

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

***** 333.18253.added THIS ADDED SECTION IS EFFECTIVE APRIL 3, 2017 *****

333.18253.added Use of title or similar words or letters; practice of applied business analysis or assistant behavior analysis; licensure required; exceptions; issuance of license.

Sec. 18253. (1) Beginning 1 year after the effective date of the rules promulgated under sections 18257 and 18259 for licensure under this part, an individual shall not use the titles "licensed behavior analyst", "l.b.a.", "licensed assistant behavior analyst", "l.a.b.a.", or similar words or letters that indicate that he or she is licensed as a behavior analyst or assistant behavior analyst unless the individual is licensed or otherwise authorized under this part. The department shall provide for a 4-year license cycle.

(2) Beginning 1 year after the effective date of the rules promulgated under sections 18257 and 18259 for licensure under this part, an individual shall not engage in the practice of applied behavior analysis or practice as an assistant behavior analyst unless licensed or otherwise authorized under this article.

(3) Subsection (2) does not prevent any of the following:

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

(b) A behavior technician from implementing a care plan under the delegation and supervision of a behavior analyst.

(c) A family member from providing a follow-up home program designed by a behavior analyst.

(d) A school-based paraprofessional from implementing an applied behavior analysis intervention under the delegation and supervision of a licensed professional described in subdivision (e) or an authorized professional described in subdivision (f).

(e) An individual authorized to practice psychology in the state under part 182 from providing services included in the practice of applied behavior analysis, if the behavior analysis services provided by that individual are within his or her education, training, and experience.

(f) An individual who holds a license, certificate, registration, or other authorization from this state that authorizes him or her to perform 1 or more of the services included in the practice of applied behavior analysis, so long as the individual does not do any of the following:

(i) Perform any services included in the practice of applied behavior analysis that are not within the scope of practice of his or her profession or occupation.

(ii) Perform any services included in the practice of applied behavior analysis that he or she is not qualified by his or her education, training, and experience to perform.

(iii) Represent that he or she is a behavior analyst or assistant behavior analyst.

(g) An individual who is a matriculated student at a nationally accredited university approved in rules or who is a postdoctoral fellow from performing activities that are considered under this part to be the practice of applied behavior analysis if the activities are part of a defined behavior analysis program of study or practicum approved in rules and if the student or fellow is directly supervised by an individual who is any of the following:

(i) Licensed as a behavior analyst under this part.

(ii) Appointed as the instructor of a course sequence approved by the BACB or other certification board.

(h) An individual who is not licensed under this part from pursuing experience in behavior analysis compatible with the BACB's experience requirements for an applied behavior analysis credential, if the experience is supervised by an individual who is licensed as a behavior analyst under this part.

(i) An individual from performing activities that are considered under this part to be the practice of applied behavior analysis if the activities are with nonhuman or nonpatient clients or consumers. Individuals described in this subdivision include, but are not limited to, applied animal behaviorists and practitioners of organizational behavior management.

(4) The department shall issue a license as a behavior analyst to an individual who on or before the effective date of this part had a credential as a board certified behavior analyst, or conferred for applied behavior analysis by the BACB, and who applies for licensure as a behavior analyst by 1 year after the effective date of the rules promulgated under section 18257.

(5) The department shall issue a license as an assistant behavior analyst to an individual who on or before the effective date of this part had a credential as a board certified assistant behavior analyst, conferred for applied behavior analysis by the BACB, who is under the supervision of a behavior analyst, and who applies for licensure as an assistant behavior analyst by 1 year after the effective date of the rules promulgated under section 18259.

History: Add. 2016, Act 403, Eff. Apr. 3, 2017.

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