



Rep. Dan Brady

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1 AMENDMENT TO HOUSE BILL 1970

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1970 by replacing  
3 everything after the enacting clause with the following:

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.

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

2 "Applied behavior analysis" means the design,  
3 implementation, and evaluation of environmental modifications  
4 using behavioral stimuli and consequences to produce socially  
5 significant improvement in human behavior, including the use of  
6 direct observation, measurement, and functional analysis of  
7 the relations between environment and behavior. "Applied  
8 behavior analysis" does not include:

9 (1) the practice of medicine, the practice of  
10 osteopathic medicine and surgery, or medical diagnosis or  
11 treatment;

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

13 (3) the practice of physical therapy;

14 (4) the practice of occupational therapy;

15 (5) psychological testing, including standardized  
16 testing for intelligence or personality;

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

18 (7) the practice of neuropsychology, psychotherapy,  
19 cognitive therapy, sex therapy, psychoanalysis,  
20 hypnotherapy, or counseling as treatment modalities.

21 "Assistant behavior analyst" means an individual licensed  
22 under this Act to engage in practice as an assistant behavior  
23 analyst.

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

1 "Behavior technician" means a noncredentialed individual  
2 who delivers applied behavior analysis services under the  
3 delegation and supervision of a behavior analyst.

4 "Behavioral health treatment" means evidence-based  
5 counseling and treatment programs, including applied behavior  
6 analysis, that are (i) necessary to develop, maintain, or  
7 restore, to the maximum extent practicable, the functioning of  
8 an individual and (ii) provided or supervised by a  
9 board-certified behavior analyst or a licensed psychologist so  
10 long as the services performed are commensurate with the  
11 psychologist's formal university training and supervised  
12 experience.

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

15 "Practice as an assistant behavior analyst" means the  
16 practice of applied behavior analysis under the supervision of  
17 a behavior analyst.

18 "Secretary" means the Secretary of Financial and  
19 Professional Regulation.

20 "Sexual offense" means an offense that would require an  
21 individual to be subject to registration under the Sex Offender  
22 Registration Act.

23 Section 15. License required.

24 (a) Beginning 2 years after the effective date of rules  
25 adopted by the Department to implement this Act, an individual

1 shall not engage in the practice of applied behavior analysis  
2 or practice as an assistant behavior analyst unless licensed  
3 under this Act.

4 (b) Beginning 2 years after the effective date of rules  
5 adopted by the Department to implement this Act, an individual  
6 shall not use the titles "behavior analyst", "B.A.", "licensed  
7 behavior analyst", "L.B.A.", "assistant behavior analyst",  
8 "A.B.A.", "licensed assistant behavior analyst", "L.A.B.A.",  
9 or similar words or letters that indicate that he or she is  
10 licensed as a behavior analyst or assistant behavior analyst  
11 unless the individual is licensed under this Act.

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

13 (1) Self-care by a patient or uncompensated care by a  
14 friend or family member who does not represent or hold  
15 himself or herself out to be a behavior analyst or  
16 assistant behavior analyst.

17 (2) A behavior technician or a family member from  
18 implementing a plan under the extended authority,  
19 direction, and, if applicable, supervision of a behavior  
20 analyst.

21 (3) An individual licensed under any other law of this  
22 State from performing activities that are considered to be  
23 the practice of applied behavior analysis under this Act if  
24 the activities are within the licensee's scope of practice  
25 and are commensurate with his or her education, training,  
26 and experience, so long as the individual does not use the

1 titles provided in subsection (b) of this Section.

2 (4) An individual from performing activities that are  
3 considered to be the practice of applied behavior analysis  
4 under this Act if the activities are with nonhuman or  
5 nonpatient clients or consumers, including, but not  
6 limited to, applied animal behaviorists and practitioners  
7 of organizational behavior management.

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

19 (6) An individual who is not licensed under this Act  
20 from pursuing experience requirements for applied behavior  
21 analysis credentials if the experience is supervised by an  
22 individual who is licensed as a behavioral analyst.

23 (d) This Act does not apply to an individual who, on the  
24 effective date of this Act, is engaging in the practice of  
25 applied behavior analysis under the medical assistance program  
26 under the Illinois Public Aid Code while that individual is

1 seeking the education, training, and experience necessary to  
2 obtain a license under this Act and only while the individual  
3 is providing applied behavior analysis to children in the  
4 provision of home and community-based services.

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

1 shall furnish, pursuant to positive identification, records of  
2 all Illinois convictions to the Department.

3 Section 25. Qualifications for licensure as an assistant  
4 behavior analyst. The Department shall issue a license as an  
5 assistant behavior analyst to an individual who, on or before  
6 the effective date of this Act, had the credentials as a  
7 certified assistant behavior analyst conferred for applied  
8 behavior analysis by the Behavior Analyst Certification Board  
9 and who applies for licensure as an assistant behavior analyst  
10 within one year after the effective date of the rules adopted  
11 by the Department to implement this Act. Each applicant for  
12 licensure as an assistant behavior analyst shall have his or  
13 her fingerprints submitted to the Department of State Police in  
14 the form and manner prescribed by the Department of State  
15 Police. These fingerprints shall be electronically transmitted  
16 through a live scan fingerprint vendor licensed by the  
17 Department. These fingerprints shall be checked against the  
18 Department of State Police and the Federal Bureau of  
19 Investigation criminal history record information database now  
20 and hereafter filed. The Department of State Police shall  
21 charge a fee for conducting the criminal history records check,  
22 which shall be deposited in the State Police Services Fund and  
23 shall not exceed the actual cost of the Illinois and national  
24 criminal history record check. The Department of State Police  
25 shall furnish, pursuant to positive identification, records of

1 all Illinois convictions to the Department.

2 Section 30. Board of Behavior Analysts. The Board of  
3 Behavior Analysts is created within the Department of Financial  
4 and Professional Regulation. The Board shall consist of the  
5 following members appointed by the Secretary:

6 (1) four behavior analysts, 3 of whom provide clinical  
7 services;

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

11 (3) one assistant behavior analyst;

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

15 (5) two public members.

16 The initial members of the Board who are behavior analysts  
17 must be certified as behavior analysts by the Behavior Analyst  
18 Certification Board and the initial member of the Board who is  
19 an assistant behavior analyst must be certified as an assistant  
20 behavior analyst by the Behavior Analyst Certification Board.

21 Board members shall serve for a term of 4 years, except  
22 that, of the initial appointments, 3 members shall serve for a  
23 term of 2 years, 3 members shall serve for a term of 3 years,  
24 and 3 members shall serve for a term of 4 years.



1           Section 35. Rules; minimum standards for licensure;  
2 renewal. Within 2 years after the effective date of this Act,  
3 the Department, in consultation with the Board of Behavior  
4 Analysts, shall adopt rules that establish the minimum  
5 standards for licensure as a behavior analyst and an assistant  
6 behavior analyst. For purposes of this Section, the Department  
7 may adopt in its rules the professional standards, in whole or  
8 in part, adopted by the Behavior Analyst Certification Board as  
9 its standards. Until rules are adopted under this Section, the  
10 Department shall use the standards adopted by the Behavior  
11 Analyst Certification Board that are in effect on the effective  
12 date of this Act.

13           The Department shall include in its rules adopted under  
14 this Act that an application for a license under this Act will  
15 be denied if the applicant's criminal history records check  
16 reveals that he or she was convicted of a sexual offense and  
17 that a licensee's license will be permanently revoked if he or  
18 she is convicted of a sexual offense while licensed under this  
19 Act.

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

1 analyst.

2 Section 40. Behavior technicians. An individual shall not  
3 act as a behavior technician in this State unless he or she has  
4 had a criminal history records check conducted by the  
5 Department and the criminal history records check does not  
6 reveal any criminal history record information for that  
7 individual. Each applicant for licensure as a behavior  
8 technician shall have his or her fingerprints submitted to the  
9 Department of State Police in the form and manner prescribed by  
10 the Department of State Police. These fingerprints shall be  
11 electronically transmitted through a live scan fingerprint  
12 vendor licensed by the Department. These fingerprints shall be  
13 checked against the Department of State Police and the Federal  
14 Bureau of Investigation criminal history record information  
15 database now and hereafter filed. The Department of State  
16 Police shall charge a fee for conducting the criminal history  
17 records check, which shall be deposited in the State Police  
18 Services Fund and shall not exceed the actual cost of the  
19 Illinois and national criminal history record check. The  
20 Department of State Police shall furnish, pursuant to positive  
21 identification, records of all Illinois convictions to the  
22 Department.

23 A behavior technician shall not use the words, titles, or  
24 letters indicating that he or she is a behavior analyst or an  
25 assistant behavior analyst or that he or she is engaging in the

1 practice of applied behavior analysis. A behavior technician  
2 shall use a title that indicates his or her noncredentialed  
3 status, including "Behavior Technician", "ABA Technician", or  
4 "Tutor".

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law."