

Honolulu, Hawaii

February 9, 2018

RE: H.B. No. 2657
H.D. 1

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

Sir:

Your Committee on Health & Human Services, to which was referred H.B. No. 2657 entitled:

"A BILL FOR AN ACT RELATING TO BEHAVIOR ANALYSIS,"

begs leave to report as follows:

The purpose of this measure is to clarify the scope of the Behavior Analysts Law, Chapter 465D, Hawaii Revised Statutes, by:

- (1) Specifying that the practice of behavior analysis means the practice of applied behavior analysis; and
- (2) Expressly exempting individuals who design or implement behavior analysis services for Medicaid and community-based service waivers as well as caregivers from licensure requirements.

The State Council on Developmental Disabilities, Department of Human Services, Department of Health, Hawaii Association for Behavior Analysis, Hawai'i Psychological Association, The Arc in Hawaii, Lanakila Pacific, and several individuals testified in support of this measure. The Hawaii Disability Rights Center opposed this measure. An individual commented on this measure.



Your Committee has amended this measure by:

- (1) Amending the exemption for licensed or credentialed practitioners practicing within their own recognized scopes of practice to include individuals directly supervised by a licensed professional, provided the supervision is within that licensed professional's recognized scope of practice;
- (2) Clarifying that the Medicaid home and community-based service waiver program pursuant to Section 1915(c) of the Social Security Act ends on or before January 1, 2024;
- (3) Defining "caregiver" under the exemptions section;
- (4) Changing its effective date to July 1, 3000, to further continued discussion; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health & Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2657, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2657, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Health & Human
Services,


JOHN M. MIZUNO, Chair



