

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

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

(225 ILCS 6/20)

(Section scheduled to be repealed on January 1, 2028)

Sec. 20. License required; exemptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

behavior analyst or a licensed psychologist.

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

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

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

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

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

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

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

(225 ILCS 6/70)

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

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

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

licensee.

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

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

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

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

(225 ILCS 6/150.1 new)

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

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

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

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

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

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

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

(2) a combination of the following personal services:

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

(3) a combination of 2 or more of the following personal services: (a) the practice of clinical psychology by persons licensed under the Clinical Psychologist Licensing Act, (b) the practice of social work or clinical social work by persons licensed under the Clinical Social Work and Social Work Practice Act, (c) the practice of marriage and family therapy by persons licensed under the Marriage and Family Therapy Licensing Act, (d) the practice of professional counseling or clinical professional counseling by persons licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, or (e) the practice of sex offender evaluations by persons licensed under the Sex Offender Evaluation and Treatment Provider Act; or

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

persons licensed under the Acupuncture Practice Act, (b) the practice of massage by persons licensed under the Massage Therapy Practice Act, (c) the practice of naprapathy by persons licensed under the Naprapathic Practice Act, (d) the practice of occupational therapy by persons licensed under the Illinois Occupational Therapy Practice Act, (e) the practice of physical therapy by persons licensed under the Illinois Physical Therapy Act, ~~or~~ (f) the practice of speech-language therapy by persons licensed under the Illinois Speech-Language Pathology and Audiology Practice Act, or (g) the practice of applied behavior analysis by persons licensed under the Behavior Analyst Licensing Act.

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

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

(805 ILCS 185/13)

Sec. 13. Nature of business.

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

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

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

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

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

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

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

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

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

(4) the practice of clinical psychology unless all the

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

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

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

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

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

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

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

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

(1) the practice of medicine by physicians licensed under the Medical Practice Act of 1987, the practice of podiatry by podiatric physicians licensed under the Podiatric Medical Practice Act of 1987, the practice of dentistry by dentists licensed under the Illinois Dental Practice Act, and the practice of optometry by optometrists licensed under the Illinois Optometric Practice Act of 1987;

(2) the practice of clinical psychology by clinical psychologists licensed under the Clinical Psychologist Licensing Act, the practice of social work by clinical social workers or social workers licensed under the Clinical Social Work and Social Work Practice Act, the practice of marriage and family counseling by marriage and family therapists licensed under the Marriage and Family Therapy Licensing Act, the practice of professional counseling by professional counselors and clinical professional counselors licensed under the Professional Counselor and Clinical Professional Counselor Licensing

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

(3) the practice of architecture by persons licensed under the Illinois Architecture Practice Act of 1989, the practice of professional engineering by persons licensed under the Professional Engineering Practice Act of 1989, the practice of structural engineering by persons licensed under the Structural Engineering Practice Act of 1989, and the practice of land surveying by persons licensed under the Illinois Professional Land Surveyor Act of 1989; or

(4) the practice of acupuncture by persons licensed under the Acupuncture Practice Act, the practice of massage by persons licensed under the Massage Licensing Act, the practice of naprapathy by persons licensed under the Naprapathic Practice Act, the practice of occupational therapy by persons licensed under the Illinois Occupational Therapy Practice Act, the practice of physical therapy by persons licensed under the Illinois Physical Therapy Act, the practice of applied behavior analysis by persons licensed under the Behavior Analyst Licensing Act, and the practice of speech-language pathology by persons licensed under the Illinois Speech-Language Pathology and Audiology Practice Act.

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

Public Act 104-0618

SB0712 Enrolled

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