

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  
9 interest. The purpose of this Act is to protect and benefit the  
10 public by setting standards of qualifications, education,  
11 training, and experience for those who seek to obtain a  
12 license and hold the title of "behavior analyst" or "assistant  
13 behavior analyst", to promote high standards of professional  
14 performance for those licensed to practice applied behavior  
15 analysis in the State of Illinois, and to protect the public  
16 from unprofessional conduct by persons licensed to practice  
17 applied behavior analysis.

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

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

1 of direct observation, measurement, and functional analysis of  
2 the relations between environment and behavior. "Applied  
3 behavior analysis" does not include:

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

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

8 (3) the practice of physical therapy;

9 (4) the practice of occupational therapy;

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

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

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

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

19 "Behavior analyst" means an individual licensed under this  
20 Act to engage in the practice of applied behavior analysis.

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

24 "Behavioral health treatment" means evidence-based  
25 counseling and treatment programs, including applied behavior  
26 analysis, that are: (i) necessary to develop, maintain, or

1 restore, to the maximum extent practicable, the functioning of  
2 an individual; and (ii) provided or supervised by a  
3 board-certified behavior analyst or a licensed psychologist so  
4 long as the services performed are commensurate with the  
5 psychologist's formal university training and supervised  
6 experience.

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

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

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

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

17 Section 15. License required.

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

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

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

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

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

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

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

23 (4) An individual from performing activities that are  
24 considered to be the practice of applied behavior analysis  
25 under this Act if the activities are with nonhuman or  
26 nonpatient clients or consumers, including, but not

1 limited to, applied animal behaviorists and practitioners  
2 of organizational behavior management.

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

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

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

1 (e) The Department may issue a provisional license to an  
2 applicant for a behavior analyst license or assistant behavior  
3 analyst license upon receipt of a complete application,  
4 submission of the required fee, and a showing of valid  
5 licensure as a behavior analyst or assistant behavior analyst  
6 in another state, only if the applicant has submitted  
7 fingerprints and has no disqualifying criminal history.

8 (1) The Department shall, in accordance with rules  
9 adopted, issue a provisional behavior analyst license or a  
10 provisional assistant behavior analyst license upon  
11 receipt by the Department of a complete application,  
12 appropriate fee as set by the Department by rule, and  
13 proof of satisfaction of requirements under paragraphs (2)  
14 and (3) of this subsection, respectively, and other  
15 requirements established by the Department by rule, except  
16 that applicants for a provisional license as either a  
17 behavior analyst or assistant behavior analyst need not  
18 have passed an examination and been certified as a  
19 board-certified behavior analyst or a board-certified  
20 assistant behavior analyst to obtain a provisional  
21 behavior analyst or provisional assistant behavior analyst  
22 license.

23 (2) A provisional license issued under this subsection  
24 shall only authorize and permit the licensee to render  
25 behavior analysis under the supervision and the full  
26 professional responsibility and control of such licensee's

1 licensed supervisor.

2 (3) A provisional license shall automatically  
3 terminate upon issuance of a permanent license, upon a  
4 finding of cause to discipline after notice, upon  
5 termination of supervision by a licensed supervisor, or  
6 upon the expiration of one year from the date of issuance  
7 of the provisional license, whichever first occurs. The  
8 provisional license may be renewed after one year, with a  
9 maximum issuance of 2 years. Upon a showing of good cause,  
10 the Department, by rule, shall provide procedures for  
11 exceptions and variances from the requirement of a maximum  
12 issuance of 2 years.

13 Section 20. Qualifications for licensure as a behavior  
14 analyst. The Department shall issue a license as a behavior  
15 analyst to an individual who, on or before the effective date  
16 of this Act, had the credentials as a certified behavior  
17 analyst conferred for applied behavior analysis by the  
18 Behavior Analyst Certification Board and who applies for  
19 licensure as a behavior analyst within one year after the  
20 effective date of the rules adopted by the Department to  
21 implement this Act. Each applicant for licensure as a behavior  
22 analyst shall have his or her fingerprints submitted to the  
23 Illinois State Police in the form and manner prescribed by the  
24 Illinois State Police. These fingerprints shall be  
25 electronically transmitted through a live scan fingerprint

1 vendor licensed by the Department. These fingerprints shall be  
2 checked against the Illinois State Police and the Federal  
3 Bureau of Investigation criminal history record information  
4 database now and hereafter filed. The Illinois State Police  
5 shall charge a fee for conducting the criminal history records  
6 check, which shall be deposited into the State Police Services  
7 Fund and shall not exceed the actual cost of the Illinois and  
8 national criminal history record check. The Illinois State  
9 Police shall furnish, pursuant to positive identification,  
10 records of all Illinois convictions to the Department.

11 Section 25. Qualifications for licensure as an assistant  
12 behavior analyst. The Department shall issue a license as an  
13 assistant behavior analyst to an individual who, on or before  
14 the effective date of this Act, had the credentials as a  
15 certified assistant behavior analyst conferred for applied  
16 behavior analysis by the Behavior Analyst Certification Board  
17 and who applies for licensure as an assistant behavior analyst  
18 within one year after the effective date of the rules adopted  
19 by the Department to implement this Act. Each applicant for  
20 licensure as an assistant behavior analyst shall have his or  
21 her fingerprints submitted to the Illinois State Police in an  
22 electronic format that complies with the form and manner for  
23 requesting and furnishing criminal history record information  
24 as prescribed by the Illinois State Police. These fingerprints  
25 shall be transmitted through a live scan fingerprint vendor



1 licensed by the Department. These fingerprints shall be  
2 checked against the Illinois State Police and Federal Bureau  
3 of Investigation criminal history record databases now and  
4 hereafter filed, including, but not limited to, civil,  
5 criminal, and latent fingerprint databases. The Illinois State  
6 Police shall charge a fee for conducting the criminal history  
7 records check, which shall be deposited in the State Police  
8 Services Fund and shall not exceed the actual cost of the  
9 records check. The Illinois State Police shall furnish,  
10 pursuant to positive identification, records of Illinois  
11 convictions as prescribed under the Illinois Uniform  
12 Conviction Information Act and shall forward the national  
13 criminal history record information to the Department.

14 Section 30. Board of Behavior Analysts. The Board of  
15 Behavior Analysts is created within the Department of  
16 Financial and Professional Regulation. The Board shall consist  
17 of the following members appointed by the Secretary:

18 (1) 4 behavior analysts, 3 of whom provide clinical  
19 services;

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

23 (3) one assistant behavior analyst;

24 (4) one physician licensed to practice medicine in all  
25 its branches who works with patients with autism spectrum

1 disorders or brain injuries; and

2 (5) 2 public members.

3 The initial members of the Board who are behavior analysts  
4 must be certified as behavior analysts by the Behavior Analyst  
5 Certification Board and the initial member of the Board who is  
6 an assistant behavior analyst must be certified as an  
7 assistant behavior analyst by the Behavior Analyst  
8 Certification Board. Board members shall serve for a term of 4  
9 years, except that, of the initial appointments, 3 members  
10 shall serve for a term of 2 years, 3 members shall serve for a  
11 term of 3 years, and 3 members shall serve for a term of 4  
12 years.

13 Section 35. Rules; minimum standards for licensure;  
14 renewal. Within one year after the effective date of this Act,  
15 the Department, in consultation with the Board of Behavior  
16 Analysts, shall adopt rules that establish the minimum  
17 standards for licensure as a behavior analyst and an assistant  
18 behavior analyst. For purposes of this Section, the Department  
19 may adopt in its rules the professional standards, in whole or  
20 in part, adopted by the Behavior Analyst Certification Board  
21 as its standards. Until rules are adopted under this Section,  
22 the Department shall use the standards adopted by the Behavior  
23 Analyst Certification Board that are in effect on the  
24 effective date of this Act. The Department shall include in  
25 its rules adopted under this Act that an application for a

1 license under this Act will be denied if the applicant's  
2 criminal history records check reveals that he or she was  
3 convicted of a sex offense and that a licensee's license will  
4 be permanently revoked if he or she is convicted of a sex  
5 offense while licensed under this Act. The Department may  
6 include in its rules adopted under this Act a requirement that  
7 a licensee seeking to renew his or her license must furnish  
8 evidence that he or she is current on his or her certification  
9 by the Behavior Analyst Certification Board. In addition, the  
10 Department may require by rule that an assistant behavior  
11 analyst furnish evidence that he or she is practicing under  
12 the supervision of a licensed behavior analyst.

13 Section 40. Behavior technicians. An individual shall not  
14 act as a behavior technician in this State unless he or she has  
15 had a criminal history records check conducted by the  
16 Department and the criminal history records check does not  
17 reveal any criminal history record information for that  
18 individual. Each applicant for licensure as a behavior  
19 technician shall have his or her fingerprints submitted to the  
20 Illinois State Police in the form and manner prescribed by the  
21 Illinois State Police. These fingerprints shall be  
22 electronically transmitted through a live scan fingerprint  
23 vendor licensed by the Department. These fingerprints shall be  
24 checked against the Illinois State Police and the Federal  
25 Bureau of Investigation criminal history record information

1 database now and hereafter filed. The Illinois State Police  
2 shall charge a fee for conducting the criminal history records  
3 check, which shall be deposited into the State Police Services  
4 Fund and shall not exceed the actual cost of the Illinois and  
5 national criminal history record check. The Illinois State  
6 Police shall furnish, pursuant to positive identification,  
7 records of all Illinois convictions to the Department. A  
8 behavior technician shall not use the words, titles, or  
9 letters indicating that he or she is a behavior analyst or an  
10 assistant behavior analyst or that he or she is engaging in the  
11 practice of applied behavior analysis. A behavior technician  
12 shall use a title that indicates his or her noncredentialed  
13 status, including "Behavior Technician", "ABA Technician", or  
14 "Tutor".

15 Section 90. The Illinois Public Aid Code is amended by  
16 changing Section 5-30.11 as follows:

17 (305 ILCS 5/5-30.11)

18 Sec. 5-30.11. Treatment of autism spectrum disorder.  
19 Treatment of autism spectrum disorder through applied behavior  
20 analysis shall be covered under the medical assistance program  
21 under this Article for children with a diagnosis of autism  
22 spectrum disorder when ordered by: (1) a physician licensed to  
23 practice medicine in all its branches and rendered by a  
24 licensed or certified health care professional with expertise

1 in applied behavior analysis; or (2) a behavior analyst  
2 licensed by the Department of Financial and Professional  
3 Regulation to practice applied behavior analysis in the State  
4 of Illinois. Such coverage may be limited to age ranges based  
5 on evidence-based best practices. Appropriate State plan  
6 amendments as well as rules regarding provision of services  
7 and providers will be submitted by September 1, 2019.

8 (Source: P.A. 101-10, eff. 6-5-19; 102-558, eff. 8-20-21.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.