

Honolulu, Hawaii

MAR 16 , 2018

RE: S.B. No. 2925
S.D. 1
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 S.B. No. 2925, S.D. 1; entitled:

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

begs leave to report as follows:

The purpose of this measure is to improve access to services for individuals who would benefit from behavioral analysis services and interventions. Specifically, this measure:

- (1) Clarifies the licensing exemptions for certain individuals under certain conditions who provide behavior analysis services;
- (2) Requires the Department of Education (DOE) 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 of Education; and
- (3) Establishes reporting requirements for the DOE regarding implementation of the plan.



The DOE; Department of Health; Hawai'i Association for Behavior Analysis; Hawaii State Teachers Association; Aloha Behavioral Associates; The Arc in Hawaii; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; and numerous concerned individuals supported this measure. The Board of Psychology, Hawaii Disability Rights Center, and Hawai'i Psychological Association offered comments.

Your Committee has amended this measure by:

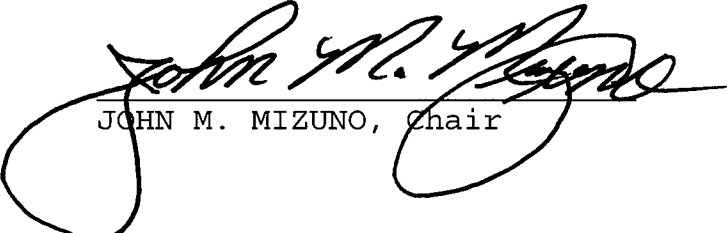
- (1) Removing language amending Chapter 365, Hawaii Revised Statutes, Psychologists, exempting from licensure direct support workers who provide autism treatment services pursuant to an individualized education plan and are under the direction of a psychologist licensed in the State;
- (2) Further clarifying in Chapter 465D, Hawaii Revised Statutes, Behavior Analysts, the exemption from licensure of individuals working within the scope of practice or duties of another licensed or credentialed profession that overlaps with the practice of behavior analysis;
- (3) Clarifying the requirements of the Department of Education's quarterly reports to the Legislature;
- (4) Changing its effective date to July 1, 3000, to facilitate further discussion; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee notes that the Hawai'i Association for Behavior Analysis offered in its testimony clarifying amendments to the exemption from licensure of individuals who directly implement and do not design behavior analysis services. While the Hawai'i Association for Behavior Analysis' proposed clarifying amendments conflict with the Department of Education's amendments that have been incorporated in this measure, your Committee respectfully acknowledges the importance and timeliness of this measure and has decided to advance this measure further in the legislative process to allow stakeholders additional time to reconcile differences.



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 S.B. No. 2925, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2925, S.D. 1, H.D. 1, and be referred to your Committees on Intrastate Commerce and Education.

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


JOHN M. MIZUNO, Chair



