

Honolulu, Hawaii

, 2018

**MAR 23**

RE: S.B. No. 2925  
S.D. 1  
H.D. 2

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

Sir:

Your Committees on Intrastate Commerce and Education, to which was referred S.B. No. 2925, S.D. 1, H.D. 1, entitled:

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

beg 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 by:

- (1) Clarifying the licensing exemptions for specified individuals under certain conditions who provide behavior analysis services;
- (2) Requiring the Department of Education to create and implement a plan to provide Medicaid-billable applied behavior analysis services to all students within the Department of Education who are diagnosed with autism spectrum disorder; and
- (3) Establishing reporting requirements for the Department of Education.



The Department of Health, Hawaii Psychological Association, Hawaii Government Employees Association, and two concerned individuals supported the measure. The Maui Service Area Board on Mental Health and Substance Abuse of the Department of Health, Hawaii State Teachers Association, and a concerned individual opposed the measure. The Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs, Board of Psychology, Department of Education, Department of Human Services, Hawaii Disability Rights Center, Hawaii Association for Behavior Analysts, and many concerned individuals submitted comments.

Your Committees have amended this measure by:

- (1) Removing from the licensing exemptions licensed special education teachers who, in a school setting, implement and design behavior analysis services;
- (2) Including within the licensing exemptions a teacher who is working in a school setting and providing services related to a behavior analysis program designed by a professional licensed to practice behavior analysis in this State; provided that teachers must not be required to design behavior analysis services for which they are not licensed;
- (3) Requiring the Department of Education to create an implementation plan for the delivery of potentially Medicaid-billable applied behavior analysis to all Medicaid-eligible students diagnosed with autism spectrum disorder within the Department; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.


Your Committees note the request of the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs for a more specific identification of a "national certifying agency."

As affirmed by the records of votes of the members of your Committees on Intrastate Commerce and Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2925, S.D. 1, H.D. 1, as amended herein, and



recommend that it be referred to your Committee on Finance, in the form attached hereto as S.B. No. 2925, S.D. 1, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Intrastate  
Commerce and Education,

  
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JUSTIN H. WOODSON, Chair

  
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TAKASHI OHNO, Chair





