9 Sec. 175. Use of artificial intelligence. The Department  
10 may adopt rules to regulate the use of artificial intelligence  
11 tools to provide mental health services by persons licensed  
12 under this Act.

13 Section 30. The Consumer Fraud and Deceptive Business  
14 Practices Act is amended by adding Section 2EEEE as follows:

15 (815 ILCS 505/2EEEE new)

16 Sec. 2EEEE. Use of artificial intelligence in mental  
17 health services.

18 (a) As used in this Section:

19 "Artificial intelligence" means any technology that can  
20 simulate human intelligence, including, but not limited to,  
21 natural language processing, training language models, and  
22 reinforcement learning from human feedback and machine  
23 learning systems.

1 "Licensed mental health professional" means:

2 (1) a licensed social worker or licensed clinical  
3 social worker licensed under the Clinical Social Work and  
4 Social Work Practice Act;

5 (2) a licensed professional counselor licensed under  
6 the Professional Counselor and Clinical Professional  
7 Counselor Licensing and Practice Act;

8 (3) a registered nurse licensed under the Nurse  
9 Practice Act that specializes in psychiatric nursing;

10 (4) an occupational therapist licensed under the  
11 Illinois Occupational Therapy Practice Act that works in a  
12 mental health setting; or

13 (5) a psychiatrist licensed under the Medical Practice  
14 Act of 1987.

15 "Mental health services" means any service provided by a  
16 licensed mental health professional for the purpose of  
17 diagnosing, treating, or preventing mental illness or  
18 emotional or behavioral disorders.

19 (b) It is an unlawful practice within the meaning of this  
20 Act for a licensed mental health professional to provide  
21 mental health services to a patient through the use of  
22 artificial intelligence without first obtaining informed  
23 consent from the patient for the use of artificial  
24 intelligence tools and disclosing the use of artificial  
25 intelligence tools to the patient before providing services  
26 through the use of artificial intelligence.