

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8 (Section scheduled to be repealed on January 1, 2028)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