

HOUSE BILL NO. 5291

November 13, 2025, Introduced by Rep. VanderWall and referred to Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16343a, 18253, and 18257 (MCL 333.16343a,
333.18253, and 333.18257), as added by 2016 PA 403.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16343a. Fees for an individual who is licensed or seeking
2 licensure to engage in the practice of applied behavior analysis ~~7~~
3 or ~~to engage in~~ practice as an assistant behavior analyst ~~7~~ under
4 part 182A are as follows:

1	(a) Application processing fee	\$ 75.00
2	(b) License fee, per year	90.00
3	(c) Limited license fee, per year	150.00

4 Sec. 18253. (1) ~~Beginning 1 year after the effective date of~~
5 ~~the rules promulgated under sections 18257 and 18259 for licensure~~
6 ~~under this part, an~~ **An** individual shall not use the titles
7 "licensed behavior analyst", "l.b.a.", "licensed assistant behavior
8 analyst", "l.a.b.a.", "**applied behavior analyst trainee**", or
9 similar words or letters that indicate that ~~he or she~~ **the**
10 **individual** is licensed as a behavior analyst or assistant behavior
11 analyst unless the individual is licensed or otherwise authorized
12 under this part. ~~The~~ **Except as otherwise provided in section 18257,**
13 **the** department shall provide for a 4-year license cycle.

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

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

20 (a) Self-care by a patient or uncompensated care by a friend
21 or family member who does not represent or hold ~~himself or herself~~
22 **themselves** out to be a behavior analyst or assistant behavior
23 analyst.

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

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

28 (d) A school-based paraprofessional from implementing an
29 applied behavior analysis intervention under the delegation and

1 supervision of a licensed professional described in subdivision (e)
 2 or an authorized professional described in subdivision (f).

3 (e) An individual authorized to **engage in the practice of**
 4 psychology ~~in the state~~ under part 182 from providing services
 5 included in the practice of applied behavior analysis, if the
 6 behavior analysis services provided by that individual are within
 7 ~~his or her~~ **the individual's** education, training, and experience.

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

13 (i) Perform any services included in the practice of applied
 14 behavior analysis that are not within the scope of practice of ~~his~~
 15 ~~or her~~ **the individual's** profession or occupation.

16 (ii) Perform any services included in the practice of applied
 17 behavior analysis that ~~he or she~~ **the individual** is not qualified by
 18 ~~his or her~~ **the individual's** education, training, and experience to
 19 perform.

20 (iii) Represent that ~~he or she~~ **the individual** is a behavior
 21 analyst or assistant behavior analyst.

22 (g) ~~An~~ **Until the effective date of rules promulgated to**
 23 **implement section 18257(2), an** individual who is a matriculated
 24 student at a nationally accredited university approved in rules or
 25 who is a postdoctoral fellow from performing activities that are
 26 considered ~~under this part~~ to be the practice of applied behavior
 27 analysis if the activities are part of a defined behavior analysis
 28 program of study or practicum approved in rules and if the student
 29 or fellow is directly supervised by an individual who is any of the

1 following:

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

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

5 (h) ~~An~~ **Until the effective date of rules promulgated to**
6 **implement section 18257(2), an** individual who is not licensed under
7 this part from pursuing experience in behavior analysis compatible
8 with the BACB's experience requirements for an applied behavior
9 analysis credential, if the experience is supervised by an
10 individual who is licensed as a behavior analyst under this part.

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

17 (4) ~~The department~~ **An individual** shall ~~issue~~ **be granted** a
18 license as a behavior analyst ~~to an individual who~~ **if**, on or before
19 ~~the effective date of this part~~ **April 3, 2017, the individual** had a
20 credential as a board certified behavior analyst, or conferred for
21 applied behavior analysis by the BACB, and ~~who applies~~ **the**
22 **individual applied** for licensure as a behavior analyst by 1 year
23 after the effective date of the rules **initially** promulgated under
24 section 18257.

25 (5) ~~The department~~ **An individual** shall ~~issue~~ **be granted** a
26 license as an assistant behavior analyst ~~to an individual who~~ **if**,
27 on or before ~~the effective date of this part~~ **April 3, 2017, the**
28 **individual** had a credential as a board certified assistant behavior
29 analyst, conferred for applied behavior analysis by the BACB, ~~who~~

1 is under the supervision of a behavior analyst, and ~~who~~ applies for
2 licensure as an assistant behavior analyst by 1 year after the
3 effective date of the rules **initially** promulgated under section
4 18259.

5 Sec. 18257. ~~(1) By 2 years after the effective date of this~~
6 ~~part, the~~ **The** department, in consultation with the board, shall
7 promulgate rules that establish the minimum standards for licensure
8 as a behavior analyst. For purposes of this ~~section, subsection,~~
9 the department may adopt in its rules the professional standards,
10 in whole or in part, issued by the BACB or any other nationally
11 recognized professional association as ~~its~~ **the** standards under this
12 ~~section.~~ **subsection.**

13 **(2) Beginning on the effective date of rules promulgated to**
14 **implement this subsection, if the department adopts standards**
15 **issued by a professional association under subsection (1) that**
16 **require an individual to obtain experience in the practice of**
17 **applied behavior analysis to obtain certification from the**
18 **professional association for purposes of full licensure, an**
19 **individual must be granted a limited license to engage in the**
20 **practice of applied behavior analysis to meet the experience**
21 **requirement. To be granted a limited license under this subsection,**
22 **an individual must meet 1 of the following:**

23 **(a) The individual is a matriculated student at a nationally**
24 **accredited university approved in rules or a postdoctoral fellow**
25 **and the individual is part of a defined behavior analysis program**
26 **of study or practicum approved in rules.**

27 **(b) The individual is pursuing experience in behavior analysis**
28 **compatible with the professional association's experience**
29 **requirements for certification.**

1 (3) An individual who is granted a limited license under
2 subsection (2) shall comply with the following:

3 (a) If the individual is granted a limited license under
4 subsection (2)(a), the individual shall engage in the practice of
5 applied behavior analysis only under the supervision of a behavior
6 analyst who is fully licensed under subsection (1) or an individual
7 who is appointed as the instructor of a course sequence approved by
8 the BACB or other certification board, and follow the standards for
9 supervision established by the professional association described
10 in subsection (1).

11 (b) If the individual is granted a limited license under
12 subsection (2)(b), the individual shall engage in the practice of
13 applied behavior analysis only under the supervision of a behavior
14 analyst who is fully licensed under subsection (1), and follow the
15 standards for supervision established by the professional
16 association described in subsection (1).

17 (c) The individual shall not represent that the individual is
18 engaged in the independent practice of applied behavior analysis.

19 (d) The individual shall only use the title "applied behavior
20 analyst trainee".

21 (4) A limited license granted under subsection (2) is valid
22 for 3 years and is renewable for 1 additional 3-year term.