



Sen. Meg Loughran Cappel

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10400SB0712sam001

LRB104 07011 CCC 36269 a

1 AMENDMENT TO SENATE BILL 712

2 AMENDMENT NO. _____. Amend Senate Bill 712 by replacing
3 everything after the enacting clause with the following:

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8 (Section scheduled to be repealed on January 1, 2028)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

1 applied behavior analysis unless supervised by a licensed
2 clinical psychologist or licensed behavior analyst.

3 (b) Beginning 10 months after the adoption of the rules
4 required under subsection (b) of Section 80, an individual
5 shall not use the title "licensed behavior analyst", "L.B.A.",
6 "licensed assistant behavior analyst", "L.A.B.A.", or similar
7 words or letters indicating the individual is licensed as a
8 behavior analyst or assistant behavior analyst unless the
9 individual is actually licensed under this Act.

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

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

15 (2) An individual from implementing a behavior
16 analytic treatment plan under the extended authority,
17 direction, and supervision of a licensed behavior analyst
18 or licensed assistant behavior analyst.

19 (3) A clinical psychologist, social worker,
20 psychiatric nurse, speech-language pathologist,
21 audiologist, professional counselor, clinical
22 professional counselor, clinical social worker,
23 occupational therapist, or marriage and family therapist
24 from performing or advertising activities that are
25 considered to be the practice of applied behavior analysis
26 under this Act if the activities are consistent with the

1 laws of this State, the individual's training, and any
2 code of ethics of the individual's respective professions,
3 so long as the individual does not use the titles provided
4 in subsection (b).

5 (4) An individual from performing activities that are
6 considered to be the practice of applied behavior analysis
7 under this Act if the activities are with nonhumans,
8 including applied animal behaviorists and animal trainers.
9 The individual may use the title "behavior analyst" but
10 shall not represent oneself as a licensed behavior analyst
11 or licensed assistant behavior analyst unless the
12 individual holds a license issued by the State.

13 (5) An individual who provides general applied
14 behavior analysis services to organizations, so long as
15 the services are for the benefit of the organizations and
16 do not involve direct services to individuals. The
17 individual may use the title "behavior analyst" but may
18 not represent oneself as a licensed behavior analyst or
19 licensed assistant behavior analyst unless the individual
20 holds a license issued by the State.

21 (6) An individual who is a matriculated student at a
22 nationally accredited university approved in rules or a
23 postdoctoral fellow from performing activities that are
24 considered to be the practice of applied behavior analysis
25 under this Act if the activities are part of a defined
26 program of study, course, practicum, internship, or

1 postdoctoral fellowship, provided that the applied
2 behavior analysis activities are directly supervised by a
3 licensed behavior analyst under this Act or a licensed
4 clinical psychologist.

5 (7) An individual who is not licensed under this Act
6 from pursuing field experience in the practice of behavior
7 analysis if the experience is supervised by a licensed
8 behavior analyst or a licensed psychologist.

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

20 (9) A qualified intellectual disabilities
21 professional, meeting the minimum federal education
22 requirements outlined in 42 CFR 483.430, who is performing
23 the duties required for individuals with intellectual or
24 developmental disabilities in programs and facilities
25 regulated by the federal Centers for Medicare and Medicaid
26 Services, the Department of Human Services, or the

1 Department of Public Health, so long as the individual
2 does not use the titles provided in subsection (b).

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

7 (d) This Act does not apply to an individual who, on the
8 effective date of this Act, is engaging in the practice of
9 applied behavior analysis under the medical assistance program
10 under the Illinois Public Aid Code while that individual is
11 seeking the education, training, and experience necessary to
12 obtain a license under this Act.

13 (e) No licensed behavior analyst or licensed assistant
14 behavior analyst shall engage in the practice of
15 speech-language pathology or the practice of audiology, as
16 defined in the Illinois Speech-Language Pathology and
17 Audiology Practice Act, unless licensed to do so under that
18 Act.

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

20 (225 ILCS 6/70)

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

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

23 (a) Any person who practices, offers to practice, attempts
24 to practice, or holds oneself out to practice as a licensed
25 behavior analyst or licensed assistant behavior analyst

1 without being licensed or exempt under this Act shall, in
2 addition to any other penalty provided by law, pay a civil
3 penalty to the Department in an amount not to exceed \$10,000
4 for each offense, as determined by the Department. The civil
5 penalty shall be assessed by the Department after a hearing is
6 held in accordance with the provisions set forth in this Act
7 regarding the provision of a hearing for the discipline of a
8 licensee.

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

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

17 (c) The civil penalty shall be paid within 60 days after
18 the effective date of the order imposing the civil penalty.
19 The order shall constitute a final judgment and may be filed
20 and execution had thereon in the same manner as any judgment
21 from any court of record.

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

23 (225 ILCS 6/150.1 new)

24 Sec. 150.1. Ownership exemption for certain schools and
25 nonprofit organizations. Notwithstanding any provision of this

1 Act and any rules adopted under this Act, a public school,
2 school district, charter school, or nonprofit organization
3 that is exempt or qualified for exemption from federal income
4 taxes under Section 501(c)(3) of the Internal Revenue Code may
5 employ or contract with a licensed behavioral analyst
6 regardless of whether each individual who owns, operates, or
7 manages the public school, school district, charter school, or
8 nonprofit organization holds a currently valid license issued
9 under this Act. A public school, school district, charter
10 school, or nonprofit organization that is exempt or qualified
11 for exemption from federal income taxes under Section
12 501(c)(3) of the Internal Revenue Code may employ, contract
13 with, or otherwise engage a licensed behavioral analyst to
14 perform services within his or her scope of practice if the
15 licensed behavioral analyst holds a currently valid license
16 issued under this Act.

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

19 (805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

20 Sec. 3.6. "Related professions" and "related professional
21 services" mean more than one personal service which requires
22 as a condition precedent to the rendering thereof the
23 obtaining of a license and which prior to October 1, 1973 could
24 not be performed by a corporation by reason of law; provided,

1 however, that these terms shall be restricted to:

2 (1) a combination of 2 or more of the following
3 personal services: (a) "architecture" as defined in
4 Section 5 of the Illinois Architecture Practice Act of
5 1989, (b) "professional engineering" as defined in Section
6 4 of the Professional Engineering Practice Act of 1989,
7 (c) "structural engineering" as defined in Section 5 of
8 the Structural Engineering Practice Act of 1989, (d) "land
9 surveying" as defined in Section 2 of the Illinois
10 Professional Land Surveyor Act of 1989;

11 (2) a combination of the following personal services:
12 (a) the practice of medicine by persons licensed under the
13 Medical Practice Act of 1987, (b) the practice of podiatry
14 as defined in the Podiatric Medical Practice Act of 1987,
15 (c) the practice of dentistry as defined in the Illinois
16 Dental Practice Act, (d) the practice of optometry as
17 defined in the Illinois Optometric Practice Act of 1987;

18 (3) a combination of 2 or more of the following
19 personal services: (a) the practice of clinical psychology
20 by persons licensed under the Clinical Psychologist
21 Licensing Act, (b) the practice of social work or clinical
22 social work by persons licensed under the Clinical Social
23 Work and Social Work Practice Act, (c) the practice of
24 marriage and family therapy by persons licensed under the
25 Marriage and Family Therapy Licensing Act, (d) the
26 practice of professional counseling or clinical

1 professional counseling by persons licensed under the
2 Professional Counselor and Clinical Professional Counselor
3 Licensing and Practice Act, or (e) the practice of sex
4 offender evaluations by persons licensed under the Sex
5 Offender Evaluation and Treatment Provider Act; or

6 (4) a combination of 2 or more of the following
7 personal services: (a) the practice of acupuncture by
8 persons licensed under the Acupuncture Practice Act, (b)
9 the practice of massage by persons licensed under the
10 Massage Therapy Practice Act, (c) the practice of
11 naprapathy by persons licensed under the Naprapathic
12 Practice Act, (d) the practice of occupational therapy by
13 persons licensed under the Illinois Occupational Therapy
14 Practice Act, (e) the practice of physical therapy by
15 persons licensed under the Illinois Physical Therapy Act,
16 ~~or~~ (f) the practice of speech-language therapy by persons
17 licensed under the Illinois Speech-Language Pathology and
18 Audiology Practice Act, or (g) the practice of applied
19 behavior analysis by persons licensed under the Behavior
20 Analyst Licensing Act.

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

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

24 (805 ILCS 185/13)

1 Sec. 13. Nature of business.

2 (a) A professional limited liability company may be formed
3 to provide a professional service or services licensed by the
4 Department except:

5 (1) the practice of dentistry unless all the members
6 and managers are licensed as dentists under the Illinois
7 Dental Practice Act;

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

11 (A) licensed to practice medicine under the
12 Medical Practice Act of 1987;

13 (B) a registered medical corporation or
14 corporations organized pursuant to the Medical
15 Corporation Act;

16 (C) a professional corporation organized pursuant
17 to the Professional Service Corporation Act of
18 physicians licensed to practice under the Medical
19 Practice Act of 1987;

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

22 (E) a professional limited liability company that
23 satisfies the requirements of subparagraph (A), (B),
24 (C), or (D);

25 (3) the practice of real estate unless all the members
26 and managers, if any, that actively participate in the

1 real estate activities of the professional limited
2 liability company are licensed to practice as a managing
3 broker or broker pursuant to the Real Estate License Act
4 of 2000. All nonparticipating members or managers shall
5 submit affidavits of nonparticipation as required by the
6 Department and the Real Estate License Act of 2000;

7 (4) the practice of clinical psychology unless all the
8 managers and members are licensed to practice as a
9 clinical psychologist under the Clinical Psychologist
10 Licensing Act;

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

15 (6) the practice of marriage and family therapy unless
16 all the managers and members are licensed to practice as a
17 marriage and family therapist under the Marriage and
18 Family Therapy Licensing Act;

19 (7) the practice of professional counseling unless all
20 the managers and members are licensed to practice as a
21 clinical professional counselor or a professional
22 counselor under the Professional Counselor and Clinical
23 Professional Counselor Licensing and Practice Act;

24 (8) the practice of sex offender evaluation and
25 treatment unless all the managers and members are licensed
26 to practice as a sex offender evaluator or sex offender

1 treatment provider under the Sex Offender Evaluation and
2 Treatment Provider Act; or

3 (9) the practice of veterinary medicine unless all the
4 managers and members are licensed to practice as a
5 veterinarian under the Veterinary Medicine and Surgery
6 Practice Act of 2004.

7 (b) Notwithstanding any provision of this Section, any of
8 the following professional services may be combined and
9 offered within a single professional limited liability company
10 provided that each professional service is offered only by
11 persons licensed to provide that professional service and all
12 managers and members are licensed in at least one of the
13 professional services offered by the professional limited
14 liability company:

15 (1) the practice of medicine by physicians licensed
16 under the Medical Practice Act of 1987, the practice of
17 podiatry by podiatric physicians licensed under the
18 Podiatric Medical Practice Act of 1987, the practice of
19 dentistry by dentists licensed under the Illinois Dental
20 Practice Act, and the practice of optometry by
21 optometrists licensed under the Illinois Optometric
22 Practice Act of 1987;

23 (2) the practice of clinical psychology by clinical
24 psychologists licensed under the Clinical Psychologist
25 Licensing Act, the practice of social work by clinical
26 social workers or social workers licensed under the

1 Clinical Social Work and Social Work Practice Act, the
2 practice of marriage and family counseling by marriage and
3 family therapists licensed under the Marriage and Family
4 Therapy Licensing Act, the practice of professional
5 counseling by professional counselors and clinical
6 professional counselors licensed under the Professional
7 Counselor and Clinical Professional Counselor Licensing
8 and Practice Act, and the practice of sex offender
9 evaluation and treatment by sex offender evaluators and
10 sex offender treatment providers licensed under the Sex
11 Offender Evaluation and Treatment Provider Act;

12 (3) the practice of architecture by persons licensed
13 under the Illinois Architecture Practice Act of 1989, the
14 practice of professional engineering by persons licensed
15 under the Professional Engineering Practice Act of 1989,
16 the practice of structural engineering by persons licensed
17 under the Structural Engineering Practice Act of 1989, and
18 the practice of land surveying by persons licensed under
19 the Illinois Professional Land Surveyor Act of 1989; or

20 (4) the practice of acupuncture by persons licensed
21 under the Acupuncture Practice Act, the practice of
22 massage by persons licensed under the Massage Licensing
23 Act, the practice of naprapathy by persons licensed under
24 the Naprapathic Practice Act, the practice of occupational
25 therapy by persons licensed under the Illinois
26 Occupational Therapy Practice Act, the practice of

1 physical therapy by persons licensed under the Illinois
2 Physical Therapy Act, the practice of applied behavior
3 analysis by persons licensed under the Behavior Analyst
4 Licensing Act, and the practice of speech-language
5 pathology by persons licensed under the Illinois
6 Speech-Language Pathology and Audiology Practice Act.

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

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