
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 individuals develop new behaviors,
11 increase or decrease existing behaviors, and display behaviors
12 under specific environmental conditions.

13 Act 199, Session Laws of Hawaii 2015, established the
14 behavior analyst program within the department of commerce and
15 consumer affairs and established licensing requirements for
16 behavior analysts. Licensing of behavior analysis services was



1 made concurrent with mandated insurance coverage for diagnosis
2 and treatment related to autism disorders.

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

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

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

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

17 "(a) This chapter is not intended to restrict the practice
18 of other licensed or credentialed practitioners practicing
19 within their own recognized scopes of practice and shall not
20 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~~
5 ~~analyst;~~], including individuals directly supervised
6 by a licensed professional, such as unlicensed
7 master's level practitioners, students, and
8 postdoctoral fellows, who may train and supervise a
9 paraprofessional, direct support worker, or parent or
10 guardian in implementing an applied behavioral
11 analysis intervention; provided that the supervision
12 falls within that licensed professional's scope of
13 practice; provided further that the licensed
14 professional and the supervised individual shall not
15 use the title of "licensed behavior analyst";
- 16 (2) An individual who implements or designs applied
17 behavior analysis services and possesses board
18 certification as an assistant behavior analyst by the
19 Behavior Analyst Certification Board and who practices
20 in accordance with the most recent supervisory and
21 ethical requirements adopted by the Behavior Analyst



- 1 Certification Board under the direction of a behavior
2 analyst licensed in this State;
- 3 (3) An individual who directly implements applied behavior
4 analysis services and:
- 5 (A) Is credentialed as a registered behavior
6 technician by the Behavior Analyst Certification
7 Board, and is under the direction of a behavior
8 analyst licensed in this State;
- 9 (B) Is a direct support worker in a school setting
10 who ~~[provides autism treatment services pursuant~~
11 ~~to an individualized education plan]~~ directly
12 implements a behavior analysis program under the
13 supervision of a professional licensed in this
14 State to practice behavior analysis and does not
15 design intervention or assessment plans on or
16 before January 1, 2019; ~~[+]or[+]~~
- 17 ~~[+] (C) [+]~~ Is a direct support worker who provides medicaid
18 home and community-based services pursuant to
19 section 1915(c) of the Social Security Act on or
20 before January 1, 2019;



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

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

10 (5) An individual who engages in the practice of behavior
11 analysis with nonhuman or nonpatient clients or
12 consumers including but not limited to applied animal
13 behaviorists and practitioners of organizational
14 behavior management;

15 (6) A matriculated graduate student or postdoctoral fellow
16 whose activities are part of a defined behavior
17 analysis program of study, practicum, or intensive
18 practicum; provided that the student's or fellow's
19 activities or practice is directly supervised by a
20 behavior analyst licensed in this State or an



1 instructor in a Behavior Analyst Certification Board-
2 approved course sequence; or
3 (7) An individual pursuing experience in behavior analysis
4 consistent with the Behavior Analyst Certification
5 Board's experience requirements; provided that the
6 experience is supervised by a behavior analyst
7 licensed in this State."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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



Report Title:

Practice of Behavior Analysis; School Setting

Description:

Clarifies the provision of behavioral analysis services to students in public schools. (HB2271 HD2)

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

