
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Section 465D-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " [+] §465D-7 [+] Exemptions. (a) This chapter is not
4 intended to restrict the practice of other licensed or
5 credentialed healthcare practitioners practicing within their
6 own recognized scopes of practice and shall not apply to:

7 (1) An individual working within the scope of practice or
8 duties of another licensed profession that overlaps
9 with the practice of behavior analysis; provided that
10 the person does not purport to be a behavior analyst;

11 (2) An individual who implements or designs applied
12 behavior analysis services and possesses board
13 certification as an assistant behavior analyst by the
14 Behavior Analyst Certification Board and who practices
15 in accordance with the most recent supervisory and
16 ethical requirements adopted by the Behavior Analyst
17 Certification Board under the direction of a behavior
18 analyst licensed in this State;



- 1 (3) An individual who directly implements applied behavior
2 analysis services, is credentialed as a registered
3 behavior technician by the Behavior Analyst
4 Certification Board, and is under the direction of a
5 behavior analyst licensed in this State;
- 6 (4) A family member implementing an applied behavior
7 analysis plan within the home 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 (b) Nothing in this chapter shall be construed to prevent
9 any licensed psychologist from engaging in the practice of
10 behavior analysis in this State as long as the person is not in
11 any manner held out to the public as a "licensed behavior
12 analyst" or "behavior analyst" and the behavior analysis
13 services provided by the licensed psychologist are within the
14 licensed psychologist's recognized scope of practice.

15 (c) Nothing in this chapter shall be construed to require
16 an individual of another school-based profession such as a
17 school psychologist, teacher, educational assistant,
18 occupational therapist, school social worker, guidance
19 counselor, speech-language pathologist, or audiologist, to be
20 licensed as a behavior analyst; provided that no such individual
21 shall use any title or description stating or implying that the



1 individual is a "licensed behavior analyst" or "behavior
2 analyst" without holding a license pursuant to this chapter."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

6



Report Title:

Licensed Behavior Analyst; School-based Professionals

Description:

Allows an individual of a school-based profession to engage in the practice of behavior analysis without being licensed as a behavior analyst; provided the unlicensed individual does not use any title or description to state or imply that the individual is a licensed behavior analyst. (Proposed SD1)

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