

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 5. The Behavior Analyst Licensing Act is amended  
5 by changing Sections 20 and 70 and by adding Section 150.1 as  
6 follows:

7 (225 ILCS 6/20)

8 (Section scheduled to be repealed on January 1, 2028)

9 Sec. 20. License required; exemptions.

10 (a) Beginning 10 months after the adoption of the rules  
11 required under subsection (b) of Section 80, an individual  
12 shall not engage in the practice of applied behavior analysis  
13 unless licensed under this Act or covered by an exemption  
14 under subsection (c).

15 (a-5) An individual licensed under this Act as an  
16 assistant behavior analyst shall not engage in the practice of  
17 applied behavior analysis unless supervised by a licensed  
18 clinical psychologist or licensed behavior analyst.

19 (b) Beginning 10 months after the adoption of the rules  
20 required under subsection (b) of Section 80, an individual  
21 shall not use the title "licensed behavior analyst", "L.B.A.",  
22 "licensed assistant behavior analyst", "L.A.B.A.", or similar  
23 words or letters indicating the individual is licensed as a

1 behavior analyst or assistant behavior analyst unless the  
2 individual is actually licensed under this Act.

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

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

8 (2) An individual from implementing a behavior  
9 analytic treatment plan under the extended authority,  
10 direction, and supervision of a licensed behavior analyst  
11 or licensed assistant behavior analyst.

12 (3) A clinical psychologist, social worker,  
13 psychiatric nurse, speech-language pathologist,  
14 audiologist, professional counselor, clinical  
15 professional counselor, clinical social worker,  
16 occupational therapist, or marriage and family therapist  
17 from performing or advertising activities that are  
18 considered to be the practice of applied behavior analysis  
19 under this Act if the activities are consistent with the  
20 laws of this State, the individual's training, and any  
21 code of ethics of the individual's respective professions,  
22 so long as the individual does not use the titles provided  
23 in subsection (b).

24 (4) An individual from performing activities that are  
25 considered to be the practice of applied behavior analysis  
26 under this Act if the activities are with nonhumans,

1 including applied animal behaviorists and animal trainers.  
2 The individual may use the title "behavior analyst" but  
3 shall not represent oneself as a licensed behavior analyst  
4 or licensed assistant behavior analyst unless the  
5 individual holds a license issued by the State.

6 (5) An individual who provides general applied  
7 behavior analysis services to organizations, so long as  
8 the services are for the benefit of the organizations and  
9 do not involve direct services to individuals. The  
10 individual may use the title "behavior analyst" but may  
11 not represent oneself as a licensed behavior analyst or  
12 licensed assistant behavior analyst unless the individual  
13 holds a license issued by the State.

14 (6) An individual who is a matriculated student at a  
15 nationally accredited university approved in rules or a  
16 postdoctoral fellow from performing activities that are  
17 considered to be the practice of applied behavior analysis  
18 under this Act if the activities are part of a defined  
19 program of study, course, practicum, internship, or  
20 postdoctoral fellowship, provided that the applied  
21 behavior analysis activities are directly supervised by a  
22 licensed behavior analyst under this Act or a licensed  
23 clinical psychologist.

24 (7) An individual who is not licensed under this Act  
25 from pursuing field experience in the practice of behavior  
26 analysis if the experience is supervised by a licensed

1 behavior analyst or a licensed psychologist.

2 (8) An individual with a learning behavior specialist  
3 or school support personnel endorsement from the State  
4 Board of Education, the school district in which the  
5 school is located, or a special education joint agreement  
6 serving the school district in which the school is located  
7 from delivering behavior analytic services in a school  
8 setting when employed by that school as long as those  
9 services are defined in the scope of practice for that  
10 endorsement and that person is not in any manner held out  
11 to the public as a licensed behavior analyst or licensed  
12 assistant behavior analyst.

13 (9) A qualified intellectual disabilities  
14 professional, meeting the minimum federal education  
15 requirements outlined in 42 CFR 483.430, who is performing  
16 the duties required for individuals with intellectual or  
17 developmental disabilities in programs and facilities  
18 regulated by the federal Centers for Medicare and Medicaid  
19 Services, the Department of Human Services, or the  
20 Department of Public Health, so long as the individual  
21 does not use the titles provided in subsection (b).

22 (10) A service provider, designated by the Department  
23 of Human Services, from providing behavior intervention  
24 and treatment, so long as the individual does not use the  
25 titles provided in subsection (b).

26 (d) This Act does not apply to an individual who, on the

1 effective date of this Act, is engaging in the practice of  
2 applied behavior analysis under the medical assistance program  
3 under the Illinois Public Aid Code while that individual is  
4 seeking the education, training, and experience necessary to  
5 obtain a license under this Act.

6 (e) No licensed behavior analyst or licensed assistant  
7 behavior analyst shall engage in the practice of  
8 speech-language pathology or the practice of audiology, as  
9 defined in the Illinois Speech-Language Pathology and  
10 Audiology Practice Act, unless licensed to do so under that  
11 Act.

12 (Source: P.A. 102-953, eff. 5-27-22; 103-857, eff. 8-9-24.)

13 (225 ILCS 6/70)

14 (Section scheduled to be repealed on January 1, 2028)

15 Sec. 70. Unlicensed practice; violation; civil penalty.

16 (a) Any person who practices, offers to practice, attempts  
17 to practice, or holds oneself out to practice as a licensed  
18 behavior analyst or licensed assistant behavior analyst  
19 without being licensed or exempt under this Act shall, in  
20 addition to any other penalty provided by law, pay a civil  
21 penalty to the Department in an amount not to exceed \$10,000  
22 for each offense, as determined by the Department. The civil  
23 penalty shall be assessed by the Department after a hearing is  
24 held in accordance with the provisions set forth in this Act  
25 regarding the provision of a hearing for the discipline of a

1 licensee.

2 (a-5) Any member, partner, shareholder, director, officer,  
3 holder of any other ownership interest, or agent of a business  
4 organization that provides behavior analysis services who  
5 makes clinical decisions regarding patient care without being  
6 licensed or exempt under this Act shall be deemed to have  
7 violated this Section.

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

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

15 (Source: P.A. 102-953, eff. 5-27-22.)

16 (225 ILCS 6/150.1 new)

17 Sec. 150.1. Ownership exemption for certain schools and  
18 nonprofit organizations. Notwithstanding any provision of this  
19 Act and any rules adopted under this Act, a public school,  
20 school district, charter school, or nonprofit organization  
21 that is exempt or qualified for exemption from federal income  
22 taxes under Section 501(c)(3) of the Internal Revenue Code may  
23 employ or contract with a licensed behavioral analyst  
24 regardless of whether each individual who owns, operates, or  
25 manages the public school, school district, charter school, or

1 nonprofit organization holds a currently valid license issued  
2 under this Act. A public school, school district, charter  
3 school, or nonprofit organization that is exempt or qualified  
4 for exemption from federal income taxes under Section  
5 501(c)(3) of the Internal Revenue Code may employ, contract  
6 with, or otherwise engage a licensed behavioral analyst to  
7 perform services within his or her scope of practice if the  
8 licensed behavioral analyst holds a currently valid license  
9 issued under this Act.

10 Section 10. The Professional Service Corporation Act is  
11 amended by changing Section 3.6 as follows:

12 (805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

13 Sec. 3.6. "Related professions" and "related professional  
14 services" mean more than one personal service which requires  
15 as a condition precedent to the rendering thereof the  
16 obtaining of a license and which prior to October 1, 1973 could  
17 not be performed by a corporation by reason of law; provided,  
18 however, that these terms shall be restricted to:

19 (1) a combination of 2 or more of the following  
20 personal services: (a) "architecture" as defined in  
21 Section 5 of the Illinois Architecture Practice Act of  
22 1989, (b) "professional engineering" as defined in Section  
23 4 of the Professional Engineering Practice Act of 1989,  
24 (c) "structural engineering" as defined in Section 5 of

1 the Structural Engineering Practice Act of 1989, (d) "land  
2 surveying" as defined in Section 2 of the Illinois  
3 Professional Land Surveyor Act of 1989;

4 (2) a combination of the following personal services:

5 (a) the practice of medicine by persons licensed under the  
6 Medical Practice Act of 1987, (b) the practice of podiatry  
7 as defined in the Podiatric Medical Practice Act of 1987,  
8 (c) the practice of dentistry as defined in the Illinois  
9 Dental Practice Act, (d) the practice of optometry as  
10 defined in the Illinois Optometric Practice Act of 1987;

11 (3) a combination of 2 or more of the following  
12 personal services: (a) the practice of clinical psychology  
13 by persons licensed under the Clinical Psychologist  
14 Licensing Act, (b) the practice of social work or clinical  
15 social work by persons licensed under the Clinical Social  
16 Work and Social Work Practice Act, (c) the practice of  
17 marriage and family therapy by persons licensed under the  
18 Marriage and Family Therapy Licensing Act, (d) the  
19 practice of professional counseling or clinical  
20 professional counseling by persons licensed under the  
21 Professional Counselor and Clinical Professional Counselor  
22 Licensing and Practice Act, or (e) the practice of sex  
23 offender evaluations by persons licensed under the Sex  
24 Offender Evaluation and Treatment Provider Act; or

25 (4) a combination of 2 or more of the following  
26 personal services: (a) the practice of acupuncture by

1 persons licensed under the Acupuncture Practice Act, (b)  
2 the practice of massage by persons licensed under the  
3 Massage Therapy Practice Act, (c) the practice of  
4 naprapathy by persons licensed under the Naprapathic  
5 Practice Act, (d) the practice of occupational therapy by  
6 persons licensed under the Illinois Occupational Therapy  
7 Practice Act, (e) the practice of physical therapy by  
8 persons licensed under the Illinois Physical Therapy Act,  
9 ~~or~~ (f) the practice of speech-language therapy by persons  
10 licensed under the Illinois Speech-Language Pathology and  
11 Audiology Practice Act, or (g) the practice of applied  
12 behavior analysis by persons licensed under the Behavior  
13 Analyst Licensing Act.

14 (Source: P.A. 101-95, eff. 7-19-19; 102-20, eff. 1-1-22.)

15 Section 15. The Professional Limited Liability Company Act  
16 is amended by changing Section 13 as follows:

17 (805 ILCS 185/13)

18 Sec. 13. Nature of business.

19 (a) A professional limited liability company may be formed  
20 to provide a professional service or services licensed by the  
21 Department except:

22 (1) the practice of dentistry unless all the members  
23 and managers are licensed as dentists under the Illinois  
24 Dental Practice Act;

1           (2) the practice of medicine unless all the managers,  
2           if any, are licensed to practice medicine under the  
3           Medical Practice Act of 1987 and each member is either:

4                   (A) licensed to practice medicine under the  
5                   Medical Practice Act of 1987;

6                   (B) a registered medical corporation or  
7                   corporations organized pursuant to the Medical  
8                   Corporation Act;

9                   (C) a professional corporation organized pursuant  
10                   to the Professional Service Corporation Act of  
11                   physicians licensed to practice under the Medical  
12                   Practice Act of 1987;

13                   (D) a hospital or hospital affiliate as defined in  
14                   Section 10.8 of the Hospital Licensing Act; or

15                   (E) a professional limited liability company that  
16                   satisfies the requirements of subparagraph (A), (B),  
17                   (C), or (D);

18           (3) the practice of real estate unless all the members  
19           and managers, if any, that actively participate in the  
20           real estate activities of the professional limited  
21           liability company are licensed to practice as a managing  
22           broker or broker pursuant to the Real Estate License Act  
23           of 2000. All nonparticipating members or managers shall  
24           submit affidavits of nonparticipation as required by the  
25           Department and the Real Estate License Act of 2000;

26           (4) the practice of clinical psychology unless all the

1 managers and members are licensed to practice as a  
2 clinical psychologist under the Clinical Psychologist  
3 Licensing Act;

4 (5) the practice of social work unless all the  
5 managers and members are licensed to practice as a  
6 clinical social worker or social worker under the Clinical  
7 Social Work and Social Work Practice Act;

8 (6) the practice of marriage and family therapy unless  
9 all the managers and members are licensed to practice as a  
10 marriage and family therapist under the Marriage and  
11 Family Therapy Licensing Act;

12 (7) the practice of professional counseling unless all  
13 the managers and members are licensed to practice as a  
14 clinical professional counselor or a professional  
15 counselor under the Professional Counselor and Clinical  
16 Professional Counselor Licensing and Practice Act;

17 (8) the practice of sex offender evaluation and  
18 treatment unless all the managers and members are licensed  
19 to practice as a sex offender evaluator or sex offender  
20 treatment provider under the Sex Offender Evaluation and  
21 Treatment Provider Act; or

22 (9) the practice of veterinary medicine unless all the  
23 managers and members are licensed to practice as a  
24 veterinarian under the Veterinary Medicine and Surgery  
25 Practice Act of 2004.

26 (b) Notwithstanding any provision of this Section, any of

1 the following professional services may be combined and  
2 offered within a single professional limited liability company  
3 provided that each professional service is offered only by  
4 persons licensed to provide that professional service and all  
5 managers and members are licensed in at least one of the  
6 professional services offered by the professional limited  
7 liability company:

8 (1) the practice of medicine by physicians licensed  
9 under the Medical Practice Act of 1987, the practice of  
10 podiatry by podiatric physicians licensed under the  
11 Podiatric Medical Practice Act of 1987, the practice of  
12 dentistry by dentists licensed under the Illinois Dental  
13 Practice Act, and the practice of optometry by  
14 optometrists licensed under the Illinois Optometric  
15 Practice Act of 1987;

16 (2) the practice of clinical psychology by clinical  
17 psychologists licensed under the Clinical Psychologist  
18 Licensing Act, the practice of social work by clinical  
19 social workers or social workers licensed under the  
20 Clinical Social Work and Social Work Practice Act, the  
21 practice of marriage and family counseling by marriage and  
22 family therapists licensed under the Marriage and Family  
23 Therapy Licensing Act, the practice of professional  
24 counseling by professional counselors and clinical  
25 professional counselors licensed under the Professional  
26 Counselor and Clinical Professional Counselor Licensing

1 and Practice Act, and the practice of sex offender  
2 evaluation and treatment by sex offender evaluators and  
3 sex offender treatment providers licensed under the Sex  
4 Offender Evaluation and Treatment Provider Act;

5 (3) the practice of architecture by persons licensed  
6 under the Illinois Architecture Practice Act of 1989, the  
7 practice of professional engineering by persons licensed  
8 under the Professional Engineering Practice Act of 1989,  
9 the practice of structural engineering by persons licensed  
10 under the Structural Engineering Practice Act of 1989, and  
11 the practice of land surveying by persons licensed under  
12 the Illinois Professional Land Surveyor Act of 1989; or

13 (4) the practice of acupuncture by persons licensed  
14 under the Acupuncture Practice Act, the practice of  
15 massage by persons licensed under the Massage Licensing  
16 Act, the practice of naprapathy by persons licensed under  
17 the Naprapathic Practice Act, the practice of occupational  
18 therapy by persons licensed under the Illinois  
19 Occupational Therapy Practice Act, the practice of  
20 physical therapy by persons licensed under the Illinois  
21 Physical Therapy Act, the practice of applied behavior  
22 analysis by persons licensed under the Behavior Analyst  
23 Licensing Act, and the practice of speech-language  
24 pathology by persons licensed under the Illinois  
25 Speech-Language Pathology and Audiology Practice Act.

26 (Source: P.A. 102-970, eff. 5-27-22.)

1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.