



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1651

Introduced 2/13/2013, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 80/4.34 new

Creates the Colon Hydrotherapist Licensing Act. Establishes licensing requirements for the practice of colon hydrotherapy by the Department of Financial and Professional Regulation and provides that no person shall practice colon hydrotherapy for compensation without a license under the Act. Creates the Colon Hydrotherapy Licensing Board. Establishes guidelines for applications, endorsement, display of licenses, exemptions, advertising, investigations and hearings, continuing education, renewal and restoration of licenses, suspension of licenses, fees, confidentiality, and violations of the Act. Amends the regulatory Sunset Act. Provides for the repeal of the Colon Hydrotherapist Licensing Act on January 1, 2024. Effective on January 1, 2014.

LRB098 10562 MGM 40807 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Colon
5 Hydrotherapist Licensing Act.

6 Section 5. Declaration of public policy. The purpose of
7 this Act is to protect and benefit the public by setting
8 standards of qualifications, education, training, and
9 experience for those who seek to practice colon hydrotherapy,
10 to promote high standards of professional performance for those
11 licensed to practice colon hydrotherapy in this State, and to
12 protect the public from unprofessional conduct by persons
13 licensed to practice colon hydrotherapy.

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

15 "Address of record" means the designated address recorded
16 by the Department in the applicant's or licensee's application
17 file or license file as maintained by the Department's
18 licensure maintenance unit. It is the duty of the applicant or
19 licensee to inform the Department of any change of address and
20 those changes must be made either through the Department's
21 website or by contacting the Department.

22 "Approved colon hydrotherapy school" means a program that

1 meets the minimum standards for training and curriculum
2 determined by the Department.

3 "Board" means the Colon Hydrotherapy Licensing Board
4 appointed by the Secretary.

5 "Compensation" means the receipt of payment, loan,
6 advance, donation, contribution, deposit, or gift of money or
7 anything of value.

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

10 "Colon hydrotherapist" means a trained individual who is
11 licensed by the Department and administers colon hydrotherapy
12 for compensation.

13 "Colonic", "colon irrigation", or "colon hydrotherapy"
14 mean the practice of introducing warm, filtered, and
15 temperature regulated water into the large intestine or colon
16 by permitted establishments and practitioners for the purpose
17 of hydrating the waste and body and softening and loosening
18 fecal waste, resulting in evacuation. "Colonic" or "colon
19 hydrotherapy" may include, but are not limited to, techniques
20 used to stimulate reflex points in the abdomen, hands, and
21 feet. As part of the practice, "colonic" or "colon
22 hydrotherapy" may also include discussion of lifestyle,
23 healthy eating, and exercise. The colon hydrotherapist may
24 provide to the client written aftercare instructions relating
25 to the session. "Colonic" or "colon hydrotherapy" does not
26 include the diagnosis of a specific pathology or treatment for

1 any medical condition. "Colon hydrotherapy" does not include
2 those acts of massage, physical therapy, or therapeutic or
3 corrective measures that are outside the scope of colon
4 hydrotherapy practice as defined in this Section.

5 "Secretary" means the Secretary of the Department of
6 Financial and Professional Regulation.

7 Section 15. Licensure requirements.

8 (a) Beginning January 1, 2014, persons engaged in colon
9 hydrotherapy for compensation must be licensed by the
10 Department. The Department shall only issue a license to an
11 individual if the applicant:

12 (1) has applied in writing on the prescribed forms and
13 has paid the required fees;

14 (2) is at least 18 years of age and of good moral
15 character; in determining good moral character, the
16 Department may take into consideration conviction of any
17 crime under the laws of the United States, any state, or
18 territory that is a felony or a misdemeanor or any crime
19 that is directly related to the practice of the profession;
20 a conviction shall not operate automatically as a complete
21 bar to a license, except in the case of any conviction for
22 prostitution, rape, or sexual misconduct, or where the
23 applicant is a registered sex offender; and

24 (3) has met one of the following requirements:

25 (A) has successfully completed a colon

1 hydrotherapy program approved by the Department that
2 requires 100 hours of course study with no less than
3 100 hours of classroom instruction, a minimum of 45
4 hours of anatomy and physiology, and 25 intern sessions
5 (such as the course offered by the International
6 Association for Colon Hydrotherapy), and has passed a
7 competency examination managed by the National Board
8 for Colon Hydrotherapy; or

9 (B) holds a current license from another
10 jurisdiction having licensure requirements that
11 include the completion of a colon hydrotherapy program
12 of not less than 100 hours.

13 (b) Each applicant for licensure as a colon hydrotherapist
14 shall have his or her fingerprints submitted to the Department
15 of State Police in an electronic format that complies with the
16 form and manner for requesting and furnishing criminal history
17 record information as prescribed by the Department of State
18 Police. These fingerprints shall be checked against the
19 Department of State Police and Federal Bureau of Investigation
20 criminal history record databases. The Department of State
21 Police shall charge applicants a fee for conducting the
22 criminal history records check, which shall be deposited into
23 the State Police Services Fund and shall not exceed the actual
24 cost of the records check. After the identification of any
25 convictions, the Department of State Police shall furnish
26 records of the convictions to the Department. The Department

1 may require applicants to pay a separate fingerprinting fee,
2 either to the Department or to a vendor. The Department may, in
3 its discretion, allow an applicant who does not have reasonable
4 access to a designated vendor to provide his or her
5 fingerprints in an alternative manner. The Department may adopt
6 any rules necessary to implement this Section.

7 Section 20. Social Security number on license application.
8 In addition to any other information required to be contained
9 in the application, every application for an original, renewed,
10 reinstated, or restored license under this Act shall include
11 the applicant's Social Security number.

12 Section 25. Endorsement. The Department may, in its
13 discretion, license as a colon hydrotherapist, by endorsement,
14 an applicant who is a colon hydrotherapist licensed under the
15 laws of another state or territory, if the requirements for
16 licensure in the state or territory where the applicant was
17 licensed were, at the date of his or her licensure,
18 substantially equivalent to the requirements in force in this
19 State on that date, and if the applicant has paid the required
20 fee to the Department. The Department may adopt any rules
21 necessary to implement this Section.

22 Applicants have 3 years after the date of application to
23 complete the application process. If the process has not been
24 completed within the 3 years, the application shall be denied,

1 the fee forfeited, and the applicant must reapply and meet the
2 requirements in effect at the time of reapplication.

3 Section 30. Exemptions.

4 (a) This Act does not prohibit a person licensed under any
5 other Act in this State from engaging in the practice for which
6 he or she is licensed.

7 (b) Persons exempted under this Section include, but are
8 not limited to, physicians, chiropractors, and naprapaths.

9 (c) Nothing in this Act prohibits a student of an approved
10 colon hydrotherapy school or program from performing colon
11 hydrotherapy, provided that the student does not hold himself
12 or herself out as a licensed colon hydrotherapist and does not
13 receive compensation, including tips, for colon hydrotherapy
14 services.

15 (d) Nothing in this Act applies to licensed colon
16 hydrotherapists from other states or countries when providing
17 educational programs or services for a period not exceeding 30
18 days within a calendar year.

19 (e) Nothing in this Act prohibits, restricts, or applies to
20 persons that do not provide colonic irrigation, colon
21 hydrotherapy, or colonic services who are practicing within the
22 broad area of complimentary and alternative health care
23 practices including, but not limited to, practices of
24 detoxification, skin brushing, cleansing therapies, techniques
25 used to stimulate reflex points in the abdomen, hands, and

1 feet, the use of dietary supplements or homeopathic remedies,
2 or encouraging healthy eating choices, lifestyle, and
3 exercise.

4 Section 35. Title protection.

5 (a) Persons regulated by this Act are designated as colon
6 hydrotherapists. Unless he or she has been issued, by the
7 Department, a valid, existing license under this Act, no person
8 may use the title and designation of "colon hydrotherapist" or
9 the terms "colonic", "colon hydrotherapy", and "colonic
10 irrigation" when advertising or printing promotional material.

11 (b) Anyone who knowingly aids and abets one or more persons
12 not authorized to use a professional title regulated by this
13 Act or knowingly employs persons not authorized to use the
14 regulated professional title in the course of their employment,
15 commits a violation of this Act.

16 (c) Anyone not authorized under this Act to use the term
17 "colonic", "colon hydrotherapy", or "colonic irrigation" and
18 who knowingly use these terms when advertising commits a
19 violation of this Act.

20 Section 40. Display of license. Every licensee shall
21 display his or her license or a copy in a conspicuous place in
22 the licensee's principal place of business or any other
23 location where the licensee provides colon hydrotherapy
24 services.

1 Section 45. Colon Hydrotherapy Licensing Board.

2 (a) The Secretary shall appoint a Colon Hydrotherapy
3 Licensing Board which shall serve in an advisory capacity to
4 the Secretary. The Board shall consist of 7 members, 6 of whom
5 shall be colon hydrotherapists with at least 3 years of
6 experience in colon hydrotherapy and one member of the Board
7 shall be a member of the public who is not licensed under this
8 Act or a similar Act in Illinois or another jurisdiction.
9 Membership on the Board shall reasonably reflect the geographic
10 areas of the State. The Board shall meet annually to elect a
11 chairperson and vice-chairperson. The Board shall hold
12 regularly scheduled meetings during the year. A simple majority
13 of the Board shall constitute a quorum at any meeting. Any
14 action taken by the Board must be on the affirmative vote of a
15 simple majority of members. Voting by proxy shall not be
16 permitted. In the case of an emergency where all Board members
17 cannot meet in person, the Board may convene a meeting via an
18 electronic format in accordance with the Open Meetings Act.

19 (b) Members shall be appointed to a 3-year term, except
20 that initial appointees shall serve the following terms: 2
21 members shall serve for one year, 2 members shall serve for 2
22 years, and 3 members shall serve for 3 years. A member whose
23 term has expired shall continue to serve until his or her
24 successor is appointed. No member shall be reappointed to the
25 Board for a term that would cause his or her continuous service

1 on the Board to exceed 9 years. Appointments to fill a vacancy
2 shall be made in the same manner as the original appointments.

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

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

9 (e) The Secretary shall consider the recommendations of the
10 Board on questions involving the standards of professional
11 conduct, discipline, and qualifications of applicants and
12 licensees under this Act. Nothing shall limit the ability of
13 the Board to provide recommendations to the Secretary in regard
14 to any matter affecting the administration of this Act. The
15 Secretary shall give due consideration to all recommendations
16 of the Board.

17 (f) The Secretary may terminate the appointment of any
18 member for cause, which, in the opinion of the Secretary,
19 reasonably justifies termination and may include, but is not
20 limited to, a Board member who does not attend 2 consecutive
21 meetings.

22 Section 50. Duties of the Department. The Department shall
23 exercise the powers and duties prescribed by the Civil
24 Administrative Code of Illinois for administration of
25 licensing Acts and shall exercise other powers and duties

1 necessary for effectuating the purpose of this Act. The
2 Department shall adopt rules to implement, interpret, or make
3 specific the provisions and purposes of this Act. No rules
4 shall be adopted by the Department until reviewed by the Board.

5 Section 55. Grounds for discipline.

6 (a) The Department may refuse to issue or renew, or may
7 revoke, suspend, place on probation, reprimand, or take other
8 disciplinary or non-disciplinary action, as the Department
9 considers appropriate, including the imposition of fines not to
10 exceed \$1,000 for each violation, with regard to any license or
11 licensee for any one or more of the following:

12 (1) violations of this Act or its rules;

13 (2) making a material misstatement in an application
14 for a license or for renewal of a license;

15 (3) gross or repeated malpractice or failing to
16 practice colon hydrotherapy with the level of care, skill,
17 and treatment that is recognized by a reasonably prudent
18 colon hydrotherapist as being acceptable under similar
19 conditions and circumstances;

20 (4) advertising in a false, deceptive, or misleading
21 manner;

22 (5) aiding, abetting, assisting, procuring, advising,
23 employing, or contracting with any unlicensed person to
24 practice colon hydrotherapy in violation of any rules or
25 provisions of this Act;

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

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

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

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

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

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

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

23 (13) conviction of an offense or discipline that
24 substantially relates to the practice of colon
25 hydrotherapy by another state, District of Columbia,
26 territory, or foreign nation;

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

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

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

12 (17) inability to practice the profession with
13 reasonable judgment, skill, or safety as a result of
14 physical illness, including, but not limited to,
15 deterioration through the aging process, loss of motor
16 skill, or a mental illness or disability;

17 (18) charging for professional services not rendered
18 including filing false statements for the collection of
19 fees for which services are not rendered;

20 (19) practicing under a false or, except as provided by
21 law, assumed name;

22 (20) cheating on or attempting to subvert the licensing
23 examination administered under this Act; or

24 (21) engaging in conduct while practicing colon
25 hydrotherapy that poses an imminent risk of recognizable
26 and significant physical harm to an individual.

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

3 (b) A person not licensed under this Act and engaged in the
4 business of offering colon hydrotherapy services through
5 others, shall not aid, abet, assist, procure, advise, employ,
6 or contract with any unlicensed person to practice colon
7 hydrotherapy in violation of any rules or provisions of this
8 Act. A person violating this subsection (b) shall be treated as
9 a licensee for the purposes of disciplinary action under this
10 Section and shall be subject to cease and desist orders as
11 provided in Section 105 of this Act.

12 (c) The Department shall revoke any license issued under
13 this Act of any person who is convicted of prostitution, rape,
14 sexual misconduct, or any crime that subjects the licensee to
15 compliance with the requirements of the Sex Offender
16 Registration Act and any such conviction shall operate as a
17 permanent bar in this State to practice as a colon
18 hydrotherapist.

19 (d) The Department may refuse to issue or may suspend the
20 license of any person who fails to file a tax return, to pay
21 the tax, penalty, or interest shown in a filed tax return, or
22 to pay any final assessment of tax, penalty, or interest, as
23 required by any tax Act administered by the Illinois Department
24 of Revenue, until such time as the requirements of the tax Act
25 are satisfied in accordance with subsection (g) of Section
26 2105-15 of the Department of Professional Regulation Law of the

1 Civil Administrative Code of Illinois.

2 (e) The Department shall deny a license or renewal
3 authorized by this Act to a person who has defaulted on an
4 educational loan or scholarship provided or guaranteed by the
5 Illinois Student Assistance Commission or any governmental
6 agency of this State in accordance with item (5) of subsection
7 (g) of Section 2105-15 of the Department of Professional
8 Regulation Law of the Civil Administrative Code of Illinois.

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

21 (g) The determination by a circuit court that a licensee is
22 subject to involuntary admission or judicial admission, as
23 provided in the Mental Health and Developmental Disabilities
24 Code, operates as an automatic suspension. The suspension shall
25 end only upon a finding by a court that the patient is no
26 longer subject to involuntary admission or judicial admission

1 and the issuance of a court order so finding and discharging
2 the patient.

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

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 to,
25 deterioration through the aging process or loss of motor skill,
26 is unable to practice the profession with reasonable judgment,

1 skill, or safety, may be required by the Department to submit
2 to care, counseling, or treatment by physicians approved or
3 designated by the Department as a condition, term, or
4 restriction for continued, reinstated, or renewed licensure to
5 practice. Submission to care, counseling, or treatment as
6 required by the Department shall not be considered discipline
7 of a licensee. 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 or suspend the license or otherwise discipline the
11 licensee. 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 When the Secretary immediately suspends a person's license
16 under this Section, a hearing on that person's license shall be
17 convened by the Department within 15 days after the suspension
18 and completed without appreciable delay. The Department and
19 Board shall have the authority to review the subject
20 individual's record of treatment and counseling regarding the
21 impairment to the extent permitted by applicable federal
22 statutes and regulations safeguarding the confidentiality of
23 medical records.

24 An individual licensed under this Act and affected under
25 this Section shall be afforded an opportunity to demonstrate to
26 the Department or Board 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 Section 60. Advertising.

4 (a) It is a Class A misdemeanor for any person,
5 organization, or corporation to advertise colon hydrotherapy
6 services unless the person providing the service holds a valid
7 license under this Act, except for those excluded licensed
8 professionals who are allowed to include colon hydrotherapy in
9 their scope of practice. A colon hydrotherapist may not
10 advertise unless he or she has a current license issued by this
11 State. "Advertise" as used in this subsection includes, but is
12 not limited to, the issuance of any card, sign, or device to
13 any person; the causing, permitting, or allowing of any sign or
14 marking on or in any building, vehicle, or structure;
15 advertising in any newspaper or magazine; any listing or
16 advertising in any directory under a classification or heading
17 that includes the words "colonic", "colon hydrotherapist", or
18 "colon hydrotherapy"; or commercials broadcast by any means.

19 (b) The colon hydrotherapist shall maintain an absolutely
20 factual and true representation of the colon hydrotherapy
21 procedure and profession in any advertising medium.
22 Advertising under this subsection shall include the license
23 number in any advertisement. It is a Class A misdemeanor for
24 any person, organization, or corporation to advertise or imply
25 that colon hydrotherapy can treat any disease or condition. For

1 the purposes of this subsection, "advertising medium" means any
2 newspaper, airwave or computer transmission, telephone
3 directory listing other than an in-column listing consisting
4 only of a name, address, and telephone number, business card,
5 handbill, flyer, sign other than a building directory listing
6 all building tenants and their room or suite numbers, or other
7 form of written advertising.

8 Section 65. Home rule. The regulation and licensing of
9 colon hydrotherapy is an exclusive power and function of the
10 State. A home rule unit may not regulate or license colon
11 hydrotherapists. This Section is a denial and limitation of
12 home rule powers and functions under subsection (h) of Section
13 6 of Article VII of the Illinois Constitution.

14 Section 70. Administrative Procedure Act. The Illinois
15 Administrative Procedure Act shall apply to this Act, except
16 the provision of subsection (d) of Section 10-65 of the
17 Illinois Administrative Procedure Act that provides that at
18 hearings the licensee has the right to show compliance with all
19 lawful requirements for retention, continuation, or renewal of
20 the license is specifically excluded. For the purposes of this
21 Act the notice required under Section 10-25 of the
22 Administrative Procedure Act is sufficient when mailed to the
23 party's address of record.

1 Section 75. Renewal of licenses. The expiration date and
2 renewal period for each license issued under this Act shall be
3 set by rule.

4 Section 80. Continuing education. The Department shall
5 adopt rules for continuing education for persons licensed under
6 this Act that require the completion of 24 hours of approved
7 continuing education for each license renewal period. The
8 Department shall establish by rule a means for the verification
9 of completion of the continuing education required by this
10 Section. This verification may be accomplished through audits
11 of records maintained by the licensee, by requiring the filing
12 of continuing education certificates with the Department, or by
13 other means established by the Department.

14 Section 85. Restoration of expired licenses. A colon
15 hydrotherapist who has permitted his or her license to expire
16 or who has had his or her license on inactive status may have
17 his or her license restored by making application to the
18 Department and filing proof acceptable to the Department of his
19 or her fitness to have his or her license restored, including
20 sworn evidence certifying to active practice in another
21 jurisdiction satisfactory to the Department, by paying the
22 required restoration fee, and showing proof of completion of
23 required continuing education. Licensees must provide proof of
24 completion of 24 hours approved continuing education to renew

1 their license.

2 If the colon hydrotherapist has not maintained an active
3 practice in another jurisdiction satisfactory to the
4 Department, the Board shall determine by an evaluation program
5 established by rule his or her fitness to resume active status
6 and may require the colon hydrotherapist to complete a period
7 of evaluated clinical experience and may require successful
8 completion of an examination.

9 A colon hydrotherapist whose license has been expired or
10 placed on inactive status for more than 5 years may have his or
11 her license restored by making application to the Department
12 and filing proof acceptable to the Department of his or her
13 fitness to have his or her license restored, including sworn
14 evidence certifying to active practice in another
15 jurisdiction, by paying the required restoration fee, and by
16 showing proof of the completion of 24 hours of continuing
17 education.

18 However, any registrant whose license has expired while he
19 or she has been engaged in (i) Federal Service on active duty
20 with the United States Army, Navy, Marine Corps, Air Force,
21 Coast Guard, or Public Health Service or the State Militia
22 called into the service or training of the United States of
23 America, or (ii) training or education under the supervision of
24 the United States preliminary to induction into the military
25 service, may have his or her license reinstated or restored
26 without paying any lapsed renewal fees if, within 2 years after

1 honorable termination of such service, training, or education,
2 he or she furnishes to the Department satisfactory evidence to
3 the effect that he or she has been so engaged and that his or
4 her service, training, or education has been so terminated.

5 Section 90. Inactive licenses. Any colon hydrotherapist
6 who notifies the Department, in writing on forms prescribed by
7 the Department, may elect to place his or her license on
8 inactive status and shall, subject to rules of the Department,
9 be excused from payment of renewal fees until he or she
10 notifies the Department in writing of his or her desire to
11 resume active status.

12 A colon hydrotherapist requesting restoration from
13 inactive status shall be required to pay the current renewal
14 fee and shall be required to restore his or her license as
15 provided in Section 85 of this Act.

16 Any colon hydrotherapist whose license is on inactive
17 status shall not practice colon hydrotherapy in the State, and
18 any practice conducted shall be deemed unlicensed practice.

19 Section 95. Fees. The fees assessed under this Act shall
20 be set by rule.

21 Section 100. Deposit of fees and fines; appropriations.
22 All fees and fines collected under this Act shall be deposited
23 into the General Professions Dedicated Fund. All monies in the

1 Fund shall be used by the Department of Financial and
2 Professional Regulation, as appropriated, for the ordinary and
3 contingent expenses of the Department.

4 Section 105. Violations; injunction; cease and desist
5 order.

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

20 (b) If any person practices as a colon hydrotherapist or
21 holds himself or herself out as a colon hydrotherapist without
22 being licensed under the provisions of this Act, then the
23 Secretary, any colon hydrotherapist, any interested party, or
24 any person injured thereby may petition for relief as provided
25 in subsection (a) of this Section or may apply to the circuit

1 court of the county where the violation or some part thereof
2 occurred, or where the person complained of has his or her
3 principal place of business or resides, to prevent the
4 violation. The court has jurisdiction to enforce obedience by
5 injunction or by other process restricting the person
6 complained of from further violation.

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

16 Section 110. Investigations; notice and hearing. The
17 Department may investigate the actions of any applicant or of
18 any person or persons rendering or offering to render colon
19 hydrotherapy services or any person holding or claiming to hold
20 a license as a colon hydrotherapist. The Department shall,
21 before refusing to issue or renew a license or to discipline a
22 licensee under Section 55 of this Act, at least 30 days prior
23 to the date set for the hearing, (i) notify the accused in
24 writing of the charges made and the time and place for the
25 hearing on the charges, (ii) direct him or her to file a

1 written answer with the Department under oath within 20 days
2 after the service of the notice, and (iii) inform the applicant
3 or licensee that failure to file an answer will result in a
4 default judgment being entered against the applicant or
5 licensee. At the time and place fixed in the notice, the
6 Department shall proceed to hear the charges and the parties of
7 their counsel shall be accorded ample opportunity to present
8 any pertinent statements, testimony, evidence, and arguments.
9 The Department may continue the hearing from time to time. In
10 case the person, after receiving the notice, fails to file an
11 answer, his or her license may, in the discretion of the
12 Department, be revoked, suspended, or placed on probationary
13 status or the Department may take whatever disciplinary actions
14 considered proper, including limiting the scope, nature, or
15 extent of the person's practice or the imposition of a fine,
16 without a hearing, if the act or acts charged constitute
17 sufficient grounds for that action under this Act. The written
18 notice may be served by personal delivery or by certified mail
19 to the address of record of the accused.

20 Section 115. Stenographer; transcript. The Department
21 shall, at its own expense, preserve a record of all proceedings
22 at the formal hearing of any case. Any notice, all documents in
23 the nature of pleadings, written motions filed, the transcripts
24 of testimony, reports of the Board and hearing officer, and
25 orders of the Department shall be in the record of the

1 proceeding.

2 Section 120. Subpoenas; depositions; oaths.

3 (a) The Department may subpoena and bring before it any
4 person to take the oral or written testimony or compel the
5 production of any books, papers, records, or any other
6 documents that the Secretary or his or her designee deems
7 relevant or material to any such investigation or hearing
8 conducted by the Department with the same fees and in the same
9 manner as prescribed in civil cases in the courts of this
10 State.

11 (b) Any circuit court, upon the application of the licensee
12 or the Department, may order the attendance and testimony of
13 witnesses and the production of relevant documents, files,
14 records, books, and papers in connection with any hearing or
15 investigation. The circuit court may compel obedience to its
16 order by proceedings for contempt.

17 (c) The Secretary, the hearing officer, any member of the
18 Board, or a certified shorthand court reporter may administer
19 oaths at any hearing the Department conducts. Notwithstanding
20 any other statute or Department rule to the contrary, all
21 requests for testimony, production of documents, or records
22 shall be in accordance with this Act.

23 Section 125. Findings and recommendations. At the
24 conclusion of the hearing, the Board shall present to the

1 Secretary a written report of its findings and recommendations.
2 The report shall contain a finding of whether or not the
3 accused person violated this Act or failed to comply with the
4 conditions required in this Act. The Board shall specify the
5 nature of the violation or failure to comply and shall make its
6 recommendations to the Secretary.

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

17 Section 130. Board; rehearing. In any case involving
18 discipline of a licensee or the refusal to issue or renew a
19 license, a copy of the Board's report shall be served upon the
20 respondent by the Department, either personally or as provided
21 in this Act for the service of the notice of hearing. Within 20
22 days after service, the respondent may present to the
23 Department a motion for a rehearing in writing and specifying
24 particular grounds. If no motion for rehearing is filed, then
25 upon the expiration of the time specified for filing the

1 motion, or if a motion for rehearing is denied, then upon the
2 denial, the Secretary may enter an order in accordance with
3 recommendations of the Board, except as provided in Section 125
4 of this Act. If the respondent shall order from the reporting
5 service and pay for a transcript of the record within the time
6 for filing a motion for rehearing, the 20 day period for filing
7 the motion shall start upon the delivery of the transcript to
8 the respondent.

9 Section 135. Secretary; rehearing. Whenever the Secretary
10 is not satisfied that substantial justice has been done in the
11 revocation, suspension, or refusal to issue, restore, or renew
12 a license, or other discipline of an applicant or licensee, the
13 Secretary may order a rehearing by the same or other hearing
14 officers.

15 Section 140. Appointment of a hearing officer. The
16 Secretary shall have the authority to appoint any attorney duly
17 licensed to practice law in this State to serve as the hearing
18 officer in any action for refusal to issue or renew a license
19 or permit or for the discipline of a licensee. The hearing
20 officer shall have full authority to conduct the hearing. The
21 hearing officer shall report his or her findings and
22 recommendations to the Board and the Secretary. The Board shall
23 have 60 days after receipt of the report to review the report
24 of the hearing officer and present its findings of fact,

1 conclusions of law, and recommendations to the Secretary. If
2 the Board fails to present its report within the 60-day period,
3 the Secretary shall issue an order based on the report of the
4 hearing officer. If the Secretary determines that the Board's
5 report is contrary to the manifest weight of the evidence, he
6 or she may issue an order contrary to the Board's report.

7 Section 145. Order or certified copy; prima facie proof.
8 An order or a certified copy of the order, over the seal of the
9 Department and purporting to be signed by the Secretary, shall
10 be prima facie proof that:

11 (1) the signature is the genuine signature of the
12 Secretary;

13 (2) the Secretary is duly appointed and qualified; and

14 (3) the Board and the members of the Board are
15 qualified to act.

16 Section 150. Restoration of license from discipline. At
17 any time after the successful completion of a term of
18 indefinite probation, suspension, or revocation of a license,
19 the Department may restore the license to the licensee upon
20 written recommendation of the Board, unless after an
21 investigation and a hearing the Secretary determines that
22 restoration is not in the public interest. No person or entity
23 whose license, certificate, or authority has been revoked under
24 this Act may apply for restoration of that license,

1 certification, or authority until such time as provided for in
2 the Civil Administrative Code of Illinois.

3 Section 155. Surrender of license. Upon the revocation or
4 suspension of any license, the licensee shall surrender the
5 license to the Department and, if the licensee fails to do so,
6 the Department shall have the right to seize the license.

7 Section 160. Temporary suspension of a license. The
8 Secretary may temporarily suspend the license of a colon
9 hydrotherapist without a hearing, simultaneously with the
10 institution of proceedings for a hearing provided for in
11 Section 110 of this Act, if the Secretary finds that the
12 evidence in his or her possession indicates that continuation
13 in practice would constitute an imminent danger to the public.
14 In the event that the Secretary temporarily suspends the
15 license of a colon hydrotherapist without a hearing, a hearing
16 by the Board must be held within 30 calendar days after the
17 suspension has occurred.

18 Section 165. Administrative review; venue. All final
19 administrative decisions of the Department are subject to
20 judicial review under the Administrative Review Law and its
21 rules. For the purposes of this Act, the term "administrative
22 decision" is defined as in Section 3-101 of the Code of Civil
23 Procedure.

1 Proceedings for judicial review shall be commenced in the
2 circuit court of the county in which the party applying for
3 relief resides. If the party is not a resident of this State,
4 then the venue shall be in Sangamon County.

5 The Department shall not be required to certify any record
6 to the court or file any answer in court or otherwise appear in
7 any court in a judicial review proceeding, unless and until the
8 Department has received from the plaintiff payment of the costs
9 of furnishing and certifying the record, which costs shall be
10 determined by the Department. Failure on the part of the
11 plaintiff to file a receipt in court shall be grounds for
12 dismissal of the action.

13 Section 170. Violations.

14 (a) A person who is found to have violated any provision of
15 this Act is guilty of a Class A misdemeanor.

16 (b) Whoever knowingly practices or offers to practice colon
17 hydrotherapy in this State without a license, or knowingly
18 aids, abets, assists, procures, advises, employs, or contracts
19 with any unlicensed person to practice colon hydrotherapy
20 contrary to any rule or provision of this Act, shall be guilty
21 of a Class A misdemeanor.

22 Section 175. Returned checks; fines. Any person who
23 delivers a check or other payment to the Department that is
24 returned to the Department unpaid by the financial institution

1 upon which it is drawn shall pay to the Department, in addition
2 to the amount already owed to the Department, a fine of \$50.
3 The fines imposed by this Section are in addition to any other
4 discipline provided under this Act for unlicensed practice or
5 practice on a non-renewed license. The Department shall notify
6 the person that payment of fees and fines shall be paid to the
7 Department by certified check or money order within 30 calendar
8 days after receipt of the notification. If after the expiration
9 of 30 days after the date of the notification, the person has
10 failed to submit the fee, the Department shall automatically
11 terminate the license or deny the application without hearing.
12 If, after termination or denial, the person seeks a license, he
13 or she shall apply to the Department for restoration or
14 issuance of the license and pay all fees and fines owed to the
15 Department. The Department may establish a fee for the
16 processing of an application for restoration of a license to
17 pay all expenses of processing this application. The Secretary
18 may waive the fines due under this Section in individual cases
19 where the Secretary finds that the fines would be unreasonable
20 or unnecessarily burdensome.

21 Section 180. Unlicensed practice; violation; civil
22 penalty.

23 (a) Any person who practices, offers to practice, attempts
24 to practice, or holds himself or herself out to practice colon
25 hydrotherapy or as a colon hydrotherapist without being

1 licensed under this Act, or any person not licensed under this
2 Act who aids, abets, assists, procures, advises, employs, or
3 contracts with any unlicensed person to practice colon
4 hydrotherapy contrary to any rules or provisions of this Act,
5 shall, in addition to any other penalty provided by law, pay a
6 civil penalty to the Department in an amount not to exceed
7 \$1,000 for each violation of this Act as determined by the
8 Department. The civil penalty shall be assessed by the
9 Department after a hearing is held in accordance with the
10 provisions set forth in this Act regarding the provision of a
11 hearing for the discipline of a licensee.

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

14 (c) The civil penalty shall be paid within 60 days after
15 the effective date of the order imposing the civil penalty. The
16 order shall constitute a judgment and may be filed and executed
17 in the same manner as any judgment from any court of record.

18 (d) All moneys collected under this Section shall be
19 deposited into the General Professions Dedicated Fund.

20 Section 185. Confidentiality. All information collected
21 by the Department in the course of an examination or
22 investigation of a licensee or applicant, including, but not
23 limited to, any complaint against a licensee filed with the
24 Department and information collected to investigate any such
25 complaint, shall be maintained for the confidential use of the

1 Department and shall not be disclosed. The Department may not
2 disclose the information to anyone other than law enforcement
3 officials, regulatory agencies that have an appropriate
4 regulatory interest as determined by the Secretary, or a party
5 presenting a lawful subpoena to the Department. Information and
6 documents disclosed to a federal, State, county, or local law
7 enforcement agency shall not be disclosed by the agency for any
8 purpose to any other agency or person. A formal complaint filed
9 against a licensee by the Department or any order issued by the
10 Department against a licensee or applicant shall be a public
11 record, except as otherwise prohibited by law.

12 Section 190. Severability. If any provision of this Act or
13 the application of any provision of this Act to any person or
14 circumstance is held invalid, the invalidity does not affect
15 other provisions or applications of the Act that can be given
16 effect without the invalid provision or application, and for
17 this purpose the provisions of this Act are severable.

18 Section 200. The Regulatory Sunset Act is amended by adding
19 Section 4.34 as follows:

20 (5 ILCS 80/4.34 new)

21 Sec. 4.34. Act repealed on January 1, 2024. The following
22 Act is repealed on January 1, 2024:

23 The Colon Hydrotherapist Licensing Act.

1 Section 999. Effective date. This Act takes effect on
2 January 1, 2014.