

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BEHAVIOR ANALYSTS - GENERAL RULES

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 18257, and 18259 of 1978 PA 368, MCL 333.16145, 333.16148, 333.18257, and 333.18259, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

PART 1. GENERAL PROVISIONS

R 338.1801 Definitions.

Rule 801. (1) As used in these rules:

- (a) "BACB" means the behavior analyst certification board, or its successor.
 - (b) "Board" means the Michigan board of behavior analysts created under section 18255 of the code, MCL 333.18255.
 - (c) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211, known as the public health code.
 - (d) "Department" means the department of licensing and regulatory affairs.
- (2) Except as otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

History: 2019 MR 1, Eff. Jan. 7, 2019.

PART 2. LICENSURE

R 338.1821 Training standards for identifying victims of human trafficking; requirements.

Rule 821. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content shall cover all of the following:
 - (i) Understanding the types and venues of human trafficking in the United States.
 - (ii) Identifying victims of human trafficking in health care settings.
 - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
 - (iv) Resources for reporting the suspected victims of human trafficking.
- (b) Acceptable providers or methods of training include any of the following:
 - (i) Training offered by a nationally recognized or state-recognized health-related organization.
 - (ii) Training offered by, or in conjunction with, a state or federal agency.
 - (iii) Training obtained in an educational program that has been approved by the board for initial licensure or registration, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.

(c) Acceptable modalities of training may include any of the following:

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement shall include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule shall apply for license or registration renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses or registrations issued 5 or more years after the promulgation of this rule.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.1823 Application for license; qualifications.

Rule 823. (1) In addition to meeting the requirements of the code, the department shall issue a behavior analyst license to a person who satisfies all of the following:

(a) Submits a completed application on a form provided by the department.

(b) Pays the required fee to the department.

(c) Has the BACB issue directly to the department proof of current certification in good standing with the BACB.

(d) Has not been convicted of a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant whose application was denied under this subrule may request a hearing under section 16232 of the code, MCL 333.16232.

(2) In addition to meeting the requirements of the code, the department shall issue an assistant behavior analyst license to a person who satisfies all of the following:

(a) Submits a completed application on a form provided by the department.

(b) Pays the required fee to the department.

(c) Has the BACB issue directly to the department proof of current certification in good standing with the BACB.

(d) Has not been convicted of a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant whose application was

denied under this subrule may request a hearing under section 16232 of the code, MCL 333.16232.

(e) Provides proof acceptable to the department that he or she will be supervised by a Michigan licensed behavior analyst in this state who is currently certified and in good standing with the BACB, and that the supervision complies with current BACB supervision requirements.

(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a behavior analyst or assistant behavior analyst. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.1825 Relicensure.

Rule 825. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201(3), if the applicant satisfies all of the following requirements:

(a) Submits a completed application on a form provided by the department.

(b) Pays the required fee to the department.

(c) Has the BACB issue directly to the department proof of current certification in good standing with the BACB.

(d) Has not been convicted of a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant whose application was denied under this subrule may request a hearing under section 16232 of the code, MCL 333.16232.

(e) Establishes that he or she is of good moral character as defined under sections (1) to (7) of 1974 PA 381, MCL 338.41 to 338.47.

(f) If applying for relicensure as an assistant behavior analyst, provides proof acceptable to the department that he or she will be supervised by a Michigan licensed behavior analyst in this state who is currently certified and in good standing with the BACB, and that the supervision complies with current BACB supervision requirements.

(2) An applicant whose license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant satisfies all of the following requirements:

(a) Submits a completed application on a form provided by the department.

(b) Pays the required fee to the department.

(c) Has the BACB issue directly to the department proof of current certification in good standing with the BACB.

(d) Has not been convicted of a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant whose application was denied under this subrule may request a hearing under section 16232 of the code, MCL 333.16232.

(e) Establishes that he or she is of good moral character as defined under sections (1) to (7) of 1974 PA 381, MCL 338.41 to 338.47.

(f) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174(3).

(g) If applying for relicensure as an assistant behavior analyst, provides proof acceptable to the department that he or she will be supervised by a Michigan licensed behavior analyst in this state who is currently certified and in good standing with the BACB, and that the supervision complies with current BACB supervision requirements.

(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a behavior analyst or assistant behavior analyst. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.1827 Application for renewal of license; qualifications.

Rule 827. (1) The department shall renew a behavior analyst license for a current licensee who satisfies all of the following:

(a) Submits a completed application on a form provided by the department.

(b) Pays the required fee to the department.

(c) Has the BACB issue directly to the department proof of current certification in good standing with the BACB.

(d) Has not been convicted of a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant whose application was denied under this subrule may request a hearing under section 16232 of the code, MCL 333.16232.

(2) The department shall renew an assistant behavior analyst license for a current licensee who satisfies all of the following:

(a) Submits a completed application on a form provided by the department.

(b) Pays the required fee to the department.

(c) Has the BACB issue directly to the department proof of current certification in good standing with the BACB.

(d) Has not been convicted of a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant whose application was denied under this subrule may request a hearing under section 16232 of the code, MCL 333.16232.

(e) Provides proof acceptable to the department that he or she will be supervised by a Michigan licensed behavior analyst in this state who is currently certified and in good standing with the BACB, and that the supervision complies with current BACB supervision requirements.

History: 2019 MR 1, Eff. Jan. 7, 2019.

PART 3. STANDARDS OF PRACTICE

R 338.1831 Certification; requirement.

Rule 831. A licensee shall maintain active status certification with the BACB.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.1833 Adoption of standards.

Rule 833. The board adopts by reference the professional standards of the BACB, as specified in the publication entitled “Professional and Ethical Compliance Code for Behavior Analysts” August 2014. The standards are available from the BACB’s website at <https://www.bacb.com/wp-content/uploads/2017/09/170706-compliance-code-english.pdf> at no cost. Copies of the standards are available for inspection and distribution at cost from the Board of Behavior Analysts, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 W. Ottawa Street, P.O. Box 30670, Lansing, MI 48909.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.1835 Permanent revocation; grounds; hearing.

Rule 835. (1) Notwithstanding sections 16221, 16226, and 16245 of the code, MCL 333.16221, 333.16226, and 333.16245, a licensee’s license shall be permanently revoked if he or she is convicted of a listed offense as that term is defined under section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, while licensed under this part.

(2) A licensee whose license was permanently revoked under subrule (1) of this rule may request a hearing under section 16232 of the code, MCL 333.16232.

History: 2019 MR 1, Eff. Jan. 7, 2019.