

Governor's Office of Management and Budget

Alexis Sturm

Director



IL Regulatory Sunset Act Review of The Naprapathic Practice Act

March 22, 2022

**To the Honorable JB Pritzker
Governor of Illinois**

Governor Pritzker:

The Governor's Office of Management and Budget (GOMB), in compliance with the requirements set forth in the Illinois Regulatory Sunset Act (5 ILCS 80), has conducted a review of the Naprapathic Practice Act (225 ILCS 63), which is scheduled to sunset on January 1, 2023. As a result of this review, GOMB makes the following recommendation:

The Naprapathic Practice Act (225 ILCS 63) should be continued with the following modifications to its existing statutory and administrative rule framework:

- Require licensees to provide an email address of record with the Department (225 ILCS 63/10);
- Repeal the making of licensee rosters (including name and address) available upon request and payment (225 ILCS 63/95); and
- Amend the "grounds for discipline" section of the Act (225 ILCS 63/110) to be more uniform with other Department acts.

GOMB's examination of this Act was conducted considering the nine factors set out in Section 6 of the Illinois Regulatory Sunset Act. The following report details the criteria and data utilized to come to the above recommendation.

Very sincerely and respectfully,

Alexis Sturm
Director
Governor's Office of Management and Budget

Criteria (1) “The extent to which the agency or program has permitted qualified applicants to serve the public.”

As of September 2021, there are 150 licensed naprapaths in Illinois.

License Type	2017	2018	2019	2020	2021
Licensed Naprapath	177	179	166	169	150
Naprapath Continuing Education Sponsor	4	4	3	3	2

New Licenses Issued	2017	2018	2019	2020	2021
New Naprapath Licensees	2	2	2	3	2

The current licensure fee structure is as follows:

Type	Fee Amount
Application for License	\$250
Renewal Fee	\$125/ year
Restoration After Lapse	\$20 fee, plus all lapsed renewal fees

An accredited naprapathy program, as established by administrative rule, is a four-year academic program which provides the equivalent of two calendar years of academic study and one calendar year of clinical experience. Programs are required to provide 130 hours of academic work including 66 hours in basic sciences and 64 hours in clinical naprapathic sciences. Clinical experience must be at least 60 credit hours, including 1,000 contact hours served at a clinic and 350 full-credit evaluation hours. Approved naprapathic programs only admit students who have completed at least two years of college level general education. The National College of Naprapathic Medicine in Chicago is one of a few such institutions in the United States. Applicants for a naprapathy license are required to submit an official transcript indicating the completion of a two-year degree at an accredited college or university, certification and/or transcript of successful completion of a naprapathic program, and a complete work history indicating all employment since graduation from a naprapathy program.

Statute authorizes continuing education (CE) requirements to be established by rule (225 ILCS 63/70). Licensees must complete 30 hours of CE per 24-month renewal cycle (Administrative Code Title 68 Section 1295.100). There are two continuing education sponsors actively licensed by the Act. Both are in the suburban Chicago region, one in Evanston and the other in Villa Park.

Illinois and New Mexico are the only states which license and regulate naprapathy. Requirements for licensure in both states are substantially similar. New Mexico requires two letters of recommendation from active licensees plus an additional personal reference; Illinois does not require such letters.

Criteria (2) “The extent to which the trade, business, profession, occupation, or industry being regulated is being administered in a nondiscriminatory manner both in terms of employment and rendering of services.”

IDFPR does not collect information on the gender, race, or ethnicity of licensees. IDFPR has received no complaints citing discrimination in the licensing process, and no external sources have published any information regarding discriminatory practices in licensure. Further, IDFPR has not received any complaints alleging discrimination by naprapaths.

Criteria (3) “The extent to which the regulatory agency or program has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, procedures, and practices of

any other department of state government, and any other circumstances, including budgetary resources, and personnel matters.”

IDFPR is tasked with processing applications for licenses and renewal licenses for over one million professionals practicing in the State of Illinois. The Department has adopted internal policies, sought legislative and administrative rule changes, and developed enhanced licensing processes to maintain efficiency and efficacy. Implementation of online, paperless licensing is one example of such a policy that has proved to be successful. While some procedures, such as the disciplinary process for licensees, can be lengthy, this is done to ensure thoroughness and proper due process for complaints against regulated professionals.

Criteria (4) “The extent to which the agency running the program has recommended statutory changes to the General Assembly that would benefit the public as opposed to the persons it regulates.”

P.A. 100-872 (SB 2439 Sen. Bennet/Rep. Ammons) amended various acts, including the Naprapathic Practice Act, to remove provisions allowing or requiring licensing authorities to discipline professional licensees for defaulting on an educational loan provided by or guaranteed by the Illinois Student Assistance Commission. This proposal sought to allow a greater number of licensed professionals to continue to work while offering the public greater access licensees who have not been disciplined for any violation related to the practice of their profession.

H.A. #1 to HB 1969 (Rep. Reis) was a 2017 IDFPR initiative in the 100th General Assembly. The amendment sought to, among other provisions, repeal the Naprapathic Practice Act and place an explicit exemption from licensure for naprapathic medicine within the Medical Practice Act. The amendment was never referred to committee from the House Rules Committee. This bill sought to reduce the regulatory burden for professions which pose little to no risk to public health or safety, thereby allowing prospective job seekers greater access to the industry and providing consumers with lower costs through greater competition within the industry.

Criteria (5) “The extent to which the agency or program has required the persons it regulates to report to it concerning the impact of rules and decisions of the agency or the impact of the program on the public regarding improved service, economy of service, and availability of service.”

IDFPR establishes rules and makes regulatory decisions through the process established by the Joint Committee on Administrative Rules (JCAR), the administrative body responsible for approving rule proposals by state agencies. This process allows for input from industry and community stakeholders impacted by the Department’s proposed changes. The Department works with lawmakers, community stakeholders, and members of industry to ensure that regulations effectively protect Illinois citizens.

Criteria (6) “The extent to which persons regulated by the agency or under the program have been required to assess the problems in their industry that affect the public.”

IDFPR works proactively with stakeholders and representatives of the industry, but no formal requirements exist since the Naprapathic Examining Committee was repealed with P.A. 97-778 on 7/13/12.

Criteria (7) “The extent to which the agency or program has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates and the extent to which such rules and decisions are consistent with statutory authority.”

IDFPR adheres to the guidelines and requirements established by the Joint Committee on Administrative Rules (JCAR) and the Illinois General Assembly (ILGA) for approving rule proposals, legislative changes and internal policies. In addition, the Department adheres to the requirements established in the Illinois Open Meetings Act (5

ILCS 120).

Criteria (8) “The efficiency with which formal public complaints filed with the regulatory agency or under the program concerning persons subject to regulation have been processed to completion, by the executive director of the regulatory agencies or programs, by the Attorney General and by any other applicable department of the State government.”

Complaints made against licensees of IDPR’s Division of Professional Regulation may be filed via mail, email, or phone to the Division’s Complaint Intake Unit. Complaints are referred to the Division’s Statewide Enforcement Section.

After initial review, complaints are assigned to a lead investigator in the Section’s Investigations Unit. The investigator is responsible for determining if IDPR has (1) legal jurisdiction and/or (2) adequate evidence to proceed with any potential violation of a licensing law. After developing facts in cases where there appears to be a proper legal jurisdiction and adequate evidence, the investigator refers the case to a prosecuting attorney in the Section’s Prosecutions Unit. If there is insufficient evidence to indicate a violation of the licensing statute, the investigative file is closed. The investigator also may discover facts that indicate criminal activity which can lead to referral to a county State’s Attorney or the Illinois Attorney General.

Complete investigations where there is evidence of a violation are forwarded to IDPR’s prosecuting attorneys’ staff for review. After review by a prosecuting attorney, it may be determined that further investigative evidence is needed. If the staff attorney concludes that the matter has been sufficiently investigated and there is evidence supporting the complaint, formal charges are filed. Depending upon the contextual circumstances of the case, IDPR and the licensee may enter into a negotiated agreement regarding the level of discipline to be imposed. Such an agreement would be reduced to writing and presented to the respective professional board or committee for its consideration. The board or committee’s recommendation after thorough review is then presented to the Director of Professional Regulation for consideration and approval.

In instances where a formal disciplinary hearing is necessary, a formal complaint is drafted and filed. The hearing is held before the respective professional board or committee and the Department’s Administrative Law Judge. The hearing is an administrative law proceeding conducted pursuant to the Illinois Civil Administrative Code and other relevant statutes and rules. After the hearing, the board or committee delivers its findings, conclusions, and recommendations to the Director of Professional Regulation.

Disciplinary action resulting from any enforcement action varies by violation and severity and can include termination of license, revocation, suspension, probation, reprimand, and censure. The license may also be ordered to remain in good standing. In addition, Illinois law allows for the imposition of fines for any of the professions regulated by the Division.

Following a final decision by the Director, the licensee has 35 days to make an appeal in circuit court under the Illinois Administrative Review Act. Investigations referred for criminal prosecution have resulted in numerous criminal convictions. Criminal violations include unlicensed practice of various professions, theft, forgery, unlawful use of weapons, diversions of controlled substances to illegal use and other related offenses.

Year	2016	2017	2018	2019	2020	2021	Total
Complaints	2	5	4	1	1	2	15
Disciplines	1	0	0	0	0	0	1

Criteria (9) "The extent to which changes are necessary in the enabling laws of the agency or program to adequately comply with the factors listed in this section."

IDFPR recommends the sunset of the Act be extended and that statutory language be modernized in order to implement more streamlined and efficient regulation of this profession, which will ensure safety and welfare of the general public and ease the burden of regulatory compliance.

- Require licensees to provide an email address of record with the Department (225 ILCS 63/10).
- Repeal the making of licensee rosters (including name and address) available upon request and payment (225 ILCS 63/95). Roster information, such as personal addresses, exceeds the information available under a Freedom of Information Act request.
- Amend the "grounds for disciplinary action" section (225 ILCS 63/110) to be uniform with other Department acts.

Conclusion:

The practice of naprapathy involves the treatment of individuals using connective tissue manipulation, therapeutic and rehabilitative exercise, and postural counseling. Naprapathy is distinct but not dissimilar from other licensed professions, including chiropractic medicine, massage therapy, and athletic training, which require physical contact with individuals and manipulation of tissue. Continued licensure and regulation ensure those practicing naprapathy and holding oneself out to be a naprapath meet the educational and experience requirements of the profession, which would improve the health, welfare and safety of the people of Illinois.