



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 03/30/2026

**Time:** 01:07 PM

**Location:** CR 225 & Videoconference

**Committee:** HHS

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Title of Bill:** SCR35, REQUESTING THE AUDITOR TO ASSESS BOTH SOCIAL AND FINANCIAL EFFECTS OF PROPOSED MANDATED HEALTH INSURANCE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF AUTISM AND FOR APPLIED BEHAVIORAL ANALYSIS SERVICES.

**Purpose of Bill:** Requesting The Auditor To Assess Both Social And Financial Effects Of Proposed Mandated Health Insurance Coverage For The Diagnosis And Treatment Of Autism And For Applied Behavioral Analysis Services.

**Department's Position:**

The Hawai'i State Department of Education (Department) supports SCR 35, which requests the Auditor to assess the social and financial impacts of expanding mandated health insurance coverage for the diagnosis and treatment of autism, including applied behavior analysis (ABA) services.

Autism spectrum disorder is a lifelong condition, and individuals with autism require access to consistent, developmentally appropriate supports across their lifespan. Current statutory limitations often restrict coverage to individuals under the age of fourteen and cap ABA services at \$25,000 annually, which can create significant barriers for individuals with autism and their families. Access to comprehensive and uninterrupted services outside of the school setting is essential. Students benefit most when skills taught in school are consistently reinforced and generalized across environments, including at home and in the community.

When students are unable to access medically necessary support through their insurance in home and/or community settings, continuity of care is disrupted, and the impact is often seen in school through increased challenges with communication, self-regulation, and access to learning. While the Department is responsible for providing a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA), schools are not a substitute for the full continuum of medically necessary services that support skill development and generalization beyond the educational setting.

The Department also supports the Legislature's request for a comprehensive analysis by the Auditor. A thorough assessment of both the social and financial impacts of SB 2204 will provide critical information to guide thoughtful decision-making and ensure that policies are responsive to the needs of individuals with autism and their families

across Hawai'i.

Thank you for the opportunity to provide testimony on this measure.

**SCR-35**

Submitted on: 3/27/2026 7:45:51 PM

Testimony for HHS on 3/30/2026 1:07:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	Remotely Via Zoom

Comments:

When the Legislature mandated insurance coverage for ABA services it was an achievement that capped off years of advocacy and represented an opportunity for a generation of children to receive services that could literally change their lives. At the time the age and dollar caps were reasonable compromises since younger children may be the most in need.

Time has shown at least two things. One is that ABA can benefit older individuals. The other is that ABA services are expensive. For that reason it is very appropriate to request the Legislative Auditor to conduct an analysis of the impacts of repealing these caps. We were supportive of SB 2204 this session and hope that the Auditor's Report will prove the wisdom of expanding coverage.



Committee on Health and Human Services

Monday, March 30, 2026

1:07 PM

Videoconference

Conference Room 225

415 South Beretania Street

Support SCR 35/SR 34

Chair San Buenaventura, Vice Chair Senator McKelvey, and Members of the Committee:

Thank you for the opportunity to submit testimony. BAYADA is a not-for-profit health care company committed to serving our community. We have provided applied behavior analysis (ABA) services under the autism insurance reform law since its enactment in 2016. We support the intent of SCR 35/SR 34 “*requesting the auditor to assess both social and financial effects of proposed mandated health insurance coverage for the diagnosis and treatment of autism and for applied behavioral analysis services*” for compliance with Section 23-51 of the Hawai‘i Revised Statutes. We also, however, want to stress that the **current coverage of treatment does not have age or dollar caps for compliance with the federal Mental Health Parity Addiction Equity Act (MHPAEA) law**<sup>1</sup>. The [MHPAEA](#) requires that Quantitative Treatment Limits (QTLs), numerical limits on the scope or duration of treatment, such as age or dollar limits, for mental health/substance use disorder (MH/SUD) benefits be no more restrictive than those applied to medical/surgical benefits, and therefore the caps for ABA for the treatment of autism have not been enforced in Hawai‘i.

Across the private health insurance plans, **BAYADA provides ABA services for individuals over the age of 14 (including adults over 21 for private health insurance) and treatment is not limited by a dollar cap.** Treatment is determined based on individual medical necessity, in line with the generally accepted standards of care for the field, which are the [Council of Autism Service Providers \(CASP\) ABA Practice Guidelines](#)<sup>2</sup>.

We strongly support revising the state law to remove age and dollar caps, to ensure the people of Hawai‘i have the same continued access to treatment without quantitative treatment limits, regardless of any changes to federal law and the potential loss of protections this could cause. We thank the legislature, and particularly Chair San Buenaventura and Vice Chair McKelvey, for the ongoing support of the autism community over the years.

Thank you,

Kristen Koba-Burdt, BCBA, LBA  
Director of Clinical Operations

<sup>1</sup>Centers for Medicare & Medicaid Services. The Mental Health Parity and Addiction Equity Act (MHPAEA). <https://www.cms.gov/marketplace/private-health-insurance/mental-health-parity-addiction-equity>

<sup>2</sup>Council of Autism Service Providers [CASP] (2024). *Applied behavior analysis practice guidelines for the treatment of Autism Spectrum Disorder: Guidance for healthcare funders, regulatory bodies, service providers, and consumers* [Clinical practice guidelines]. <https://www.casproviders.org/asd-guidelines>