

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the
5 Behavior Analyst Licensing Act.

6 Section 5. Public policy. The practice of applied behavior
7 analysis is declared to affect the public health, safety, and
8 welfare and to be subject to regulation in the public interest.
9 The purpose of this Act is to protect and benefit the public by
10 setting standards of qualifications, education, training, and
11 experience for those who seek to obtain a license and hold the
12 title of "behavior analyst" or "assistant behavior analyst", to
13 promote high standards of professional performance for those
14 licensed to practice applied behavior analysis in the State of
15 Illinois, and to protect the public from unprofessional conduct
16 by persons licensed to practice applied behavior analysis.

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

18 "Applied behavior analysis" means the design,
19 implementation, and evaluation of environmental modifications
20 using behavioral stimuli and consequences to produce socially
21 significant improvement in human behavior, including the use of
22 direct observation, measurement, and functional analysis of

1 the relations between environment and behavior. "Applied
2 behavior analysis" does not include:

3 (1) the practice of medicine, the practice of
4 osteopathic medicine and surgery, or medical diagnosis or
5 treatment;

6 (2) the practice of speech-language pathology;

7 (3) the practice of physical therapy;

8 (4) the practice of occupational therapy;

9 (5) psychological testing, including standardized
10 testing for intelligence or personality;

11 (6) diagnosis of a mental or physical disorder; or

12 (7) the practice of neuropsychology, psychotherapy,
13 cognitive therapy, sex therapy, psychoanalysis,
14 hypnotherapy, or counseling as treatment modalities.

15 "Assistant behavior analyst" means an individual licensed
16 under this Act to engage in practice as an assistant behavior
17 analyst.

18 "Behavior analyst" means an individual licensed to engage
19 in the practice of applied behavior analysis.

20 "Behavior technician" means a noncredentialed individual
21 who delivers applied behavior analysis services under the
22 delegation and supervision of a behavior analyst.

23 "Behavioral health treatment" means evidence-based
24 counseling and treatment programs, including applied behavior
25 analysis, that are (i) necessary to develop, maintain, or
26 restore, to the maximum extent practicable, the functioning of

1 an individual and (ii) provided or supervised by a
2 board-certified behavior analyst or a licensed psychologist so
3 long as the services performed are commensurate with the
4 psychologist's formal university training and supervised
5 experience.

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

8 "Practice as an assistant behavior analyst" means the
9 practice of applied behavior analysis under the supervision of
10 a behavior analyst.

11 "Secretary" means the Secretary of Financial and
12 Professional Regulation.

13 "Sexual offense" means an offense that would require an
14 individual to be subject to registration under the Sex Offender
15 Registration Act.

16 Section 15. License required.

17 (a) Beginning 2 years after the effective date of rules
18 adopted by the Department to implement this Act, an individual
19 shall not engage in the practice of applied behavior analysis
20 or practice as an assistant behavior analyst unless licensed
21 under this Act.

22 (b) Beginning 2 years after the effective date of rules
23 adopted by the Department to implement this Act, an individual
24 shall not use the titles "behavior analyst", "B.A.", "licensed
25 behavior analyst", "L.B.A.", "assistant behavior analyst",

1 "A.B.A.", "licensed assistant behavior analyst", "L.A.B.A.",
2 or similar words or letters that indicate that he or she is
3 licensed as a behavior analyst or assistant behavior analyst
4 unless the individual is licensed under this Act.

5 (c) This Act does not prohibit any of the following:

6 (1) Self-care by a patient or uncompensated care by a
7 friend or family member who does not represent or hold
8 himself or herself out to be a behavior analyst or
9 assistant behavior analyst.

10 (2) A behavior technician or a family member from
11 implementing a plan under the extended authority,
12 direction, and, if applicable, supervision of a behavior
13 analyst.

14 (3) An individual licensed under any other law of this
15 State from performing activities that are considered to be
16 the practice of applied behavior analysis under this Act if
17 the activities are within the licensee's scope of practice
18 and are commensurate with his or her education, training,
19 and experience, so long as the individual does not use the
20 titles provided in subsection (b) of this Section.

21 (4) An individual from performing activities that are
22 considered to be the practice of applied behavior analysis
23 under this Act if the activities are with nonhuman or
24 nonpatient clients or consumers, including, but not
25 limited to, applied animal behaviorists and practitioners
26 of organizational behavior management.

1 (5) An individual who is a matriculated student at a
2 nationally accredited university approved in rules or who
3 is a postdoctoral fellow from performing activities that
4 are considered to be the practice of applied behavior
5 analysis under this Act if the activities are part of a
6 defined behavior analysis program of study or practicum
7 approved by Department rule and if the student or fellow is
8 directly supervised by an individual who is (A) licensed as
9 a behavior analyst under this Act or (B) appointed as the
10 instructor of a course sequence approved by the Behavior
11 Analyst Certification Board or other certification board.

12 (6) An individual who is not licensed under this Act
13 from pursuing experience requirements for applied behavior
14 analysis credentials if the experience is supervised by an
15 individual who is licensed as a behavioral analyst.

16 (d) This Act does not apply to an individual who, on the
17 effective date of this Act, is engaging in the practice of
18 applied behavior analysis under the medical assistance program
19 under the Illinois Public Aid Code while that individual is
20 seeking the education, training, and experience necessary to
21 obtain a license under this Act and only while the individual
22 is providing applied behavior analysis to children in the
23 provision of home and community-based services.

24 Section 20. Qualifications for licensure as a behavior
25 analyst. The Department shall issue a license as a behavior

1 analyst to an individual who, on or before the effective date
2 of this Act, had the credentials as a certified behavior
3 analyst conferred for applied behavior analysis by the Behavior
4 Analyst Certification Board and who applies for licensure as a
5 behavior analyst within one year after the effective date of
6 the rules adopted by the Department to implement this Act. Each
7 applicant for licensure as a behavior analyst shall have his or
8 her fingerprints submitted to the Department of State Police in
9 the form and manner prescribed by the Department of State
10 Police. These fingerprints shall be electronically transmitted
11 through a live scan fingerprint vendor licensed by the
12 Department. These fingerprints shall be checked against the
13 Department of State Police and the Federal Bureau of
14 Investigation criminal history record information database now
15 and hereafter filed. The Department of State Police shall
16 charge a fee for conducting the criminal history records check,
17 which shall be deposited in the State Police Services Fund and
18 shall not exceed the actual cost of the Illinois and national
19 criminal history record check. The Department of State Police
20 shall furnish, pursuant to positive identification, records of
21 all Illinois convictions to the Department.

22 Section 25. Qualifications for licensure as an assistant
23 behavior analyst. The Department shall issue a license as an
24 assistant behavior analyst to an individual who, on or before
25 the effective date of this Act, had the credentials as a

1 certified assistant behavior analyst conferred for applied
2 behavior analysis by the Behavior Analyst Certification Board
3 and who applies for licensure as an assistant behavior analyst
4 within one year after the effective date of the rules adopted
5 by the Department to implement this Act. Each applicant for
6 licensure as an assistant behavior analyst shall have his or
7 her fingerprints submitted to the Department of State Police in
8 the form and manner prescribed by the Department of State
9 Police. These fingerprints shall be electronically transmitted
10 through a live scan fingerprint vendor licensed by the
11 Department. These fingerprints shall be checked against the
12 Department of State Police and the Federal Bureau of
13 Investigation criminal history record information database now
14 and hereafter filed. The Department of State Police shall
15 charge a fee for conducting the criminal history records check,
16 which shall be deposited in the State Police Services Fund and
17 shall not exceed the actual cost of the Illinois and national
18 criminal history record check. The Department of State Police
19 shall furnish, pursuant to positive identification, records of
20 all Illinois convictions to the Department.

21 Section 30. Board of Behavior Analysts. The Board of
22 Behavior Analysts is created within the Department of Financial
23 and Professional Regulation. The Board shall consist of the
24 following members appointed by the Secretary:

25 (1) four behavior analysts, 3 of whom provide clinical

1 services;

2 (2) one individual who is affiliated with a public
3 university in this State as an instructor or researcher in
4 applied behavior analysis;

5 (3) one assistant behavior analyst;

6 (4) one physician licensed to practice medicine in all
7 its branches who works with patients with autism spectrum
8 disorders or brain injuries; and

9 (5) two public members.

10 The initial members of the Board who are behavior analysts
11 must be certified as behavior analysts by the Behavior Analyst
12 Certification Board and the initial member of the Board who is
13 an assistant behavior analyst must be certified as an assistant
14 behavior analyst by the Behavior Analyst Certification Board.

15 Board members shall serve for a term of 4 years, except
16 that, of the initial appointments, 3 members shall serve for a
17 term of 2 years, 3 members shall serve for a term of 3 years,
18 and 3 members shall serve for a term of 4 years.

19 Section 35. Rules; minimum standards for licensure;
20 renewal. Within 2 years after the effective date of this Act,
21 the Department, in consultation with the Board of Behavior
22 Analysts, shall adopt rules that establish the minimum
23 standards for licensure as a behavior analyst and an assistant
24 behavior analyst. For purposes of this Section, the Department
25 may adopt in its rules the professional standards, in whole or

1 in part, adopted by the Behavior Analyst Certification Board as
2 its standards. Until rules are adopted under this Section, the
3 Department shall use the standards adopted by the Behavior
4 Analyst Certification Board that are in effect on the effective
5 date of this Act.

6 The Department shall include in its rules adopted under
7 this Act that an application for a license under this Act will
8 be denied if the applicant's criminal history records check
9 reveals that he or she was convicted of a sexual offense and
10 that a licensee's license will be permanently revoked if he or
11 she is convicted of a sexual offense while licensed under this
12 Act.

13 The Department may include in its rules adopted under this
14 Act a requirement that a licensee seeking to renew his or her
15 license must furnish evidence that he or she is current on his
16 or her certification by the Behavior Analyst Certification
17 Board. In addition, the Department may require by rule that an
18 assistant behavior analyst furnish evidence that he or she is
19 practicing under the supervision of a licensed behavior
20 analyst.

21 Section 40. Behavior technicians. An individual shall not
22 act as a behavior technician in this State unless he or she has
23 had a criminal history records check conducted by the
24 Department and the criminal history records check does not
25 reveal any criminal history record information for that

1 individual. Each applicant for licensure as a behavior
2 technician shall have his or her fingerprints submitted to the
3 Department of State Police in the form and manner prescribed by
4 the Department of State Police. These fingerprints shall be
5 electronically transmitted through a live scan fingerprint
6 vendor licensed by the Department. These fingerprints shall be
7 checked against the Department of State Police and the Federal
8 Bureau of Investigation criminal history record information
9 database now and hereafter filed. The Department of State
10 Police shall charge a fee for conducting the criminal history
11 records check, which shall be deposited in the State Police
12 Services Fund and shall not exceed the actual cost of the
13 Illinois and national criminal history record check. The
14 Department of State Police shall furnish, pursuant to positive
15 identification, records of all Illinois convictions to the
16 Department.

17 A behavior technician shall not use the words, titles, or
18 letters indicating that he or she is a behavior analyst or an
19 assistant behavior analyst or that he or she is engaging in the
20 practice of applied behavior analysis. A behavior technician
21 shall use a title that indicates his or her noncredentialed
22 status, including "Behavior Technician", "ABA Technician", or
23 "Tutor".

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.