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MICHIGAN PASSES LAW CREATING LICENSE FOR APPLIED BEHAVIOR ANALYSTS

On January 3, 2017, Michigan Lieutenant Governor Brian Calley signed Senate Bills 1015 and 1016 (collectively, the "Act"), which require applied behavior analysts to be licensed similarly to other professionals in the medical field. In an analysis of the Act, the Michigan Senate Fiscal Agency reasoned that early intervention using evidence-based treatment has shown to be effective in improving outcomes for people with autism spectrum disorders. Applied behavior analysis is one such treatment and is now required to be covered by insurers. Prior to the Act, behavior analysts were not required to be licensed in Michigan, which complicated reimbursement by insurers. The Act was passed in part to assist behavior analysts with reimbursements issues and also to provide a mechanism for the licensure and oversight of behavior analysts. The Act will be effective April 3, 2017.

Beginning April 3, 2018, individuals are prohibited from engaging in the practice of applied behavior analysis or practice as an assistant behavior analyst unless licensed. The Act defines "practice of applied behavior analysis" as the design, implementation and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. Further, individuals are not permitted to use the titles "licensed behavior analyst," "l.b.a.," "licensed assistant behavior analyst," "l.a.b.a." or similar words to indicate the he or she is licensed as a behavior analyst unless the individual is licensed or otherwise authorized under the Act.

The Act contains several exceptions to the licensure requirement, including self-care by a patient, uncompensated care by a friend or family member who does not hold himself or herself out to be a behavior analyst and individuals engaging in the practice of applied behavior analysis if the activities are with nonhuman or non-patient clients or consumers, including applied animal behaviorists and practitioners of organizational behavior management.

The practice of applied behavior analysis does not include any of the following.

- The practice of medicine or osteopathic medicine and surgery or medical diagnosis or treatment.
- The practice of speech-language pathology, physical therapy or occupational therapy.
- Psychological testing, including standardized testing for intelligence or personality.
- Diagnosis of a mental or physical impairment.
- The practice of neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis hypnotherapy or counseling as treatment modalities.

Senate Bill 1016 establishes the Michigan Board of Behavior Analysts in the Department of Licensing and Regulatory Affairs. The initial application fee for licensure is $75.00, and the annual license fee is $90.00.

If you have questions or would like additional information about this topic, please contact:

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