
A BILL FOR AN ACT

RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS.

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

SECTION 1. Section 465D-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

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

(1) A licensed psychologist and any supervisee of the licensed psychologist; provided that applied behavior analysis services performed are within the boundaries of the licensed psychologist's education, training, and competence; provided further that neither the licensed psychologist nor any supervisee of the licensed psychologist purports to be a licensed behavior analyst; and provided further that master's level practitioners and postdoctoral fellows may provide training and supervision to direct support workers, paraprofessionals, caregivers, parents, and



1 guardians in a manner and to the extent determined by
2 the supervising licensed psychologist.

3 For purposes of this paragraph, "supervisee"
4 means a master's level practitioner, postdoctoral
5 fellow, direct support worker, paraprofessional,
6 caregiver, parent, or guardian who provides applied
7 behavior analysis services;

8 (2) A licensed classroom teacher or an individual who is
9 working as a classroom teacher and is enrolled in a
10 teacher preparation program working towards licensure
11 who implements, but does not design, applied behavior
12 analysis services in a school setting in direct
13 collaboration with a licensed behavior analyst or a
14 licensed psychologist ~~[on or before July 1, 2019]~~;

15 (3) An individual who implements or designs applied
16 behavior analysis services and possesses board
17 certification as an assistant behavior analyst by the
18 Behavior Analyst Certification Board and who practices
19 in accordance with the most recent supervisory and
20 ethical requirements adopted by the Behavior Analyst



1 Certification Board under the direction of a licensed
2 behavior analyst;

3 (4) An individual who directly implements applied behavior
4 analysis services ~~[and--~~

5 ~~(A) Is],~~ is credentialed as a registered behavior
6 technician by the Behavior Analyst Certification
7 Board, and is under the direction of a licensed
8 behavior analyst~~[-or~~

9 ~~(B) Is a direct support worker who directly~~
10 ~~implements an applied behavior analysis program~~
11 ~~under the supervision of a licensed behavior~~
12 ~~analyst or licensed psychologist on or before~~
13 ~~January 1, 2020;~~

14 ~~provided that for purposes of this paragraph, "direct~~
15 ~~support worker" means a paraprofessional who directly~~
16 ~~implements intervention or assessment plans under~~
17 ~~supervision and does not design intervention or~~
18 ~~assessment plans;]~~ or licensed psychologist;

19 (5) A family member, legal guardian, or caregiver
20 implementing an applied behavior analysis plan and who
21 acts under the direction of a licensed behavior



analyst or Hawaii-licensed psychologist; provided that for the purposes of this paragraph, "caregiver" means an individual who provides habilitative services in an adult foster home, developmental disabilities domiciliary home, adult residential care home, expanded adult residential care home, special treatment facility, or therapeutic living program pursuant to the medicaid home and community-based services waiver program authorized by section 1915(c) of the Social Security Act;

(6) An individual who designs or implements applied behavior analysis services to participants in the medicaid home and community-based service waiver program pursuant to section 1915(c) of the Social Security Act on or before January 1, 2024;

(7) An individual who engages in the practice of applied behavior analysis with nonhuman or nonpatient clients or consumers, including but not limited to applied animal behaviorists and practitioners of organizational behavior management;



- 1 (8) A matriculated graduate student or postdoctoral fellow
2 whose activities are part of a defined applied
3 behavior analysis program of study, practicum, or
4 intensive practicum; provided that the student's or
5 fellow's activities or practice is directly supervised
6 by a licensed behavior analyst, licensed psychologist,
7 or an instructor from a nationally recognized training
8 organization or in a Behavior Analyst Certification
9 Board-approved course sequence; or
- 10 (9) An individual pursuing experience in applied behavior
11 analysis consistent with the Behavior Analyst
12 Certification Board's experience requirements;
13 provided that the experience is supervised by a
14 licensed behavior analyst."

15 SECTION 2. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act shall take effect on July 1, 2021.



Report Title:

Practice of Behavior Analysis; Exemptions

Description:

Makes the exemption from the behavior analyst licensing requirements permanent for certain teachers working in collaboration with a licensed behavior analyst or licensed psychologist. Clarifies exemptions from licensure as a behavioral analyst for general education teachers, direct support workers, special education teachers, and teacher trainees working in collaboration with or under the supervision of licensed professionals. (SD2)

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