

Honolulu, Hawaii

, 2018

APR 27

RE: H.B. No. 2271
H.D. 2
S.D. 1
C.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2271, H.D. 2, S.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Clarify exemptions from licensure as a behavior analyst for individuals who:
 - (A) Practice under the direct supervision of a licensed professional working within the scope of the individual's profession;
 - (B) Directly implement behavior analysis programs as a direct support worker in a school setting;



- (C) Design or implement applied behavior analysis services to participants in the Medicaid home and community-based services waiver program pursuant to section 1915(c) of the Social Security Act;
 - (D) Are caregivers to adults in home and community-based care homes;
 - (E) Are licensed professionals, including licensed psychologists, practicing within the allowable scope of licensure; or
 - (F) Are classroom teachers;
- (2) Update and standardize the terminology used to refer to applied behavior analysis and the practice of applied behavior analysis; and
 - (3) Require the Department of Education to create and implement a plan for the delivery of Medicaid billable applied behavior analysis to all students within Department schools who have been diagnosed with autism spectrum disorder.

Your Committee on Conference has amended this measure by deleting numerous conflicting and redundant provisions and retaining language that:

- (1) Applies the exemption from licensure as a behavior analyst to:
 - (A) Licensed psychologists working within their scope of licensure;
 - (B) Individuals working under the direct supervision of a licensed psychologist and individuals instructed and supervised by Master's-level practitioners or post-doctoral fellows who are also under the supervision or a licensed psychologist;
 - (C) Classroom teachers who implement applied behavior analysis services in a school setting and in collaboration with a licensed behavior analyst on or before July 1, 2019;



- (D) Direct support workers in school settings working under the direct supervision of a licensed professional on or before July 1, 2020;
 - (E) Caregivers to adults in home and community-based care homes; and
 - (F) Individuals providing services under the Medicaid home and community-based service waiver program on or before January 1, 2014;
- (2) Updates and standardizes the terminology used to refer to applied behavior analysis and the practice of applied behavior analysis; and
 - (3) Requires the Department of Education to create and implement a plan for the delivery of Medicaid billable applied behavior analysis to all students within Department schools who have been diagnosed with autism spectrum disorder and submit a series of reports on the plan to the Legislature and Board of Education.

Your Committee on Conference has additionally amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

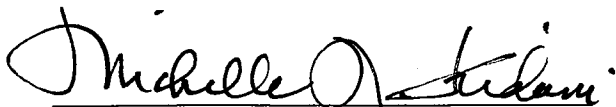
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2271, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2271, H.D. 2, S.D. 1, C.D. 1.



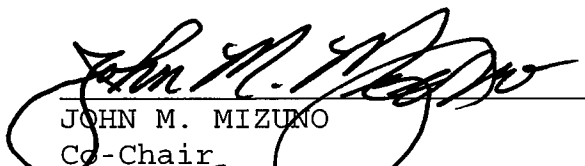
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

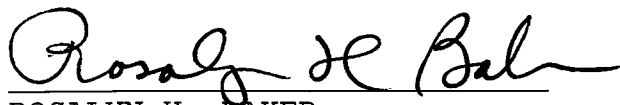
ON THE PART OF THE HOUSE



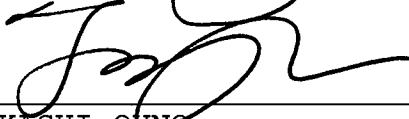
MICHELLE N. KIDANI
Chair



JOHN M. MIZUNO
Co-Chair



ROSALYN H. BAKER
Co-Chair



TAKASHI ONNO
Co-Chair



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BERTRAND KOBAYASHI
Co-Chair



