

1 AN ACT concerning regulation.

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

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

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

14 Section 10. Definitions. In this Act:

15 "Administrative support" means tasks performed to assist a
16 licensed professional in the delivery of therapy or
17 psychotherapy services that do not involve communication.

18 "Administrative support" includes, but is not limited to, the
19 following:

- 20 (1) managing appointment scheduling and reminders;
21 (2) processing billing and insurance claims; and
22 (3) drafting general communications related to therapy

1 logistics that do not include therapeutic advice.

2 "Artificial intelligence" has the meaning given to that
3 term in Section 2-101 of the Illinois Human Rights Act.

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

11 (1) the acceptance of a general or broad terms of use
12 agreement or a similar document that contains descriptions
13 of artificial intelligence along with other unrelated
14 information;

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

17 (3) an agreement obtained through the use of deceptive
18 actions.

19 "Department" means the Department of Financial and
20 Professional Regulation.

21 "Licensed professional" means an individual who holds a
22 valid license issued by this State to provide therapy or
23 psychotherapy services, including:

24 (1) a licensed clinical psychologist;

25 (2) a licensed clinical social worker;

26 (3) a licensed social worker;

- 1 (4) a licensed professional counselor;
- 2 (5) a licensed clinical professional counselor;
- 3 (6) a licensed marriage and family therapist;
- 4 (7) a certified alcohol and other drug counselor
- 5 authorized to provide therapy or psychotherapy services;
- 6 (8) a licensed professional music therapist;
- 7 (9) a licensed advanced practice psychiatric nurse as
- 8 defined in Section 1-101.3 of the Mental Health and
- 9 Developmental Disabilities Code; and
- 10 (10) any other professional authorized by this State
- 11 to provide therapy or psychotherapy services, except for a
- 12 physician.

13 "Peer support" means services provided by individuals with

14 lived experience of mental health conditions or recovery from

15 substance use that are intended to offer encouragement,

16 understanding, and guidance without clinical intervention.

17 "Religious counseling" means counseling provided by clergy

18 members, pastoral counselors, or other religious leaders

19 acting within the scope of their religious duties if the

20 services are explicitly faith-based and are not represented as

21 clinical mental health services or therapy or psychotherapy

22 services.

23 "Supplementary support" means tasks performed to assist a

24 licensed professional in the delivery of therapy or

25 psychotherapy services that do not involve therapeutic

26 communication and that are not administrative support.

1 "Supplementary support" includes, but is not limited to, the
2 following:

3 (1) preparing and maintaining client records,
4 including therapy notes;

5 (2) analyzing anonymized data to track client progress
6 or identify trends, subject to review by a licensed
7 professional; and

8 (3) identifying and organizing external resources or
9 referrals for client use.

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

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

15 (1) direct interactions with clients for the purpose
16 of understanding or reflecting their thoughts, emotions,
17 or experiences;

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

20 (3) offering emotional support, reassurance, or
21 empathy in response to psychological or emotional
22 distress;

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

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

1 "Therapy or psychotherapy services" means services
2 provided to diagnose, treat, or improve an individual's mental
3 health or behavioral health. "Therapy or psychotherapy
4 services" does not include religious counseling or peer
5 support.

6 Section 15. Permitted use of artificial intelligence.

7 (a) As used in this Section, "permitted use of artificial
8 intelligence" means the use of artificial intelligence tools
9 or systems by a licensed professional to assist in providing
10 administrative support or supplementary support in therapy or
11 psychotherapy services where the licensed professional
12 maintains full responsibility for all interactions, outputs,
13 and data use associated with the system and satisfies the
14 requirements of subsection (b).

15 (b) No licensed professional shall be permitted to use
16 artificial intelligence to assist in providing supplementary
17 support in therapy or psychotherapy where the client's
18 therapeutic session is recorded or transcribed unless:

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

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

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

24 (2) the patient or the patient's legally authorized
25 representative provides consent to the use of artificial

1 intelligence.

2 Section 20. Prohibition on unauthorized therapy services.

3 (a) An individual, corporation, or entity may not provide,
4 advertise, or otherwise offer therapy or psychotherapy
5 services, including through the use of Internet-based
6 artificial intelligence, to the public in this State unless
7 the therapy or psychotherapy services are conducted by an
8 individual who is a licensed professional.

9 (b) A licensed professional may use artificial
10 intelligence only to the extent the use meets the requirements
11 of Section 15. A licensed professional may not allow
12 artificial intelligence to do any of the following:

13 (1) make independent therapeutic decisions;

14 (2) directly interact with clients in any form of
15 therapeutic communication;

16 (3) generate therapeutic recommendations or treatment
17 plans without review and approval by the licensed
18 professional; or

19 (4) detect emotions or mental states.

20 Section 25. Disclosure of records and communications. All
21 records kept by a licensed professional and all communications
22 between an individual seeking therapy or psychotherapy
23 services and a licensed professional shall be confidential and
24 shall not be disclosed except as required under the Mental

1 Health and Developmental Disabilities Confidentiality Act.

2 Section 30. Enforcement and penalties.

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

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

19 Section 35. Exceptions. This Act does not apply to the
20 following:

- 21 (1) religious counseling;
22 (2) peer support; and
23 (3) self-help materials and educational resources that
24 are available to the public and do not purport to offer

1 therapy or psychotherapy services.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.