

STAND. COM. REP. NO.

3562

Honolulu, Hawaii

APR 06 2018

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

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

Sir:

Your Committees on Education and Commerce, Consumer Protection, and Health, to which was referred H.B. No. 2271, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to clarify the provisions related to behavioral analysis services to students in public schools.

Your Committees received testimony in support of this measure from the Hawai'i Association for Behavior Analysis, Alaka'i Na Keiki, Autism Behavior Consulting Group Hawaii, Aloha Behavioral Associates, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and numerous individuals. Your Committees received comments on this measure from the Department of Education, Department of Health, Department of Commerce and Consumer Affairs, Hawaii State Teachers Association, Hawai'i Psychological Association, Hawaii Disability Rights Center, and three individuals.

Your Committees find that behavior analysis is the scientific study of principles of learning and behavior. The practice of behavior analysis includes the empirical identification of



functional relations between behavior and environmental factors, known as functional assessment and analysis, as well as the use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions. Because of the overall benefits of behavior analysis, many students enrolled in public schools would benefit from the expansion of behavior analysis services throughout Hawaii's public school system, including but not limited to students with autism disorders.

Your Committees have amended this measure by:

- (1) Inserting the contents of S.B. No. 2496, S.D. 1 (Regular Session of 2018), that:
 - (A) Allows adults with autism spectrum disorders to receive appropriate applied behavior analysis treatment, while simultaneously providing safeguards for consumer protection;
 - (B) Exempts from the licensure requirement for behavior analysts certain individuals who implement applied behavior analysis services or plans to adult participants in the HCBS I/DD waiver program on or before January 1, 2024, or under the direction of a licensed behavior analyst or Hawaii-licensed psychologist; and
 - (C) Updates and standardizes the terminology used to refer to behavior analysts;
- (2) Inserting the contents of S.B. No. 2925, S.D. 1 (Regular Session of 2018), that:
 - (A) Clarifies the licensing exemptions for certain individuals under certain conditions who provide behavior analysis services; and
 - (B) Requires the Department of Education to create and implement a plan to provide Medicaid billable applied behavior analysis services to all students



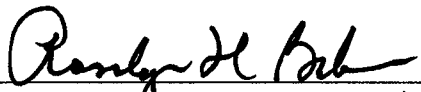
diagnosed with autism spectrum disorder within the Department;

- (3) Inserting the contents of H.B. No. 2657, H.D. 1, S.D. 1 (Regular Session of 2018), that:
 - (A) Clarifies and standardizes the terminology used to refer to behavior analysis and the practice of applied behavior analysis; and
 - (B) Broadens the exemption of certain individuals and licensed or credentialed practitioners practicing within their own recognized scopes of practice who are exempt from chapter 465D, Hawaii Revised Statutes, the behavior analysts law; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that these amendments will provide your Committee on Conference with various options and tools it may need to craft a measure that will benefit students in public schools through the expansion of behavior analysis services throughout Hawaii's public school system.

As affirmed by the records of votes of the members of your Committees on Education and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2271, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2271, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Education and
Commerce, Consumer Protection,
and Health,



ROSALYN H. BAKER, Chair



MICHELLE N. KIDANI, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

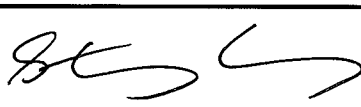
Record of Votes
Committee on Education
EDU

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2271, HD2	EDU/CPH	4/4/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIDANI, Michelle N. (C)	X			
KAHELE, Kaiali'i (VC)				X
DELA CRUZ, Donovan M.				X
ESPERO, Will	X			
KIM, Donna Mercado	X			
TOTAL	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Will Espero</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

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<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TOKUDA, Jill N. (VC)				✓
CHANG, Stanley	✓			
ESPERO, Will	✓			
IHARA, Jr., Les	✓			
NISHIHARA, Clarence K.				✓
RUDERMAN, Russell E.				✓
TOTAL	4			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
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