

STAND. COM. REP. NO.

1935

Honolulu, Hawaii

APR 02 , 2019

RE: S.B. No. 341
S.D. 2
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 341, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATED TO THE PRACTICE OF BEHAVIOR ANALYSIS,"

begs leave to report as follows:

The purpose of this measure is to clarify the exemptions from behavior analyst licensing requirements for general and special education teachers and registered behavior technicians.

The Hawaii State Teachers Association, Hawai'i Psychological Association, Alaka'i Na Keiki, Inc., and two concerned individuals submitted testimony in support of this measure. The University of Hawai'i System submitted testimony in opposition. The Department of Education and Hawai'i Association for Behavior Analysis submitted comments.

Your Committee has amended this measure by:

- (1) Specifying that licensed special education teachers are exempt from the behavior analyst licensing requirements without having to collaborate with a licensed behavior analyst or licensed psychologist as long as the services

SB341 HD2 HSCR CPC HMS 2019-3598



performed are within their scope of education, training, and practice;

- (2) Changing the sunset date for the exemption for direct support workers under the supervision of a licensed behavior analyst from January 1, 2020, to July 1, 2020;
- (3) Exempting direct support workers under the supervision of a licensed psychologist indefinitely;
- (4) Requiring the Department of Education to seek approval from the Centers for Medicare and Medicaid Services to amend the Hawaii Medicaid State Plan for reimbursement of behavior analysis services rendered to medicaid-eligible students; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 341, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 341, S.D. 2, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROY M. TAKUMI, Chair



State of Hawaii
House of Representatives
The THIRTIETH Legislature

HSCR 1935

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: SB 341, SD2, HD1	Committee Referral: LHEHAC, CPC	Date: 3/29/19		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	✓			
2. ICHIYAMA, Linda (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. BELATTI, Della Au	✓			
5. CABANILLA ARAKAWA, Rida				✓
6. CACHOLA, Romy M.	✓			
7. HAR, Sharon E.	✓			
8. KONG, Sam Satoru	✓			
9. MIZUNO, John M.	✓			
10. ONISHI, Richard H.K.	✓			
11. MATSUMOTO, Lauren	✓			
TOTAL (11)	10	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>Linda Ichigoe</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				