

Act No. 19
Public Acts of 2020
Approved by the Governor
January 27, 2020
Filed with the Secretary of State
January 27, 2020
EFFECTIVE DATE: January 27, 2020

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Senator VanderWall

ENROLLED SENATE BILL No. 184

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” 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:

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

(2) In promulgating the rules required under this section, the department may consult the professional standards issued by the National Athletic Trainer's Association, by the National Athletic Trainer's Association Board of Certification, or by another nationally recognized professional association. The department may incorporate by reference, in whole or in part, existing standards in the rules.

(3) As needed, the department may amend or supplement any standards described in this section by rule.

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

- (a) Applies to the department on a form provided by the department.
- (b) Meets the requirements for licensure in rules promulgated under section 17904.
- (c) Pays the fees prescribed in section 16336.

(2) The department, in consultation with the board, shall promulgate rules under this subsection to establish continuing education requirements for athletic trainers. The rules must adopt, by reference, the continuing education standards for athletic trainers issued by the Board of Certification, Inc. that are in existence on the effective date of the amendatory act that amended this subsection. The department, in consultation with the board, may adopt any updates or amendments to the standards described in this subsection by rule. Notwithstanding the requirements of part 161, beginning with the license cycle after the effective date of the rules promulgated under this subsection, an individual must meet the continuing education requirements established under this subsection. The department, in consultation with the board, shall promulgate rules to require licensees seeking renewal to furnish evidence acceptable to the department and the board of the successful completion, during the preceding license cycle, of those continuing education requirements.

Sec. 17906. A license issued under section 17905 is renewable upon payment of the prescribed license renewal fee and the successful completion of the requirements for license renewal in rules promulgated under section 17905(2).

Sec. 18263. (1) An individual shall not act as a behavior technician in this state if any of the following apply:

(a) Sanctions have been imposed against the individual by a licensure, registration, specialty licensure, or specialty certification board of any other state, of the United States Military, of the federal government, or of any other country based on grounds that are substantially similar to this article or a rule promulgated under this article, and the sanctions are in force at the time the individual is to deliver applied behavior analysis services.

(b) Beginning April 3, 2020, he or she has not completed a training program that is based on the BACB's registered behavior technician task list.

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

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

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

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

(B) A felony involving cruelty or torture.

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

(D) A felony involving criminal sexual conduct.

(E) A felony involving abuse or neglect.

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

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

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

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

(A) A misdemeanor involving the use of a firearm or dangerous weapon with the intent to injure, the use of a firearm or dangerous weapon that results in a personal injury, or a misdemeanor involving the use of force or violence or the threat of the use of force or violence.

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

(C) A misdemeanor involving criminal sexual conduct.

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

(E) A misdemeanor involving abuse or neglect.

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

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

(B) A misdemeanor involving home invasion.

(C) A misdemeanor involving embezzlement.

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

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

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

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

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

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

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

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

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

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

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

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

(e) He or she engages in conduct that becomes the subject of a substantiated finding of neglect, abuse, or misappropriation of property by a state or federal agency under an investigation conducted in accordance with 42 USC 1395i-3 or 1396r.

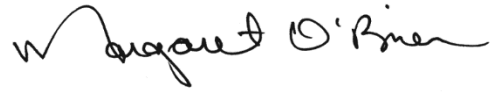
(2) A behavior technician shall not use words, titles, or letters that indicate that he or she is a behavior analyst or an assistant behavior analyst or that he or she is engaging in the practice of applied behavior analysis or practice as an assistant behavior analyst.

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

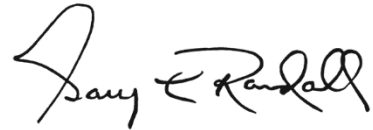
(a) For a crime that is not a relevant crime described under 42 USC 1320a-7(a), a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt for a criminal law violation or a juvenile adjudication or disposition by the juvenile division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

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor