



Sen. Paul Faraci

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10300HB5344sam001

LRB103 38353 RTM 73113 a

1 AMENDMENT TO HOUSE BILL 5344

2 AMENDMENT NO. _____. Amend House Bill 5344 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Behavior Analyst Licensing Act is amended
5 by changing Section 20 and 150 as follows:

6 (225 ILCS 6/20)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 20. License required; exemptions.

9 (a) Beginning 10 months after the adoption of the rules
10 required under subsection (b) of Section 80 ~~30 months after~~
11 ~~the effective date of this Act~~, an individual shall not engage
12 in the practice of applied behavior analysis unless licensed
13 under this Act or covered by an exemption under subsection
14 (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 ~~30 months after~~
5 ~~the effective date of this Act~~, an individual shall not use the
6 title "licensed behavior analyst", "L.B.A.", "licensed
7 assistant behavior analyst", "L.A.B.A.", or similar words or
8 letters indicating the individual is licensed as a behavior
9 analyst or assistant behavior analyst unless the individual is
10 actually licensed under this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (225 ILCS 6/150)

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

23 Sec. 150. License restrictions and limitations.
24 Notwithstanding the exclusion in paragraph (2) of subsection
25 (c) of Section 20 that permits an individual to implement a

1 behavior analytic treatment plan under the extended authority,
2 direction, and supervision of a licensed behavior analyst or
3 licensed assistant behavior analyst, beginning 24 months after
4 the Department has commenced issuance of licenses under this
5 Act, no business organization shall provide, attempt to
6 provide, or offer to provide behavior analysis services unless
7 every member, partner, shareholder, director, officer, holder
8 of any other ownership interest, agent, and employee who
9 renders applied behavior analysis services holds a currently
10 valid license issued under this Act. No business shall be
11 created that (i) has a stated purpose that includes behavior
12 analysis, or (ii) practices or holds itself out as available
13 to practice behavior analysis therapy, unless it is organized
14 under the Professional Service Corporation Act or Professional
15 Limited Liability Company Act. Nothing in this Act shall
16 preclude individuals licensed under this Act from practicing
17 directly or indirectly for a physician licensed to practice
18 medicine in all its branches under the Medical Practice Act of
19 1987 or for any legal entity as provided under subsection (c)
20 of Section 22.2 of the Medical Practice Act of 1987.

21 (Source: P.A. 102-953, eff. 5-27-22; 102-1118, eff. 1-18-23.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."