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BILL ANALYSIS

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Senate Bill 1015 (Substitute S-2 as reported)
Senate Bill 1016 (as reported without amendment)
Sponsor: Senator Rebekah Warren (S.B. 1015)
Senator Margaret O'Brien (S.B. 1016)
Committee: Regulatory Reform

CONTENT

Senate Bill 1015 (S-2) would add Part 182A (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 one year 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 Part 182A, 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 already 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 182A.
- Require LARA to provide for a four-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, and he or she completed a training program.
- 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 Part 161 (General Provisions) to establish an application fee and a per-year license fee for a behavior analyst or assistant behavior analyst license.

Senate Bill 1016 would add a section to proposed Part 182A to establish the Michigan Board of Behavior Analysts within LARA.

The bills are tie-barred. Each bill would take effect 90 days after enactment.

Proposed MCL 333.16343a et al. (S.B. 1015)
Proposed MCL 333.18255 (S.B. 1016)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bills would have an indeterminate, but likely minor fiscal impact on the Bureau of Professional Licensing within the Department of Licensing and Regulatory Affairs, and no fiscal

impact on local units of government. Under the bill, individuals engaged in the practice of behavior analysis would be required to seek licensure from the Bureau, and remit a \$75 application fee and a per-year license fee of \$90. These fees are similar to those paid by fully licensed psychologists, and those fees generate revenue that is in excess of what is needed to regulate the profession. It is expected that in the long term, the fees created by the bills would provide sufficient revenue to license and regulate behavior analysts. In the short term, the bills would create some regulatory costs related to rule promulgation and other administrative functions, such as the creation of application forms and licensure database updates. The bills also would create the Michigan Board of Behavior Analysts, which would presumably receive administrative support from LARA at some unknown, but likely minor cost that would likely be covered by the fees established in the bills.

Date Completed: 9-16-16

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.