

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" means a machine-based system
3 that, for explicit or implicit objectives, infers from the
4 input it receives how to generate output such as predictions,
5 content, recommendations, or decisions that can influence real
6 or virtual environments. "Artificial intelligence" includes
7 generative artificial intelligence, which consists of an
8 automated computing system that, when prompted with human
9 prompts, descriptions, or queries, can produce outputs that
10 simulate human-produced content, including, but not limited
11 to, the following:

12 (1) textual outputs, such as short answers, essays, or
13 poetry or longer compositions or answers;

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

16 (3) multimedia outputs, such as audio or video in the
17 form of compositions or songs or short-form or long-form
18 audio or video; and

19 (4) other content that would be otherwise produced by
20 human means.

21 "Consent" means a clear, explicit affirmative act by an
22 individual that: (i) unambiguously communicates the
23 individual's express, freely given, informed, voluntary,
24 specific, and unambiguous written agreement, including a
25 written agreement provided by electronic means, and (ii) is
26 revocable by the individual. "Consent" does not include an

1 agreement that is obtained by the following:

2 (1) the acceptance of a general or broad terms of use
3 agreement or a similar document that contains descriptions
4 of artificial intelligence along with other unrelated
5 information;

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

8 (3) an agreement obtained through the use of deceptive
9 actions.

10 "Department" means the Department of Financial and
11 Professional Regulation.

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

15 (1) a licensed clinical psychologist;

16 (2) a licensed clinical social worker;

17 (3) a licensed social worker;

18 (4) a licensed professional counselor;

19 (5) a licensed clinical professional counselor;

20 (6) a licensed marriage and family therapist;

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

23 (8) a licensed professional music therapist;

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

1 (10) any other professional authorized by this State
2 to provide therapy or psychotherapy services, except for a
3 physician.

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

8 "Religious counseling" means counseling provided by clergy
9 members, pastoral counselors, or other religious leaders
10 acting within the scope of their religious duties if the
11 services are explicitly faith-based and are not represented as
12 clinical mental health services or therapy or psychotherapy
13 services.

14 "Supplementary support" means tasks performed to assist a
15 licensed professional in the delivery of therapy or
16 psychotherapy services that do not involve therapeutic
17 communication and that are not administrative support.
18 "Supplementary support" includes, but is not limited to, the
19 following:

20 (1) preparing and maintaining client records,
21 including therapy notes;

22 (2) analyzing anonymized data to track client progress
23 or identify trends, subject to review by a licensed
24 professional; and

25 (3) identifying and organizing external resources or
26 referrals for client use.

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

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

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

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

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

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

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

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

23 Section 15. Permitted use of artificial intelligence.

24 (a) As used in this Section, "permitted use of artificial
25 intelligence" means the use of artificial intelligence tools

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

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

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

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

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

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

19 Section 20. Prohibition on unauthorized therapy services.

20 (a) An individual, corporation, or entity may not provide,
21 advertise, or otherwise offer therapy or psychotherapy
22 services, including through the use of Internet-based
23 artificial intelligence, to the public in this State unless
24 the therapy or psychotherapy services are conducted by an
25 individual who is a licensed professional.

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

6 (1) make independent therapeutic decisions;

7 (2) directly interact with clients in any form of
8 therapeutic communication;

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

12 (4) detect emotions or mental states.

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

19 Section 30. Enforcement and penalties.

20 (a) Any individual, corporation, or entity found in
21 violation of this Act shall pay a civil penalty to the
22 Department in an amount not to exceed \$10,000 per violation,
23 as determined by the Department, with penalties assessed based
24 on the degree of harm and the circumstances of the violation.

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

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

12 Section 35. Exceptions. This Act does not apply to the
13 following:

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.