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## BILL ANALYSIS



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Senate Bill 655 (Substitute S-4 as reported by the Committee of the Whole)  
Sponsor: Senator Rebekah Warren  
Committee: Health Policy

**CONTENT**

The bill would add Part 176A (Applied Behavior Analysis) to the Public Health Code to provide for the licensure of behavior analysts and assistant behavior analysts. The bill would do the following:

- Beginning two years after the effective date of rules promulgated for licensure, prohibit an individual from engaging in the practice of applied behavior analysis (ABA) or practicing as an assistant behavior analyst unless licensed or otherwise authorized.
- Within two years after the effective date of proposed Part 176A, require the Department of Licensing and Regulatory Affairs (LARA), in consultation with a proposed Michigan Board of Behavior Analysts, to promulgate rules that established the minimum standards for licensure, including a rule to deny a license application or permanently revoke a license for a conviction of a listed offense under the Sex Offender Registration Act.
- Require LARA to issue a license to an individual who had credentials as a certified behavior analyst or certified assistant behavior analyst (and who was under the supervision of a behavior analyst, in the case of an assistant) and who applied for licensure within one year after the effective date of rules promulgated under Part 176A.
- Require LARA to provide for a three-year license cycle.
- Prohibit an individual from acting as a behavior technician unless he or she had a criminal history check conducted and the check did not contain any criminal history record information for him or her.
- Create the Michigan Board of Behavior Analysts within LARA.
- Allow LARA, in consultation with the Board, to promulgate rules to require a licensee seeking renewal to furnish evidence that he or she was current on his or her certification during the preceding license period.

The bill also would amend the Code to establish a \$50 application processing fee and a \$90 annual license fee for an individual licensed or seeking licensure to engage in the practice of applied behavior analysis, or to engage in practice as an assistant behavior analyst.

Except as otherwise provided, the licensure requirement would not apply to an individual who, on the effective date of proposed Part 176A, was engaging in the practice of ABA under the Medicaid or MICHild program while he or she was seeking the education, training, and experience necessary to obtain a license, and only while he or she was providing ABA services to children in compliance with the Medicaid State plan amendment for providing home and community-based services.

MCL 333.16342a et al.

Legislative Analyst: Julie Cassidy

## **FISCAL IMPACT**

The bill would have a likely neutral fiscal impact on the Department of Licensing and Regulatory Affairs and no fiscal impact on local units of government. It is unknown how many individuals would seek licensure, but it is anticipated that the proposed fee levels would be sufficient to cover the marginal costs related to issuing licenses. Other costs introduced by the bill would be related to rule promulgation, administrative support of the Michigan Board of Behavior Analysts, and development of license application forms.

Date Completed: 12-10-14

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.