

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 184

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17904, 17905, 17906, and 18263 (MCL 333.17904,
333.17905, 333.17906, and 333.18263), section 17904 as added by
2006 PA 54, sections 17905 and 17906 as amended by 2015 PA 166, and
section 18263 as added by 2016 PA 403.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17904. (1) The department shall promulgate rules
2 establishing the minimum standards for licensure as an athletic
3 trainer under this part **for purposes of section 17905(1)** and the
4 minimum standards of care for the practice of athletic training.

5 (2) In promulgating the rules required under this section, the
6 department may consult the professional standards issued by the



1 ~~national athletic trainer's association, National Athletic~~
 2 ~~Trainer's Association, by the national athletic trainer's~~
 3 ~~association board of certification, National Athletic Trainer's~~
 4 ~~Association Board of Certification, or by another nationally~~
 5 recognized professional association. The department may incorporate
 6 by reference, in whole or in part, existing standards in the rules.

7 (3) As needed, the department may amend or supplement any
 8 standards **described in this section** by ~~promulgation of a rule~~.

9 Sec. 17905. (1) The department shall issue a license under
 10 this article as an athletic trainer to an individual who meets all
 11 of the following requirements:

12 (a) Applies to the department on a form provided by the
 13 department.

14 (b) Meets the requirements for licensure in rules promulgated
 15 ~~pursuant to~~ **under** section 17904.

16 (c) Pays the fees prescribed in section 16336.

17 (2) The department, **in consultation with the board**, shall
 18 promulgate rules **under this subsection** to ~~require at least 75 clock~~
 19 ~~hours of continuing education within each 3-year license cycle in~~
 20 ~~subjects related to athletic training and approved by the~~
 21 ~~department.~~ **establish continuing education requirements for athletic**
 22 **trainers. The rules must adopt, by reference, the continuing**
 23 **education standards for athletic trainers issued by the Board of**
 24 **Certification, Inc. that are in existence on the effective date of**
 25 **the amendatory act that amended this subsection. The department, in**
 26 **consultation with the board, may adopt any updates or amendments to**
 27 **the standards described in this subsection by rule. Notwithstanding**
 28 **the requirements of part 161, beginning with the license cycle**
 29 **after the effective date of the rules promulgated under this**



1 subsection, an individual must meet the continuing education
 2 requirements established under this subsection. The department, in
 3 consultation with the board, shall promulgate rules to require
 4 licensees seeking renewal to furnish evidence acceptable to the
 5 department and the board of the successful completion, during the
 6 preceding license cycle, of those continuing education
 7 requirements.

8 Sec. 17906. ~~(1) The department shall issue a license under~~
 9 ~~section 17905 for a 3-year license cycle. The~~ **A license issued**
 10 **under section 17905** is renewable upon payment of the prescribed
 11 license renewal fee and ~~submission to the department of proof of~~
 12 ~~satisfactory completion of at least 75 clock hours of continuing~~
 13 ~~education within the 3-year license cycle in subjects related to~~
 14 ~~athletic training and approved by the department.~~ **the successful**
 15 **completion of the requirements for license renewal in rules**
 16 **promulgated under section 17905(2).**

17 ~~(2) In addition to the continuing education requirements of~~
 18 ~~subsection (1), an athletic trainer shall submit along with his or~~
 19 ~~her application for license renewal proof satisfactory to the~~
 20 ~~department of both of the following:~~

21 ~~(a) That he or she has successfully completed a course of~~
 22 ~~training in first aid, cardiopulmonary resuscitation, and automated~~
 23 ~~external defibrillator use for health care professionals or~~
 24 ~~emergency services personnel approved by the department and offered~~
 25 ~~or approved by the American Red Cross, the American Heart~~
 26 ~~Association, or a comparable organization, as determined by the~~
 27 ~~department.~~

28 ~~(b) That he or she holds, at the time of application for~~
 29 ~~renewal and at all times during the previous license period, a~~



1 ~~valid certification in first aid and cardiopulmonary resuscitation~~
 2 ~~issued by the organization offering the training.~~

3 Sec. 18263. (1) An individual shall not act as a behavior
 4 technician in this state ~~unless he or she meets both~~ **if any** of the
 5 following ~~, if applicable:~~ **apply:**

6 (a) ~~Has had a criminal history check conducted and the~~
 7 ~~criminal history check does not contain any criminal history record~~
 8 ~~information for that individual.~~ **Sanctions have been imposed against**
 9 **the individual by a licensure, registration, specialty licensure,**
 10 **or specialty certification board of any other state, of the United**
 11 **States Military, of the federal government, or of any other country**
 12 **based on grounds that are substantially similar to this article or**
 13 **a rule promulgated under this article, and the sanctions are in**
 14 **force at the time the individual is to deliver applied behavior**
 15 **analysis services.**

16 (b) Beginning ~~3 years after the effective date of this~~
 17 ~~section,~~ **April 3, 2020, he or she has not** completed a training
 18 program that is based on the BACB's registered behavior technician
 19 task list.

20 (c) He or she has been convicted of any of the following:

21 (i) A relevant crime described under 42 USC 1320a-7(a).

22 (ii) Any of the following felonies, an attempt or conspiracy to
 23 commit any of those felonies, or any other state or federal crime
 24 that is similar to the felonies described in this subparagraph,
 25 other than a felony for a relevant crime described under 42 USC
 26 1320a-7(a), unless 15 years have lapsed since the individual
 27 completed all of the terms and conditions of his or her sentencing,
 28 parole, and probation for that conviction before the date that he
 29 or she delivers applied behavior analysis services:



1 (A) A felony that involves the intent to cause death or
2 serious impairment of a body function, that results in death or
3 serious impairment of a body function, that involves the use of
4 force or violence, or that involves the threat of the use of force
5 or violence.

6 (B) A felony involving cruelty or torture.

7 (C) A felony under chapter XXA of the Michigan penal code,
8 1931 PA 328, MCL 750.145m to 750.145r.

9 (D) A felony involving criminal sexual conduct.

10 (E) A felony involving abuse or neglect.

11 (F) A felony involving the use of a firearm or dangerous
12 weapon.

13 (G) A felony involving the diversion or adulteration of a
14 prescription drug or other medications.

15 (iii) A felony or an attempt or conspiracy to commit a felony,
16 other than a felony for a relevant crime described under 42 USC
17 1320a-7(a) or a felony described under subparagraph (ii), unless 10
18 years have lapsed since the individual completed all of the terms
19 and conditions of his or her sentencing, parole, and probation for
20 that conviction before the date that he or she delivers applied
21 behavior analysis services.

22 (iv) Any of the following misdemeanors, other than a
23 misdemeanor for a relevant crime described under 42 USC 1320a-7(a),
24 or a state or federal crime that is substantially similar to the
25 misdemeanors described in this subparagraph, within the 10 years
26 immediately preceding the date that he or she delivers applied
27 behavior analysis services:

28 (A) A misdemeanor involving the use of a firearm or dangerous
29 weapon with the intent to injure, the use of a firearm or dangerous



1 weapon that results in a personal injury, or a misdemeanor
2 involving the use of force or violence or the threat of the use of
3 force or violence.

4 (B) A misdemeanor under chapter XXA of the Michigan penal
5 code, 1931 PA 328, MCL 750.145m to 750.145r.

6 (C) A misdemeanor involving criminal sexual conduct.

7 (D) A misdemeanor involving cruelty or torture unless
8 otherwise provided under subparagraph (v).

9 (E) A misdemeanor involving abuse or neglect.

10 (v) Any of the following misdemeanors, other than a
11 misdemeanor for a relevant crime described under 42 USC 1320a-7(a),
12 or a state or federal crime that is substantially similar to the
13 misdemeanors described in this subparagraph, within the 5 years
14 immediately preceding the date that he or she delivers applied
15 behavior analysis services:

16 (A) A misdemeanor involving cruelty if committed by an
17 individual who is less than 16 years of age.

18 (B) A misdemeanor involving home invasion.

19 (C) A misdemeanor involving embezzlement.

20 (D) A misdemeanor involving negligent homicide or a violation
21 of section 601d(1) of the Michigan vehicle code, 1949 PA 300, MCL
22 257.601d.

23 (E) A misdemeanor involving larceny unless otherwise provided
24 under subparagraph (vii).

25 (F) A misdemeanor of retail fraud in the second degree unless
26 otherwise provided under subparagraph (vii).

27 (G) Any other misdemeanor involving assault, fraud, theft, or
28 the possession or delivery of a controlled substance unless
29 otherwise provided under subparagraphs (iv), (vi), or (vii).



1 (vi) Any of the following misdemeanors, other than a
2 misdemeanor for a relevant crime described under 42 USC 1320a-7(a),
3 or a state or federal crime that is substantially similar to the
4 misdemeanors described in this subparagraph, within the 3 years
5 immediately preceding the date that he or she delivers applied
6 behavior analysis services:

7 (A) A misdemeanor for assault if there was no use of a firearm
8 or dangerous weapon and no intent to commit murder or inflict great
9 bodily injury.

10 (B) A misdemeanor of retail fraud in the third degree unless
11 otherwise provided under subparagraph (vii).

12 (C) A misdemeanor under part 74 unless otherwise provided
13 under subparagraph (vii).

14 (vii) Any of the following misdemeanors, other than a
15 misdemeanor for a relevant crime described under 42 USC 1320a-7(a),
16 or a state or federal crime that is substantially similar to the
17 misdemeanors described in this subparagraph, within the year
18 immediately preceding the date that he or she delivers applied
19 behavior analysis services:

20 (A) A misdemeanor under part 74 if the individual, at the time
21 of conviction, is under the age of 18.

22 (B) A misdemeanor for larceny or retail fraud in the second or
23 third degree if the individual, at the time of conviction, is under
24 the age of 16.

25 (d) He or she is the subject of an order or disposition under
26 section 16b of chapter IX of the code of criminal procedure, 1927
27 PA 175, MCL 769.16b.

28 (e) He or she engages in conduct that becomes the subject of a
29 substantiated finding of neglect, abuse, or misappropriation of



1 property by a state or federal agency under an investigation
2 conducted in accordance with 42 USC 1395i-3 or 1396r.

3 (2) A behavior technician shall not use words, titles, or
4 letters that indicate that he or she is a behavior analyst or an
5 assistant behavior analyst or that he or she is engaging in the
6 practice of applied behavior analysis or practice as an assistant
7 behavior analyst.

8 (3) As used in this section, "convicted" means either of the
9 following:

10 (a) For a crime that is not a relevant crime described under
11 42 USC 1320a-7(a), a final conviction, the payment of a fine, a
12 plea of guilty or nolo contendere if accepted by the court, or a
13 finding of guilt for a criminal law violation or a juvenile
14 adjudication or disposition by the juvenile division of probate
15 court or family division of circuit court for a violation that if
16 committed by an adult would be a crime.

17 (b) For a relevant crime described under 42 USC 1320a-7(a),
18 that term as defined in 42 USC 1320a-7.

