

STAND. COM. REP. NO.

1544

Honolulu, Hawaii

MAR 24 , 2023

RE: S.B. No. 1340  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committees on Education and Health & Homelessness, to which was referred S.B. No. 1340, S.D. 2, entitled:

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

beg leave to report as follows:

The purpose of this measure is to:

- (1) Expand the exemption from the behavior analyst licensing requirements for certain teachers working in collaboration with a licensed behavior analyst or licensed psychologist;
- (2) Repeal the exemption from the behavior analyst licensing requirements for direct support workers; and
- (3) Allow a registered behavior technician who is under the direction of a licensed psychologist to implement applied behavior analysis services.

Your Committees received testimony in support of this measure from the Department of Education, Developmental Disabilities Division of the Department of Health, Hawaii State Council on Developmental Disabilities, Special Education Advisory Council,

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and Hawaii State Teachers Association. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Hawai'i Association for Behavior Analysis.

Your Committees find that the Department of Education is experiencing difficulty attracting and retaining qualified licensed behavior analysts for public schools, leading to students not obtaining adequate support in their education. Your Committees further find that a large portion of the services provided by licensed behavior analysts must be contracted through a statewide contract at a high cost. Your Committees believe that the Department of Education requires additional options to utilize qualified and competent personnel that may be able to implement applied behavior analysis services, in direct collaboration with a licensed behavior analyst or licensed psychologist, to be able to continue providing adequate support to public school students.

Your Committees have amended this measure by:

- (1) Permanently exempting individuals who implement applied behavior analysis services to participants in the federal Medicaid Home and Community-based Service Waiver Program;
- (2) Requiring the Department of Education to report to the Legislature by February 1, 2024, on the status of implementing Medicaid reimbursements for applied behavior analysis services;
- (3) Providing that the expansion of the exemption from the behavior analyst licensing requirements for certain teachers working in collaboration with a licensed behavior analyst or licensed psychologist; repeal of the exemption from the behavior analyst licensing requirements for direct support workers; and authorization of registered behavior technicians who are under the direction of a licensed psychologist to implement applied behavior analysis services shall take effect on August 1, 2024;
- (4) Changing the effective date to June 30, 3000; and



- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Education and Health & Homelessness that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1340, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1340, S.D. 2, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on  
behalf of the members of the  
Committees on Education and  
Health & Homelessness,

*Della Au Belatti*

DELLA AU BELATTI, Chair

*Justin H. Woodson*

JUSTIN H. WOODSON, Chair





