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# A BILL FOR AN ACT

RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that behavior analysis  
2 means the design, implementation, and evaluation of  
3 instructional and environmental modifications to produce  
4 socially significant improvements in human behavior. The  
5 practice of behavior analysis includes the empirical  
6 identification of functional relations between behavior and  
7 environmental factors, known as functional assessment and  
8 analysis, as well as the use of contextual factors, motivating  
9 operations, antecedent stimuli, positive reinforcement, and  
10 other consequences to help people develop new behaviors,  
11 increase or decrease existing behaviors, and emit behaviors  
12 under specific environmental conditions.

13       The legislature further finds that Act 199, Session Laws of  
14 Hawaii 2015, established the behavior analyst program within the  
15 department of commerce and consumer affairs and established  
16 licensing requirements for behavior analysts. Licensing of  
17 behavior analysis services was made concurrent with mandated



1 insurance coverage for diagnosis and treatment related to autism  
2 disorders.

3 Also, the legislature finds that Act 107, Session Laws of  
4 Hawaii 2016, temporarily exempted some practitioners from  
5 licensing requirements of the practice of behavior analysis, in  
6 particular, direct support workers who provide autism treatment  
7 services pursuant to an individualized education plan.

8 The legislature additionally finds that many students  
9 enrolled in department of education schools would benefit from  
10 the expansion of behavior analysis services throughout Hawaii's  
11 public school system, including, but not limited to, students  
12 with autism disorders.

13 Accordingly, the purpose of this Act is to provide an  
14 additional two years for the department of education to  
15 implement these services within the department.

16 SECTION 2. Section 465D-7, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

18 "(a) This chapter is not intended to restrict the practice  
19 of other licensed or credentialed practitioners practicing  
20 within their own recognized scopes of practice and shall not  
21 apply to:



- 1 (1) An individual working within the scope of practice or  
2 duties of another licensed profession that overlaps  
3 with the practice of behavior analysis; provided that  
4 the person does not purport to be a behavior analyst;
- 5 (2) An individual who implements or designs applied  
6 behavior analysis services and possesses board  
7 certification as an assistant behavior analyst by the  
8 Behavior Analyst Certification Board and who practices  
9 in accordance with the most recent supervisory and  
10 ethical requirements adopted by the Behavior Analyst  
11 Certification Board under the direction of a behavior  
12 analyst licensed in this State;
- 13 (3) An individual who directly implements applied behavior  
14 analysis services and:
- 15 (A) Is credentialed as a registered behavior  
16 technician by the Behavior Analyst Certification  
17 Board, and is under the direction of a behavior  
18 analyst licensed in this State;
- 19 (B) Is a direct support worker who ~~[provides autism~~  
20 ~~treatment services pursuant to an individualized~~  
21 ~~education plan]~~ directly implements an applied



behavior analysis program under supervision of a  
licensed professional and does not design  
intervention or assessment plans on or before  
~~[January 1, 2019; or]~~ July 1, 2021; or

[+] (C) [+] Is a direct support worker who provides medicaid  
home and community-based services pursuant to  
section 1915(c) of the Social Security Act on or  
before January 1, 2019;

provided that for purposes of this paragraph, "direct  
support worker" means a teacher or paraprofessional  
~~[who directly implements intervention or assessment~~  
~~plans under supervision and does not design~~  
~~intervention or assessment plans];~~

(4) A family member or legal guardian implementing an  
applied behavior analysis plan and who acts under the  
direction of a behavior analyst licensed in this  
State;

(5) An individual who engages in the practice of behavior  
analysis with nonhuman or nonpatient clients or  
consumers including but not limited to applied animal



1 behaviorists and practitioners of organizational  
2 behavior management;

3 (6) A matriculated graduate student or postdoctoral fellow  
4 whose activities are part of a defined behavior  
5 analysis program of study, practicum, or intensive  
6 practicum; provided that the student's or fellow's  
7 activities or practice is directly supervised by a  
8 behavior analyst licensed in this State or an  
9 instructor in a Behavior Analyst Certification Board-  
10 approved course sequence; or

11 (7) An individual pursuing experience in behavior analysis  
12 consistent with the Behavior Analyst Certification  
13 Board's experience requirements; provided that the  
14 experience is supervised by a behavior analyst  
15 licensed in this State."

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Practice of Behavior Analysis; School Setting

**Description:**

Provides an additional two years for the Department of Education to implement behavior analysis services within Department schools. Makes services available to students, regardless of diagnosis with an autism disorder. (HB2271 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

