

AN ACT concerning regulation.

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

Section 1. Short title. This Act may be cited as the Music Therapy Licensing and Practice Act.

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

Section 10. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"Advisory Board" means the Music Therapy Advisory Board.

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

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

"Licensed professional music therapist" means a person licensed to practice music therapy.

"Music therapy" means the clinical and evidence-based use of music therapy interventions to accomplish individualized goals for people of all ages and ability levels within a therapeutic relationship. "Music therapy" does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder.

"Music therapy intervention" includes, during a therapist-client relationship, music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, singing, music performance, learning through music, music combined with other arts, music-assisted relaxation, music-based patient education, electronic music technology, adapted music intervention, and movement to music. "Music therapy intervention" also includes:

- (1) accepting referrals for music therapy services from medical, developmental, mental health, or education professionals or family members, clients, caregivers, or others involved and authorized with the provision of client services;

- (2) conducting a music therapy assessment of a client

to determine if treatment is indicated; if treatment is indicated, the licensee collects systematic, comprehensive, and accurate information to determine the appropriateness and type of music therapy services to provide for the client;

(3) developing an individualized music therapy treatment plan for the client that is based upon the results of the music therapy assessment; as used in this paragraph, "music therapy treatment plan" includes individualized goals and objectives that focus on the assessed needs and strengths of the client and specify music therapy approaches and interventions to be used to address these goals and objectives;

(4) implementing an individualized music therapy treatment plan that is consistent with any other developmental, rehabilitative, habilitative, medical, mental health, preventive, wellness care, or educational services being provided to the client;

(5) evaluating the client's response to music therapy and the music therapy treatment plan, documenting change and progress, and suggesting modifications, as appropriate;

(6) developing a plan for determining when the provision of music therapy services is no longer needed in collaboration with the client, physician, or other provider of health care or education of the client, family

members of the client, and any other appropriate person upon whom the client relies for support;

(7) minimizing any barriers to ensure that the client receives music therapy services in the least restrictive environment;

(8) collaborating with and educating the client and the family, caregiver of the client, or any other appropriate person regarding the needs of the client that are being addressed in music therapy and the manner in which the music therapy treatment addresses those needs in compliance with State and federal law; and

(9) utilizing appropriate knowledge and skills to inform practice, including use of research, reasoning, and problem-solving skills to determine appropriate actions in the context of each specific clinical setting.

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

Section 15. Address of record; email address of record.  
All applicants and licensees shall:

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

(2) inform the Department of any change of address of record or email address of record within 14 days after the

change either through the Department's website or by contacting the Department's licensure maintenance unit.

Section 20. Music Therapy Advisory Board. There is created within the Department a Music Therapy Advisory Board, which shall consist of 5 members. The Secretary shall appoint all members of the Advisory Board. The Advisory Board shall consist of persons familiar with the practice of music therapy to provide the Secretary with expertise and assistance in carrying out the Secretary's duties pursuant to this Act. The Secretary shall appoint members of the Advisory Board to serve for terms of 4 years, and members may serve consecutive terms at the will of the Secretary. Any vacancy shall be filled in the same manner as a regular appointment. The Secretary shall appoint 3 members who practice as professional music therapists in this State, one member who is a licensed health care provider who is not a music therapist, and one member who is a consumer. Members shall serve without compensation.

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

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

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

Members of the Advisory Board shall have no liability in

any action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Advisory Board.

Section 25. Music Therapy Advisory Board; powers and duties.

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

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

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

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

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

(1) A person licensed, certified, or regulated under the laws of this State in another profession or occupation, including physicians, psychologists,

registered nurses, marriage and family therapists, social workers, occupational therapists, professional counselors, speech-language pathologists or audiologists, or personnel supervised by a licensed professional, performing work, including the use of music, incidental to the practice of that person's licensed, certified, or regulated profession or occupation, if the person does not represent the person as a licensed music therapist.

(2) Any practice of music therapy as an integral part of a program of study for students enrolled in an accredited music therapy program, if the student does not represent the student as a music therapist.

Section 35. Collaboration. Before a licensed professional music therapist provides music therapy services to a client for an identified clinical or developmental need, the licensee shall review the client's diagnosis, treatment needs, and treatment plan with the health care providers involved in the client's care. Before a licensed professional music therapist provides music therapy services to a student for an identified educational need in a special education setting, the licensee shall review with the individualized family service plan or individualized education program team the student's diagnosis, treatment needs, and treatment plan. During the provision of music therapy services to a client, the licensed professional music therapist shall collaborate, as applicable, with the

client's treatment team, including the client's physician, psychologist, licensed clinical social worker, or other mental health professional. A licensed music therapist whose highest degree in music therapy is a baccalaureate degree shall not engage in the practice of psychotherapy unless supervised by a licensed music therapist with a master's degree in music therapy, a licensed clinical social worker, a licensed clinical psychologist, a licensed clinical professional counselor, a licensed marriage and family therapist, or a psychiatrist, as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code. During the provision of music therapy services to a client with a communication disorder, the licensed professional music therapist shall collaborate and discuss the music therapy treatment plan with the client's audiologist or speech-language pathologist so that a music therapist may work with the client and address communication skills.

When providing educational or health care services, a licensed professional music therapist may not replace the services provided by an audiologist or a speech-language pathologist. Unless authorized to practice speech-language pathology, music therapists may not evaluate, examine, instruct, or counsel on speech, language, communication, and swallowing disorders and conditions. An individual licensed as a professional music therapist may not represent to the public that the individual is authorized to treat a communication



disorder. This does not prohibit an individual licensed as a professional music therapist from representing to the public that the individual may work with clients who have a communication disorder and address communication skills.

Section 40. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds the person out to practice as a music therapist without being licensed or exempt under this Act, as described in Section 30, shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

Section 45. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall:

(1) adopt rules defining what constitutes a curriculum for music therapy that is reputable and in good standing;

(2) adopt rules providing for the establishment of a uniform and reasonable standard of instruction and maintenance to be observed by all curricula for music therapy that are approved by the Department and determine the reputability and good standing of the curricula for music therapy by reference to compliance with the rules, provided that no school of music therapy that refuses admittance to applicants solely on account of race, color, creed, sex, or national origin shall be considered reputable and in good standing;

(3) adopt and publish rules for a method of examination of candidates for licensed professional music therapists and for issuance of licenses authorizing candidates upon passing examination to practice as licensed professional music therapists;

(4) review applications to ascertain the qualifications of applicants for licenses;

(5) authorize examinations to ascertain the qualifications of those applicants who require examinations as a component of a license;

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

(7) adopt rules necessary for the administration of this Act.

Section 50. Application for original license. Applications for original licenses shall be made to the Department on forms prescribed by the Department and accompanied by the required fee, which is not refundable. All applications shall contain information that, in the judgment of the Department, will enable the Department to approve or disapprove of the qualifications of the applicant for a license to practice as a professional music therapist. If an applicant fails to obtain a license under this Act within 3 years after filing the application, the application shall be denied. The applicant may make a new application, which shall be accompanied by the required nonrefundable fee. The applicant shall be required to meet the qualifications required for licensure at the time of reapplication.

Section 55. Social Security Number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number, which shall be retained in the Department's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license. Every application for a renewal,

reinstated, or restored license shall require the applicant's customer identification number.

Section 60. Qualifications for licensure.

(a) The Secretary shall issue a license to an applicant for a professional music therapist license if the applicant has completed and submitted an application form in the manner as the Secretary prescribes, accompanied by applicable fees, and evidence satisfactory to the Secretary that:

(1) the applicant has received a baccalaureate degree or higher in music therapy, or its equivalent, as defined by the Department;

(2) the applicant is at least 18 years of age;

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

(4) the applicant provides proof of passing an exam determined by the Department or provides proof that the applicant holds a current music therapist credential as determined by the Department.

Section 65. License renewal.

(a) Every license issued under this Act shall be renewed biennially. A license shall be renewed upon payment of a

renewal fee, provided that the applicant is in compliance with this Act at the time of application for renewal. The following shall also be required for license renewal:

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

(2) For those licensed professional music therapists that have direct patient interactions with adult populations age 26 or older, proof of completion of at least one hour of training on the diagnosis, treatment, and care of individuals with Alzheimer's disease and other dementias per renewal period; this training shall include, but not be limited to, assessment and diagnosis, effective communication strategies, and management and care planning; this one-hour course counts toward meeting the minimum credit hours required for continuing education.

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

Section 70. Inactive status. A person who notifies the Department in writing on forms prescribed by the Department may elect to place the person's license on inactive status and shall, subject to rule of the Department, be excused from payment of renewal fees until the person notifies the Department, in writing, of the person's desire to resume active status. A person requesting restoration from inactive

status shall be required to pay the current renewal fee and shall be required to restore the person's license. Practice by an individual whose license is on inactive status shall be considered to be the unlicensed practice of music therapy and shall be grounds for discipline under this Act.

Section 75. Fees; deposit of fees. The Department shall, by rule, establish all fees for the administration and enforcement of this Act. These fees shall be nonrefundable. All of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund. The moneys deposited into the General Professions Dedicated Fund shall be used by the Department, as appropriate, for the ordinary and contingent expenses of the Department. Moneys in the General Professions Dedicated Fund may be invested and reinvested, with all earnings received from these investments being deposited into that Fund and used for the same purposes as the fees and fines deposited in that Fund.

Section 80. Checks or orders dishonored. Any person who issues or delivers a check or other order to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this

Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certification or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, the person shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all costs and expenses of processing of the application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unnecessarily burdensome.

Section 85. Endorsement. The Department may issue a license as a professional music therapist, without administering the required examination, to an applicant licensed under the laws of another state, a U.S. territory, or another country if the requirements for licensure in that state, U.S. territory, or country are, on the date of licensure, substantially equal to the requirements of this Act

or to a person who, at the time of the person's application for licensure, possesses individual qualifications that are substantially equivalent to the requirements of this Act. An applicant under this Section shall pay all of the required fees. An applicant shall have 3 years after the date of application to complete the application process. If the process has not been completed within the 3-year time period, the application shall be denied, the fee shall be forfeited, and the applicant shall be required to reapply and meet the requirements in effect at the time of reapplication.

Section 90. Privileged communications and exceptions.

(a) No licensed professional music therapist shall disclose any information acquired from persons consulting the therapist in a professional capacity, except that which may be voluntarily disclosed under any of the following circumstances:

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

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

(3) In the case of death or disability, with the



written consent of a personal representative.

(4) When a communication reveals the intended commission of a crime or harmful act and the disclosure is judged necessary in the professional judgment of the licensed professional music therapist to protect any person from a clear risk of serious mental or physical harm or injury or to forestall a serious threat to the public safety.

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

(b) Any person having access to records or anyone who participates in providing music therapy services, or in providing any human services, or is supervised by a licensed professional music therapist is similarly bound to regard all information and communications as privileged in accord with this Section.

Section 95. Grounds for discipline.

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

(1) Material misstatement in furnishing information to

the Department or to any other State agency.

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

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

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

(5) Negligence in the rendering of music therapy services.

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

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

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

(9) Failing to maintain the confidentiality of any

information received from a client, unless otherwise authorized or required by law.

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

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

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

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

(14) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered. Nothing in this paragraph affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services

within the scope of the licensee's practice under this Act. Nothing in this paragraph shall be construed to require an employment arrangement to receive professional fees for services rendered.

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

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

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

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

(19) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(20) Physical or mental disability, including deterioration through the aging process or loss of

abilities and skills which results in the inability to practice the profession with reasonable judgment, skill, or safety.

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

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

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

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

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

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

(b) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code shall result in an automatic suspension of the licensee's license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and

discharging the patient, and the determination of the Secretary that the licensee be allowed to resume professional practice.

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

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

(e) All fines or costs imposed under this Section shall be paid within 60 days after the effective date of the order

imposing the fine or costs or in accordance with the terms set forth in the order imposing the fine.

Section 100. Violations; injunction; cease and desist order.

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

(b) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to

the satisfaction of the Department shall cause an order to cease and desist to be issued.

Section 105. Investigations; notice and hearing. The Department may investigate the actions of any applicant or any person holding or claiming to hold a license or engaging in the practice of music therapy. The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 95, at least 30 days before the date set for the hearing, (i) notify the accused, in writing, of any charges made and the time and place for the hearing on the charges, (ii) direct the accused to file a written answer to the charges with the Department under oath within 20 days after service of the notice, and (iii) inform the accused that, if the accused fails to answer, default will be taken against the accused or that the accused's license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of the accused's practice, as the Department may deem proper. In case the person, after receiving notice, fails to file an answer, the accused's license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the



person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The written notice may be served by personal delivery, mail, or email to the address of record or email address of record.

Section 110. Record of proceedings; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case except as otherwise provided by statute or rule.

Section 115. Subpoenas; depositions; oaths. The Department may subpoena and bring before it any person in this State and take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or the Secretary's designee deems relevant or material to any investigation or hearing conducted by the Department with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State. The Secretary, the shorthand court reporter, the designated hearing officer, and every member of the Advisory Board may administer oaths at any hearing which the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony and for the production of documents or records shall be in accordance with this Act.

Section 120. Compelling testimony. Any court, upon application of the Department, designated hearing officer, or the applicant or licensee against whom proceedings under Section 95 are pending, may order the attendance and testimony of witnesses and the production of relevant documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

Section 125. Findings and recommendations. At the conclusion of the hearing, the hearing officer or Advisory Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether the licensee violated this Act or failed to comply with the conditions required in this Act. The hearing officer or Advisory Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary. The report of findings of fact, conclusions of law, and recommendation of the hearing officer or Advisory Board shall be the basis for the Department's order for refusing to issue, restore, or renew a license, or for otherwise disciplining a licensee. If the Secretary disagrees with the recommendations of the hearing officer or Advisory Board, the Secretary may issue an order in contravention of the hearing officer's or Advisory

Board's recommendations. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

Section 130. Secretary; rehearing. Whenever the Secretary believes substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or the discipline of a licensee, the Secretary may order a rehearing.

Section 135. Appointment of a hearing officer. The Secretary has the authority to appoint any attorney licensed to practice law in the State to serve as the hearing officer in any action for refusal to issue or renew a license or permit or to discipline a licensee. The hearing officer has full authority to conduct the hearing. The hearing officer shall report the hearing officer's findings of fact, conclusions of law, and recommendations to the Secretary.

Section 140. Order or certified copy; prima facie proof. An order or certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, is prima facie proof that: (1) the signature is the genuine signature of the Secretary; and (2) the Secretary is duly

appointed and qualified.

Section 145. Restoration of license from discipline. At any time after the successful completion of a term of indefinite probation, suspension, or revocation of a license, the Department may restore the license to active status, unless, after an investigation and a hearing, the Secretary determines that restoration is not in the public interest. No person whose license has been revoked as authorized in this Act may apply for restoration of that license until authorized to do so under the Civil Administrative Code of Illinois.

Section 150. Summary suspension of license. The Secretary may summarily suspend the license of a music therapist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 105, if the Secretary finds that the evidence indicates that the continuation of practice by the professional music therapist would constitute an imminent danger to the public. If the Secretary summarily suspends the license of an individual without a hearing, a hearing must be held within 30 days after the suspension has occurred and shall be concluded as expeditiously as possible.

Section 155. Administrative review; venue.

(a) All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative

Review Law and its rules. As used in this Section, "administrative decision" has the same meaning as used in Section 3-101 of the Code of Civil Procedure.

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

Section 160. Certification of record; costs. The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file the receipt in court is grounds for dismissal of the action.

Section 165. Violations. Unless otherwise specified, any person found to have violated any provision of this Act is guilty of a Class A misdemeanor.

Section 170. Illinois Administrative Procedure Act; application. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of that Act were included in this Act,

except subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the license holder has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the certificate, is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party or the address of record.

Section 175. Home rule. The regulation and licensing of professional music therapists are exclusive powers and functions of the State. A home rule unit may not regulate or license professional music therapists. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 180. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department shall not disclose the information to anyone other than law

enforcement officials, regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee or registrant by the Department or any other complaint issued by the Department against a licensee, registrant, or applicant shall be a public record, except as otherwise prohibited by law.

Section 900. The Regulatory Sunset Act is amended by changing Section 4.38 as follows:

(5 ILCS 80/4.38)

Sec. 4.38. Acts repealed on January 1, 2028. The following Acts are repealed on January 1, 2028:

The Acupuncture Practice Act.

The Clinical Social Work and Social Work Practice Act.

The Home Medical Equipment and Services Provider License Act.

The Illinois Petroleum Education and Marketing Act.

The Illinois Speech-Language Pathology and Audiology Practice Act.

The Interpreter for the Deaf Licensure Act of 2007.

The Music Therapy Licensing and Practice Act.

The Nurse Practice Act.

The Nursing Home Administrators Licensing and Disciplinary Act.

The Physician Assistant Practice Act of 1987.

The Podiatric Medical Practice Act of 1987.

(Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17; 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff. 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17; 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

Section 999. Effective date. This Act takes effect upon becoming law.