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**PRESENTATION OF THE  
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION AND COMMERCE

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Wednesday, February 21, 2018  
2:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 2143, H.D. 1, RELATING TO BEHAVIOR ANALYSIS SERVICES.**

TO THE HONORABLE ROY M. TAKUMI, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Constance Cabral, and I am an Executive Officer within the Professional and Vocational Licensing Division (“PVL”). Thank you for the opportunity to testify on this measure. PVL takes no position on this measure and offers the following comments.

H.B. 2143, H.D. 1 clarifies the scope of practice of behavior analysis. It also clarifies who may provide behavior analysis and applied behavior analysis services regardless of licensure status, including licensed individuals working within an overlapping scope of practice, individuals supervised by a licensed professional of an overlapping scope of practice, and caregivers.

This measure deletes all instances of “Behavior Analyst Certification Board” and inserts in its place, “national certifying agency.” PVL has concerns with the latter language, as PVL lacks the expertise to determine the credibility of national certifying agencies. As such, PVL would prefer that such agencies be identified in this measure.

Thank you for the opportunity to provide testimony on H.B. 2143, H.D. 1.



# Hawai'i Psychological Association

## *For a Healthy Hawai'i*

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Testimony in SUPPORT of HB2143\_HD1  
RELATING TO BEHAVIOR ANALYSIS SERVICES

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE  
Representative Roy M. Takumi, Chair

Representative Linda Ichiyama, Vice Chair

Wednesday, February 21 2018 2:00PM  
Conference Room 329  
State Capitol  
415 South Beretania Street

The Hawai'i Psychological Association (HPA) strongly supports House Bill 2143\_HD1 and its intention to clarify the scope of practice for psychologists. The HD1 version of this bill includes an amendment to Section 3(a)(1) that clarifies the language to allow properly trained psychologists to continue to provide services and supervise paraprofessionals in the multi-tiered delivery model that is the standard of practice in autism. This clarification prevents an unnecessary narrowing of the behavioral health workforce and is congruent with the Hawai'i state statute Chapter 465 relating to Psychologists, that includes both the practice of "behavior analysis" and the supervision of assistants in the scope of practice of psychologists. This includes the supervision of postdoctoral fellows, students and unlicensed master's level clinicians. In a multi-tiered model, a psychologist may supervise post-doctoral fellows, students and unlicensed master's level clinicians and these trainees may then supervise paraprofessionals, direct support workers, and family members in the implementation of a behavioral program.

HPA is very concerned that language in Act 199, the previous legislation applying to the licensure of Board Certified Behavior Analysts (BCBAs), unintentionally restricted well-qualified professionals from providing services to children with autism and other behavioral challenges. It also unintentionally provided a monopoly for one certifying agency for paraprofessional workers, the Behavior Analyst Certification Board. HPA supports HB2143\_HD1 as it seeks to correct the restraint of trade issues that the previous legislation created.

HPA supports the identification of the Behavior Analyst Certification Board (BACB) and recommends the inclusion of the Behavioral Intervention Certification Council (BICC) in the statute as well. Both of these national certifying boards have met the rigorous standards for accreditation by the National Commission for Certifying Agencies (NCCA). HPA is aware that the Hawaii workforce has included paraprofessional workers who have been certified by the BACB as well as those who have been certified by BICC. Including the BICC as a national certifying agency would help to ensure a qualified workforce that is not further diminished by the statute licensing behavior analysts.

Please see the attached document from the American Psychological Association Practice Organization: "Statement on Behavior Analysis and Behavior Analysts" and the second attached document from the American Psychological Association on: "Applied Behavior Analysis" which both serve to further support the position that Behavior Analysis is a long practiced discipline within psychology.

We strongly support HB2143\_HD1 which clarifies psychologists' scope of practice, reduces the over-reach in the definition of the practice of applied behavioral analysis, and prevents an unnecessary narrowing of the behavioral health workforce.

Tanya Gamby, Ph.D.  
HPA President



AMERICAN  
PSYCHOLOGICAL  
ASSOCIATION

## Statement on Behavior Analysis and Behavior Analysts

The APAPO Board approved the following “Statement on Behavior Analysis and Behavior Analysts” at its February 2012 meeting:

Psychologists have a long history of developing and implementing effective services, including behavior analysis, for individuals with autism spectrum disorders and their families. Licensed psychologists with competence in behavior analysis are qualified to independently provide and to supervise the provision of behavior analytic services. Therefore, qualified licensed psychologists should be allowed to provide behavior analysis and to call the services they provide "behavior analysis" or "applied behavior analysis" without obtaining additional credentials or licensure. Other professionals who provide behavior analysis should be required by law or regulation to demonstrate education, training and supervision appropriate to a defined scope of practice and to the needs of the jurisdiction. The APAPO Board supports advocacy to ensure that any legislation or regulations regarding behavior analysts or the practice of behavior analysis contain provisions to protect consumers by ensuring that they receive services by appropriately qualified professionals. Further, the APAPO Board recommends that, to the extent that behavior analysts are regulated separately by state law, the benefits of regulation under the state board of psychology should be considered.

The APAPO Board position is supported by two APA policy documents, the [APA Model Act for State Licensure](#) (PDF, 111KB) and the [APA Ethical Principles of Psychologists and Code of Conduct](#). Specifically, section B.3 of the Model Act includes "behavior analysis and therapy" within the definition of the practice of psychology; and Ethics Code Standard 2 requires that "psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence."

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## Applied Behavior Analysis

Adopted as APA Policy by APA Council of Representatives in February 2017

The principles of applied behavior analysis (also known as behavior modification and learning theory), developed and researched by psychology and competently applied in the treatment of various disorders based on that research, is clearly within the scope of the discipline of psychology and is an integral part of the discipline of psychology. Across the United States, applied behavior analysis is taught as a core skill in applied and health psychology programs. As such, the American Psychological Association (APA) affirms that the practice and supervision of applied behavior analysis are well-grounded in psychological science and evidence-based practice. APA also affirms that applied behavior analysis represents the applied form of behavior analysis which is included in the definition of the “Practice of Psychology” section of the APA Model Act for State Licensure of Psychologists. Therefore, APA asserts that the practice and supervision of applied behavior analysis is appropriately established within the scope of the discipline of psychology.

### Suggested Citation

American Psychological Association. (2017). *APA Policy: Applied Behavior Analysis*. Retrieved from: <http://www.apa.org/about/policy/applied-behavior-analysis.aspx>

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THE SENATE  
THE TWENTY-NINTH LEGISLATURE  
REGULAR SESSION OF 2018

COMMITTEE ON CONSUMER PROTECTION AND COMMERCE  
Rep. Roy M. Takumi, Chair  
Rep. Linda Ichiyama, Vice Chair

Wednesday, February 21, 2018  
2:00 PM  
Conference Room 329  
State Capitol  
415 South Beretania St.

HB 2143 HD1 Relating to Behavior Analysis Services—**Testimony in strong opposition**

Honorable Chair Takumi, Vice Chair Ichiyama, and members of the committee,

I **strongly oppose HB 2143 HD1** as this bill would weaken current consumer protections.

Current law affords consumer protection by establishing set standards for minimum training, education, competency, and ongoing supervision across all settings and funding sources in which applied behavior analysis (ABA) services are provided. As the field of behavior analysis grows, various credentials have become available; however, it is of utmost importance any credential is thoroughly evaluated to ensure consumer protection. In reviewing available literature, the Behavior Analyst Certification Board (BACB) credentials meet key areas of excellence including the use of psychometric procedures, use of job analysis studies, evidence-based training, evidence-based supervision dosage, and a system for disciplinary actions (ethical compliance) in addition to many others (Green, 2011; Carr et al, 2017; Institute for Credentialing Excellence, 2017). The BACB credentialing body is recommended by Autism Speaks and the Association for Science in Autism Treatment (ASAT) as a means for consumers to identify qualified practitioners in the field of ABA. Removing the BACB credentials will decrease consumer protections. Additionally, the current law allows for other licensed practitioners working in their scope, with *demonstrated coursework, training, and experience in ABA*, to provide services under their own respective licensure law.

This bill seeks to alter the definition of behavior analysis and alter protections put into place by this legislature and I respectfully ask the committee to oppose this bill as written. I support amendments recommended by the Hawai'i Association for Behavior Analysis (HABA).

Mahalo for your consideration,

Kristen Koba-Burd, M.S., BCBA, LBA

Maui

## References

- Carr, J.E., Nosik, M.R., & DeLeon, I.G. (2017). The Registered Behavior Technician™ credential: A response to Leaf et al., *Behavior Analysis in Practice*. Retrieved from <http://link.springer.com/article/10.1007/s40617-017-0172-1>.
- Green, G. (2011). How to evaluate alternative credentials in behavior analysis. Retrieved from <http://www.iabaonline.com/wp-content/uploads/2013/03/How-to-Evaluate-Alternative-Credentialsin-Behavior-Analysis-Green-G.pdf>
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COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Roy M. Takumi, Chair

Rep. Linda Ichiyama, Vice Chair

Wednesday, February 21, 2018, 2:00pm

Conference Room 329, State Capitol

**IN OPPOSITION OF HB 2143**

Honorable Chair Takumi, Vice Chair Ichiyama, and members of the committee,

Various bills are circulating this legislative session which pertain to our Behavior Analysis Licensure law (Chapter 465-D). Despite strong support from our legislators, we feel the language moving forward in HB 2143 HD1 puts consumers of applied behavior analysis (ABA) at great risk. While we respect licensed psychologists who have ABA in their scope of practice, we feel the language proposed in HB 2143 HD1 is too broad to ensure appropriate consumer protections. For this reason, Hawai'i Association of Behavior Analysis (HABA) opposes HB 2143. If the committee wishes to advance the bill, however, we respectfully suggest the following amendments.

The following amendments explicitly carve out licensed psychologists and those psychologists oversee; meeting a major concern of the Hawai'i Psychological Association (HPA). This language has been shared with HPA, as well as other stakeholders (HSTA, HMSA, and HDRC), in an effort in collaboration and transparency. As noted in HPA's winter 2027 newsletter, HABA is committed to working together --behavior analysts and psychologists-- to advocate for "[higher quality ABA services within the DOE](#)". We believe the amended language we crafted clearly provides licensed psychologists and teachers the necessary protections to practice, while also protecting our keiki and other recipients of ABA services.

**[§465D-7] Exemptions.** (a) This chapter is not intended to restrict the practice of other licensed or credentialed practitioners practicing within their own recognized scopes of practice and shall not apply to:

(1) "Individuals licensed in this State to practice other professions and their supervisees, provided that behavior analysis is in the scope of practice of the profession's licensure law; and the services provided are within the boundaries of the licensed professional's education, training, and competence, and provided that the person does not purport to be a behavior analyst;

~~(1) An individual working within the scope of practice or duties, which that overlaps with the practice of behavior analysis; provided that the person does not purport to be a behavior analyst;~~

(2) "Individuals licensed in this State to practice psychology and their supervisees, provided that behavior analysis is in the scope of practice of the psychology licensure law and the behavior analysis services provided are within the boundaries of the licensed psychologist's education, training, and competence, and provided that the person does not purport to be a behavior analyst;"

~~(2)~~ (3) An individual who implements or designs applied behavior analysis services and possesses board certification as an assistant behavior analyst by the Behavior Analyst Certification Board and who practices in accordance with the most recent supervisory and ethical requirements adopted by the Behavior Analyst Certification Board under the direction of a behavior analyst licensed in this State;

(4) A licensed classroom teacher, or someone who is working as a classroom teacher and is enrolled in a teacher preparation program working towards licensure, in a school setting, who implements and does not design, behavior analysis services in direct collaboration with a professional licensed to practice behavior analysis in this State;

~~(3)~~ (5) An individual who directly implements and does not design applied-behavior analysis services and:

(A) Is credentialed as a registered behavior technician by the Behavior Analyst Certification Board and is under the direction of a behavior analyst licensed in this State;

(B) Is a direct support worker in a school setting who directly implements a behavior analysis program under the supervision of a professional licensed in this State to practice behavior analysis ~~and does not design~~ intervention or assessment plans on or before January 1, 2019;

~~[(C)] Is a direct support worker who provides Medicaid home and community-based services pursuant to section 1915(c) of the Social Security Act on or before January 1, 2019;~~

provided that for purposes of this paragraph, "direct support worker" means a teacher or paraprofessional;

(6) An individual who designs or implements behavior analysis services to participants in the medicaid home and community-based service waiver program pursuant to section 1915(c) of the Social Security Act on or before January 1, 2024;

(7) ~~(4)~~ A family member [or], legal guardian, or caregiver implementing an ~~applied~~ behavior analysis plan and who acts under the direction of a licensed behavior analyst ~~[licensed in this State;] or licensed psychologist~~; provided that for the purposes of this paragraph, "caregiver" means an individual who provides rehabilitative services in an adult foster home, developmental disabilities domiciliary home, adult residential care home, expanded adult residential care home, special treatment facility, or therapeutic living program pursuant to the medicaid home and community-based service waiver;

(8) ~~(5)~~ An individual who engages in the practice of behavior analysis with nonhuman or nonpatient clients or consumers including but not limited to applied animal behaviorists and practitioners of organizational behavior management;

(9) ~~(6)~~ A matriculated graduate student or postdoctoral fellow whose activities are part of a defined behavior analysis program of study, practicum, or intensive practicum; provided that the student's or fellow's activities or practice is directly supervised by a behavior analyst licensed in this State or an instructor in a Behavior Analyst Certification Board-verified course sequence; or

(10) ~~(7)~~ An individual pursuing experience in behavior analysis consistent with the Behavior Analyst Certification Board's experience requirements; provided that the experience is supervised by a behavior analyst licensed in this State.

Nothing in this chapter shall be construed to prevent any licensed psychologist from the practice of behavior analysis in this State as long as the person is not in any manner the public as a "licensed behavior analyst" or "behavior analyst" and the behavior analysis services provided by the licensed psychologist are within the licensed psychologists recognized scope of practice.

Mahalo,

*Kathleen Penland*

Kathleen Penland, M. Ed. BCBA, LBA

President, Hawai'i Association for Behavior Analysis



Date: February 20, 2018

To: Rep. Roy M. Tokumi, Chair and Rep. Linda Ichiyama, Vice-Chair, House Committee on Consumer Protection and Commerce  
Rep. John Mizuno, Chair and Rep. Bertrand Kobayashi, Vice Chair

Hearing: February 21, 2018, 2:00 p.m., Room 329

From: Richard J. Kravetz, Ph.D.  
(808) 258-2250

Re: Testimony in Strong Support of HB2143\_HD1, Relating to the Practice of Behavior Analysis, As Amended by the Hawaii Psychological Association

I have worked in Hawaii as a psychologist for over thirty years. Since 1996, my work has included training and supervising paraprofessionals, practicum students, interns, postdoctoral residents and master's level clinicians in providing applied behavior analysis (ABA) through contracts with the Hawaii Department of Education as well as the Hawaii Department of Health Developmental Disabilities Division and Early Intervention Section.

Twenty years ago there were less than a handful of behavioral health professionals in Hawaii who were trained to provide ABA for individuals with autism. Over the past 20 years, as a Licensed Psychologist for the Hoahana Institute and Clinical Director of Alaka'i Na Keiki, Inc., I have had the privilege of training and supervising over 70 interns, postdoctoral fellows and unlicensed master's level mental health practitioners to deliver ABA services, consult with parents and relevant professionals, and supervise paraprofessionals and direct support workers within a tiered model of service delivery. Care Hawaii and Hawaii Behavioral Health have provided similar training experiences for psychologists in Hawaii. In turn, these psychologists have trained and supervised the next generation, including paraprofessionals, who when they learned what a difference they could make for children with Autism, decided to go back to school and are now among Hawaii's ABA and autism-trained special education teachers, licensed clinical social workers, licensed mental health counselors, and licensed marriage and family therapists, and include, as well, our State's newest group of licensed behavioral health professionals, i.e., behavior analysts.

Although the law licensing behavior analysts (Hawaii Revised Statutes, Chapter 465D), expressly exempts a licensed practitioner practicing within the practitioner's own scope of practice from the licensure requirements for behavior analysts, some state agencies and insurance companies are interpreting this new law as restricting licensed psychologists and other professionals from supervising behavior analysis even though it is within their recognized scope of practice. We are told that state agencies are trying to address how they are going to meet, what they understand to be, the requirement of the new law that behavioral interventions can only be delivered by certified Registered Behavior Technicians working under the supervision of an LBA.

I would like to point out that providing and supervising behavior analysis is firmly established as part of psychology. Behavior analysis is based on psychological principles, founded by psychologists including my mentor O. Ivar Lovaas; and continues to be developed by the research efforts of psychologists today.

Statutorily, Hawaii's law related to the licensure of psychologists (Hawaii Revised Statutes 465) specifically includes behavior analysis and therapy in its definition of the practice of psychology and also recognizes the scope of our practice to include supervising others including assistants, students, and post-docs in a tiered service delivery model.

Hawaii needs licensed psychologists as providers and supervisors in order to maintain and continue to develop an adequate and workforce of professionals and paraprofessionals. I am concerned that ACT 199 and related laws requiring that all direct support workers working with the Hawaii Department of Education and Developmental Disabilities Division be certified as Registered Behavior Technicians (RBTs) by January 1, 2019 and be supervised by a select group of ABA trained professionals, namely LBAs, will result in a ***"restraint of trade"*** for Licensed Psychologists as well as other qualified professionals, e.g., Licensed Mental Health Counselors, Licensed Clinical Social Workers, Advance Practice Registered Nurses, Severe/Autism Credentialed Special Education Teachers, who have been providing and supervising ABA services as part their own recognized scope of practice.

I am aware that the Hawaii workforce has included paraprofessional workers who have been certified by the BACB as well as those who have been certified by the BICC, and also support including the BICC as a national certifying agency to help ensure that no qualified worker who has been providing paraprofessional services In Hawaii under the supervision of a licensed professional is excluded by the existing or proposed state statute.

The current bill will help clarify to families, state agencies, insurance companies and even some licensed or credentialed professionals that it is not illegal for them to continue to design, implement and supervise ABA services when that is and has been within their recognized scope of practice, competence and training. The "overreach" of ACT 199, as it is currently being promulgated, would result in requiring that the design and implementation of "any student" receiving a behavioral intervention in the school setting, including those who occasionally fail to complete their homework, be done by a Licensed Behavior Analyst and implemented by a direct support worker who is certified as a Registered Behavior Technician. As G. Roy Mayer, a noted author of textbooks on applied behavior analysis observed in related to a teacher consulting with a school counselor when designing a behavioral intervention to help a student make friends "you don't need an elephant gun when a flyswatter will work".

Thank you for the opportunity to share my concerns.

2/21/2018

**COMMITTEE ON CONSUMER PROTECTION & COMMERCE**

Rep. Roy M. Takumi, Chair  
Rep. Linda Ichiyama, Vice Chair

Conference Room 329  
Hawaii State Capitol  
415 South Beretania Street

Honorable Representative Takumi, Representative Ichiyama and Committee Members,

My name is Anne Lau and I am the Clinical Director of the Autism Behavior Consulting Group clinic. I am writing to express my **OPPOSITION** for **HB 2143**.

I have been practicing Applied Behavior Analysis in Hawai'i for almost 15 years. I have seen terrible abuse and wasting of potential because of the lack of regulation of behavior analytic services. I look forward to maintaining the consumer protections that have been provided to all people consuming the science of behavior analysis.

As the bill clarifies, "Chapter 465, HRS, expressly includes behavior analysis and therapy. The scope of practice for psychologists also recognizes the ability of psychologists to supervise others." I agree, and believe this is the exact reason that the law does not require amendment.

If Licensed Psychologists wish to expand access to their services, including supervising paraprofessionals and unlicensed professionals, in Applied Behavior Analysis, I believe the best place to clarify the qualifications of who can practice under a Licensed Psychologist is in their own licensure law, Chapter 465, HRS.

As written, this bill has several problems:

- Section 2- last sentence indicates, "Practice of behavior analysis also excludes the use of the behavioral techniques specified in paragraph (3) that are used solely as treatment modalities." This is vague but seems to offer an overly-broad exemption that would effectively remove any intended consumer protections.
- Section 3 (1)- "paraprofessionals, unlicensed professionals, students, and parents" do not have a defined scope of practice that overlaps with behavior analysis. Other professions are responsible for outlining the requirements of individuals that can work within their scope of practice (i.e. psychological assistants).
- Section 3 (2)- this section exempts ANY individual who possesses ANY board certification. This is overly broad. The appropriate certifications must be specified. Accountants, Aviators, Fiber Optics Installers, and Plumbers all have board certification- they should NOT be allowed to practice Applied Behavior Analysis.



**Autism Behavior Consulting Group, Inc. / ABC Group**

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vs: 10/2012



- Section 3 (3) B- This section is theoretically fine, however logistically there is a problem with the processes and procedures involved in clearly and publicly attaching supervisees to the supervisor responsible for them. The Behavior Analyst Certification Board already has an online database of Registered Behavior Technicians and Board Certified Assistant Behavior Analysts that are clearly linked to the supervising Licensed Behavior Analyst.

Thank you for your time and hearing my points in **OPPOSITION** to **HB 2143**.

Respectfully,  
Anne Lau, M.Ed., BCBA, LBA  
Clinical Director



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vs: 10/2012

February 19, 2018

Representative Roy M. Takumi, Chair  
Representative Linda Ichiyama, Vice Chair  
State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**Re: HB 2143, Relating to Behavior Analysis Services**

Thank you for the opportunity to submit comments on HB 2143 Relating to Behavior Analysis Services. I offer testimony in *opposition* to HB2143.

To my knowledge, I am the only Licensed Behavior Analyst and Psychologist in the State of Hawaii, which affords me a unique perspective on this legislation. I spent 5 years completing my PhD in Psychology with an emphasis in Behavior Analysis from West Virginia University. I became a Board Certified Behavior Analyst in 2000. Upon returning back home to Hawaii in 2003, and over the course of the next four years, I respecialized in Clinical Psychology at the University of Hawaii, a program which included an American Psychological Association (APA) accredited internship at the Veteran Affairs (VA) and a year of postdoctoral experience. Having received education and training in both Behavior Analysis and Clinical Psychology programs, I would like to share my experiences and insight into the differences between the two training paradigms.

Applied Behavior Analysis (ABA) is not typically in the scope of practice for many psychologists. In fact, there are only a handful of Clinical Psychology programs in the country that offer a subspecialty in ABA. Even though some Clinical or Counseling Psychology programs offer training and coursework focusing on people with Autism Spectrum Disorders (ASD) or broader training on people with Developmental Disabilities, the training is not necessarily behavior-analytic in nature. Rather, the training focuses on diagnostic assessment tools, such as the administration and interpretation of psychological test measures for people with ASD or broad training in family therapy for parents of children with ASD. To say that one is knowledgeable in ABA because they have received training on people with ASD is not sufficient. One must also receive specific coursework and training in ABA.

Furthermore, there are many schools of thought in psychology. A psychologist's orientation or and identity with a specific branch within psychology dictates treatment approaches. For example, some branches of psychology focus on understanding the underlying personalities of the person, which may result in specific approaches not being based in scientific methods, but rather more 'eclectic' in nature. ABA, however, is a science based on principles of learning theory, which again, may or may not be the philosophy of general psychology programs.

Additionally, some psychology programs may offer training in behavioral approaches that are based on cognitive behavior therapy (CBT) and not ABA. CBT combines behavioral and cognitive interventions to modify maladaptive thoughts, self-statements and beliefs. While CBT is efficacious, the training and implementation of CBT is different than the training and implementation of ABA procedures.



As well, there are behaviorally-orientated psychology programs that provide education and training in ABA. Psychologists who have received specific education and training in ABA have the experience and the demonstrated competency to be able to practice ABA without being licensed as a behavior analyst. Psychologists should continue to supervise trainees, paraprofessionals, and others in accordance with the licensure laws of their profession. The behavior analyst licensure does and should not restrict psychologists who have the experience to practice within their scope of competency or restrict their supervision, which I believe was not the intent of the law.

Finally, HB2143 proposed an amendment to replace the Registered Behavioral Technician (RBT) credential with a national certifying agency. I have supervised doctoral students in Clinical Psychology programs and students in Mental Health Counseling programs. As practicum students at my clinic, I require any student, regardless of their discipline, to become a Registered Behavioral Technician (RBT) to implement ABA. The RBT sets forth rigorous standards on training, competency assessments, and ongoing supervision. Allowing other national certifying agencies, outside of the RBT, would potentially dilute the rigor of ABA programs.

Thank you for the opportunity to offer my comments.

A handwritten signature in black ink, appearing to read 'CK', with a long horizontal flourish extending to the right.

Christine Kim Walton, PhD, BCBA-D, LBA  
Executive Director, Behavior Analysis No Ka Oi, Inc.

**HB-2143-HD-1**

Submitted on: 2/19/2018 6:12:38 PM

Testimony for CPC on 2/21/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl	Individual	Oppose	No

Comments:

Language TOO broad.

**HB-2143-HD-1**

Submitted on: 2/19/2018 8:40:00 AM

Testimony for CPC on 2/21/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Maureen mcomas	Individual	Oppose	No

Comments:

Aloha. I would like to submit testimony in strong opposition of HB2143 HD1 . The language as written in this bill puts consumers ( keiki) of ABA at great risk. I would respectfully ask you to consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) as I believe this language provides psychologists and teachers the necessary protections while also protecting our keiki from allowing professionals who do not have the expertise to practice ABA within the scope of their practice. Mahalo for allowing to provide testimony in regards to this matter. I strongly oppose HB2143 HD1.

Date: February 20, 2018  
To: Rep. Roy M. Tokumi, Chair and Rep. Linda Ichiyama, Vice-Chair, House Committee on Consumer Protection and Commerce  
Rep. John Mizuno, Chair and Rep. Bertrand Kobayashi, Vice Chair  
Hearing: February 21, 2018, 2:00 p.m., Room 329  
From: Linda Hufano, Ph.D.  
(808) 258-2250  
Re: Testimony Support of HB2143\_HD1, Relating to the Practice of Behavior Analysis, As amended by the Hawaii Psychological Association

### **Strong Support for HB2143 HD1**

Chapter 465 of the Hawaii Revised Statutes expressly defines behavior analysis and therapy as within the scope of psychology, as well as our ability to supervise and direct assistants. The lack of clarification in ACT 199 has resulted in misinterpretations by state agencies and some insurance companies who mistakenly interpret ACT 199 as excluding ABA-trained psychologists and other ABA-trained licensed or credentialed professionals from designing ABA programs for eligible individuals and/or supervising others to implement the programs.

As a behaviorally-trained psychologist and have worked as a psychologist in the public and private sectors for over 30 years, I strongly support of HB143\_HD1 as amended by the Hawaii Psychological Association (HPA). These amendments clarify the exemption of licensed psychologists and other professionals whose scope of practice overlaps with behavior analysis in ACT 199.

I also support the identification of the Behavior Analyst Certification Board (BACB) and recommend the inclusion of the Behavioral Intervention Certification Council (BICC) in the statute as well. Both of these national certifying boards have met the rigorous standards for accreditation by the National Commission for Certifying Agencies (NCCA). I am aware that the Hawaii workforce has included paraprofessional workers who have been certified by the BACB as well as those who have been certified by the BICC. Including the BICC as a national certifying agency would help to ensure a qualified workforce that is not arbitrarily diminished by the existing state statute.

### **History of ABA in Hawaii**

The Departments of Psychology and Special Education at the University of Hawaii were among the first behaviorally-oriented programs in the nation. Professors in both programs have outstanding credentials in behavioral psychology – including formulating learning principles underlying applied behavior analysis with various populations, developing behavioral/instructional techniques, and training many of Hawaii's practicing psychologists and special education teachers. Thus, to say that behaviorism or applied behavior analysis (ABA) is new to Hawaii would be a misstatement.

Twenty years ago, the state contracted services for students with ASD out to the private sector. Hoahana Institute and its successor organizations, Alaka'i Na Keiki, Inc. and CARE Hawaii, were among the first to propose and implement ABA services using a three-tiered model based on the pioneering work of Ivar Lovaas (who traveled to Hawaii to help kick-off the program since it had been proposed by one of his former students). In this model, Hawaii psychologists trained postdoctoral residents from Hawaii and the Mainland to 1) assess and design behavioral interventions for students with autism, 2) to consult with teachers, and 3) to supervise paraprofessionals and families implement ABA in the school, home and community.

In later years, agencies in Hawaii trained master's level to assess and design behavioral interventions, consult with teachers and supervise paraprofessionals – some of whom are now licensed clinical social workers, licensed special education teachers, licensed marriage family therapists, licensed mental health counselors, and most recently, licensed behavior analysts. Thus, to say that psychologists do not supervise others in implementing ABA is untrue.

### **“The Gold Standard for Training and Supervision”**

The Lovaas model has long been recognized as the gold standard for training and supervision based on research looking at “outcomes”. There is no research evidence to support the notion that BCBAs achieve better outcomes than licensed psychologists or other licensed professionals. HABA cited a research study by Dennis Dixon et al. wherein BCBAs achieved better results than non-BCBAs. Per written testimony from Dr. Dixon to last year’s Senate Committee on SB739, this was a mischaracterization of his findings since licensed psychologists and other licensed professionals were specifically excluded from the study.

Similarly, there is no evidence to support that RBT training is superior, i.e., more effective or leads to better outcomes, than the ABA paraprofessional training provided by other nationally certified groups (which require training in autism for paraprofessionals who implement ABA for individuals with ASD), or the ABA paraprofessional training, as specified by the funding agency<sup>1</sup>, and provided by a contracted agency; or the ABA paraprofessional training provided by a licensed psychologist who is responsible, under his/her license, for ensuring competent service delivery to service recipients who require an individualized treatment plan.

Mandating national certification for paraprofessionals working with the DOE may result in the displacement of hundreds of qualified educational assistants who may not have the resources to obtain or maintain the certification. which is costly in terms of time and money. The ability to pass a written test may also be a barrier for highly qualified paraprofessionals who have years of experience delivering the “specific behavioral techniques” they are trained to use with an individual student under the supervision of a qualified professional. It bears noting that the research of Lovaas identified characteristics above and beyond test-taking skills for paraprofessionals who were effective in delivering ABA programs under supervision. These include various personality variables such as the ability to be highly reinforcing with children and to be consistent and contingent. In the agency I work for we also look for individuals who can take direction, have good boundaries, can team with school staff, and are dependable.

### **Board Certification from the ABPP vs. Certification from the BACB**

Opponents of last year’s SB739, SD1, seemed to equate board certification from the Behavior Analysis Certification Board (BACB) with board certification from the American Board of Professional Psychology (ABPP). Thus, it is important to recognize the following:

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<sup>1</sup> The Hawaii DOE, DOH, EIS, CAMHD, and DDD currently specify education, training and supervision requirement which meet or exceed RBT training in many areas, are less costly, and less likely to result in service delays. It is worth noting that paraprofessional turnover estimates in Hawaii are between 30-40 percent annually and 50% on the Mainland.

- Board certification from the American Board of Professional Psychology (ABPP) is purely voluntary. Neither the Hawaii law pertaining to the licensure of psychologists or the American Psychological Association (APA) requires or recommends that psychologists obtain board certification from the American Board of Professional Psychology (ABPP)<sup>2</sup> to provide Applied Behavior Analysis (ABA) or to supervise others in implementing ABA services. (See the attached “Motion recently passed by the APA Council Pertaining to ABA Policy”)<sup>3</sup>.
- It is relevant to note that only 3-4% of all licensed psychologists in the U.S. - approximately 4,000 out of an estimated 107,000 - possess ABPP certification in one or more of 15 different areas. Of these 4,000 psychologists, only 141 possess certification in Behavioral and Cognitive Psychology. Per the ABPP<sup>4</sup>, certification in this area could mean the psychologist was examined in ABA, but it could also mean he or she was examined in behavior therapy, cognitive-behavior therapy, or cognitive therapy.<sup>5</sup>
- HABA's position that psychologists should obtain ABPP certification is totally without merit, and would certainly have the effect of, restricting the pool of qualified professionals who are trained in ABA and have been providing services to individuals with autism under contracts with the Hawaii DOE and DD Division for several years.
- The BCBA credential is not consistent with generally accepted concept of board certification in other human services professions where board certification is understood to mean a level of proficiency “over and above” what is required by the practitioner’s professional organization or by individual state licensing boards. Consumers and other professionals familiar with the more traditional use of the term “board certification” may mistake the credentialing of behavior analysts as implying advanced proficiency when in fact it reflects a pre-license, certification for professionals with a master’s degree in an area that may or may not have been in a human service field<sup>6</sup>, fewer course credits and supervised field hours than those required by than are required by licensed psychologists or other licensed professionals whose scope of practice overlaps with behavior analysis, and does not require post-master’s or post-doctoral supervision prior to licensure.
- To our knowledge, no funding source requires the ABPP certification. It is unreasonable and creates an unnecessary barrier to treatment by imposing a requirement on psychologists who have already surpassed educational and experience requirements than those completed by the average BCBA.
- Just as a psychologist would be expected to have sufficient training in ABA, we trust the BCBA to have specific training in ABA with the target population he or she works with or risk losing his or her license. The fact that the psychologist is licensed is what prevents the psychologist from acting outside of the scope of that license. There is no need for suggesting an additional requirement.

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<sup>2</sup> The ABPP is a separate entity from the APA. The APA is the national professional organization for psychology which HABA confuses with the ABPP in various written communications.

<sup>3</sup> See APA Council Meeting Minutes dated 2/24 and 25, 2017, email shared by HPA Representative, June Ching.

<sup>4</sup> Personal communication to Dr. Linda Hufano from Kathy Holland, ABPP, on 2/28/17.

<sup>5</sup> Only two licensed psychologists possess ABPP certification in Behavioral and Cognitive Psychology. The HPA knows both of these individuals, neither of whom specialize in ABA or ASD.

<sup>6</sup> The BACB website currently indicates a master’s degree in behavior analysis, education or psychology is acceptable and those applicants who are unsure or whether the field of study of their degree is acceptable may request a preliminary review. In the past, however, the BACB has approved master’s degrees in many other fields, including art, English, history, business, and economics.

### **Why Should Individuals, Schools and Families Have Options**

Compared with LBAs who are not trained in mental health, ABA-trained psychologists have the advantage of experience in treating the anxiety disorders, clinical depression, externalizing disorders such as ADHD, that are frequently co-morbid with autism (30 – 40% or more for each of the previously mentioned disorders). Suicide is also significantly high among individuals with autism. As mental health providers, they can incorporate for individuals presenting co-occurring disorders during the assessment, planning, and monitoring phases of ABA service delivery.

LBA's are desirous of extending ABA services to students who do not have autism. Insofar as many if not the majority of these students needing such services may have mental health issues, it is critical that the persons delivering these services also have training in mental health. While some LBA's may have a mental health background, most LBA's would not be expected to have such training as it is not required by their certification board. In cases where a student has a mental health diagnosis, an ABA-trained mental health provide would be a preferred option since an ABA-trained mental health professional would be able to modify an ABA program based on the student's mental health disorder, and/or incorporate non-ABA evidence-based approaches, as warranted.

Everyone qualified provider is needed. It is clear in speaking with representatives of state agencies that there will be a significant lack of trained professionals and paraprofessionals to deliver ABA services if Chapter 465D of the Hawaii Revised Statute continues to be misinterpreted as restricted to professionals and paraprofessionals certified by the Behavior Analyst Certification Board (BACB).

Thank you for the opportunity to submit testimony.

**HB-2143-HD-1**

Submitted on: 2/20/2018 1:08:00 PM

Testimony for CPC on 2/21/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Burdt	Individual	Oppose	No

Comments:

I oppose this bil as written, as it weakens current consumer protections for an already vulnerable population. I support the amendments submitted by HABA.



**HB-2143-HD-1**

Submitted on: 2/20/2018 1:20:10 PM

Testimony for CPC on 2/21/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Erteschik	Individual	Oppose	No

Comments:

While the testimony of HABA can provide more specifics as to the concerns with this bill, we would note that in general this bill appears to be potentially eroding the quality control protections that the legislature previously enacted .Children with autism spectrum disorder need qualified providers of applied behavior analysis. Rather than allowing professions to practice in this realm without the proper credentialing or training, we should be encouraging more individuals to become properly qualified providers.

**HB-2143-HD-1**

Submitted on: 2/20/2018 1:34:37 PM

Testimony for CPC on 2/21/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeanette White	Individual	Oppose	No

Comments:

2/20/2018 HB2143, HD1

Good afternoon,

Chair Takumi, Vice Chair Ichiyama and members of the House Committee on Consumer Protection & Commerce:

My name is Jeanette White. I'm writing on my behalf of my 5 year old son.

At 3 years old, in public preschool, my son was restrained in a Rifton chair to prevent him from getting out of his seat. I didn't know it is for children that can't support themselves sitting up and not as a restraint. I only found out from the Autism Consultant Teacher (ACT) from the DES office when she came for a home visit. Nobody shared this info with our family. It was only after we asked. We were led to believe this was okay and it was completely normal.

How long would this have gone on had we not asked? Where was the psychologist to oversee the teacher and assist her on how to help my son? Who in the DOE was around to protect my son? A year later when my son finally received a para-professional in the classroom for support, who was there to help with a Behavior Intervention Plan? Only an unlicensed Behavior Health Specialist. Where was the licensed psychologist to help come up with a plan and over see an unlicensed/credentialed para-pro?

One day, I received an email from his teacher telling me that my son scratched the para-pro. Why was my son woken up early to attend an unnecessary assembly when they know he does not do well after a short nap? A properly trained and licensed behavior analyst would tell you it's better to forgo the assembly if it isn't necessary for him to attend then to have him lash out at the para-pro and his classmates at the assembly. This is just one example of why we need properly trained and Licensed Behavior Analysts and Registered Behavior Technicians to help my son and the classroom teachers.

Would you allow any unlicensed and untrained individual to perform any kind of procedure on you or your family member? I would not. Please don't allow this to happen to our children.

Senator Dela Cruz and Representative Fukumoto have been such a great help in contacting Superintendent Kishimoto to try to get us help with the DOE, but our issues remain unresolved.

I STRONGLY OPPOSE HB2143, HD1. Please help protect my son who will be a consumer of these services by UNCREDENTIALLED AND UNLICENSED workers.

Sincerely,

Jeanette White

Email: [jeanettew1@yahoo.com](mailto:jeanettew1@yahoo.com)

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Wednesday, February 21, 2018, 2:00pm  
Conference Room 329, State Capitol

**IN STRONG OPPOSITION OF HB 2143**

Michelle Rogers  
68-386 Kikou St Waialua HI 96791  
[michellejumprope@gmail.com](mailto:michellejumprope@gmail.com)

Please don't cancel this program or the funding for it. It is need in schools so badly. I work in a school and these programs help so many. Not only do they help the children but help the parents that totally need help. This program is helping my nephew right now and he truly needs it sense he has been in the program he has been able to do much better but he still needs more help so I plead with you to not cancel it.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Tracey Kashiwa  
1503 Emerson St. Honolulu, HI96813 | Oahu  
[tracey.kashiwa@gmail.com](mailto:tracey.kashiwa@gmail.com)

Every kid that enters the DOE deserves a chance! Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Stephanie Ngo

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531 Hahaione St. Apt. 13C | Oahu

[sngo@hawaii.edu](mailto:sngo@hawaii.edu)

I stand in strong support of our teachers and of our keiki.

Alaina Mead

70 Niuhi St Honolulu, HI 96821 | Oahu

[alaina.rogers@gmail.com](mailto:alaina.rogers@gmail.com)

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**IN STRONG OPPOSITION OF HB 2143**

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

Josh Mead

70 Niuhi St Honolulu, HI 96821 | Oahu

[senormead@yahoo.com](mailto:senormead@yahoo.com)

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**IN STRONG OPPOSITION OF HB 2143**

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSE HB2143.

Cosette Rogers

70 Niuhi St Honolulu, HI 96821 | Oahu

[cosette.rogers@gmail.com](mailto:cosette.rogers@gmail.com)

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.



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**IN STRONG OPPOSITION OF HB 2143**

Keri Monteith

92-924 Palilailai St.

[keri\\_stuart@yahoo.com](mailto:keri_stuart@yahoo.com)

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Shaelee Johnson

55-521 Naniloa Loop | Oahu

[shaeleejane@gmail.com](mailto:shaeleejane@gmail.com)

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Wednesday, February 21, 2018, 2:00pm

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**IN STRONG OPPOSITION OF HB 2143**

Kawohionalani Jenkins

68-069 Au street Waialua HI 96791

kawohi@autismbehaviorconsulting.com

Aloha! My name is Kawohi Jenkins and I am submitting a testimonial as to why DOE should keep ABA. First things first. The science speaks for itself. It has had a significant impact with helping kids with autism. It's the only proven treatment to make an impact on kids with autism. I've seen it be used to help kids with severe problem behavior. I've seen it help kids who before couldn't or wouldn't speak. I've seen it help kids open up to a positive teaching environment. I've seen parents cry in gratitude for the work that has been done for this. ABA has changed my life. I've found a love for this work and science that I never knew beforehand. To take away ABA from kids who could benefit from it violates the first rule for kids when it comes to their education. If you take away ABA, you take away kids rights to an appropriate education for them. You take away the potential a child has trapped under disorders or learning issues. You take away a

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parents joy of hearing their child say mom or dad for the first time. You take away all of the success that could have been had. ABA should stay in the DOE.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Victoria Kelleher

1025 A'e Street #305 Kapolei, hi 96707

[kelleher.victoria@yahoo.com](mailto:kelleher.victoria@yahoo.com)

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Adessa Lovell

2080 Aheahea St. | Oahu

[adessaslavens@gmail.com](mailto:adessaslavens@gmail.com)

I have personally witnessed the way ABA can change family's lives. It should not be removed. ABA is scientifically backed and I support it and the families that need these services!

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Joanne Getty

92-1185 Palahia Street Kapolei, HI 96707 | Oahu

[joanne@autismbehaviorconsulting.com](mailto:joanne@autismbehaviorconsulting.com)

I believe we should uphold the current licensure laws for behavior analysts. These laws support teachers (as well as students and families) by helping them get access to licensed professionals in their classrooms. The outcome of our children impacted by Autism and other developmental disabilities depends on it!

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections,

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while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Amy Smith Wiech

68-275 CROZIER LOOP | Oahu

[amy@autismbehaviorconsulting.com](mailto:amy@autismbehaviorconsulting.com)

Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Lorelei Bandola

91-1034 Akai street | Oahu

[ll.fajardo@yahoo.com](mailto:ll.fajardo@yahoo.com)

Children with autism deserve the right to receive effective treatment under licensed BCBA's and RBT's. Research has shown that children benefit from ABA and BCBA's are experienced professionals who can make a difference for these individuals to live better lives.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.



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**IN STRONG OPPOSITION OF HB 2143**

Karlette Johnson

68-386 Kikou St, Waiialua, HI 96791 | Oahu

[utahcamper@gmail.com](mailto:utahcamper@gmail.com)

I strongly believe in the value of behavior analysts in our schools to work with autistic children. I have personally seen a huge difference that these professionals make with my nephew.

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Jerry Rogers

68-386 Kikou St Waialua HI 96791 | Oahu

[gorgefrog@gmail.com](mailto:gorgefrog@gmail.com)

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Karla Rogers

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I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Kathleen Norris

6518 103 St Ewa Beach, Oahu

[knorris@teampbs.com](mailto:knorris@teampbs.com)

ABA is the practice of using science to improve lives by trained professionals. As a sibling of an adult with autism with minimal access to ABA, I am heartbroken that services were not widely available which stunted his social growth. I have worked as an RBT in a school on the mainland, and i have seen the positive impact on multiple children's lives. I left the banking world to work in this field because of the positive impact it makes. I stick with science.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Christine Cosio - **PARENT**

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**IN STRONG OPPOSITION OF HB 2143**

[christine\\_cosio@yahoo.com](mailto:christine_cosio@yahoo.com)

No Child Left Behind. Every Student Succeeds. Is this just a slogan? My **son** has autism. I have an obligation to him and I will do whatever I can to help him be independent in the future. I need help. I've been asking, begging and sometimes fighting to get the appropriate support to help him. The laws are in place to protect him. Why suddenly change them now? Give it a try! Try giving my son what he deserves. Why steal from a helpless child. Why do you make it difficult for him to access ABA in school? I want a licensed and trained professional to plan and properly implement behavior programs for him. My son needs help. Please don't deprive him anymore. Give it a try. Let's see what happens. ABA is an evidenced based treatment. I've seen him flourish with ABA at home. Please provide it in school where he spends most of his time learning with his peers.

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Gina Gillstrom  
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Our keiki deserve support. Teachers are asking for help. We are ashamed of our public schools. No wonder our teachers are leaving. We have over 300 emergency hires for special education. Why would the DOE fight to take away the rights of our keiki rather than ensure them? It is time for our legislators to hold the state departments accountable. They pull down federal funds yet they violate the federal protections that are to be afforded to the most vulnerable in our community. I stand in strong support of our keiki and our teachers.

I stand in strong support of our teachers and of our keiki.

Tammy Chang

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The task to improve Hawaii public schools is daunting. However, there have been major strides in moving Hawaii up the scale, providing effective and efficient education to all of Hawaii's Keiki. Let us not go backwards. Let us support the difficult changes that NEED to be made for our keiki. Let us stay on the difficult path together, keeping our keiki as the main focus. Money should never be more important than our sustainable future.

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Barney Mollena - PARENT

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**IN STRONG OPPOSITION OF HB 2143**

I have a 5 year old son who is autistic. He is non-verbal and can't function in school without his RBT. Without his RBT I know it will be detrimental for him. He has walked away from us in seconds and we wouldn't have a clue where he went. And because he doesn't acknowledge people, it's a scary moment until he is found. Fortunately for me I have a fenced in property to keep him in but he has found his way out when visitors would forget to close our gate. I feel without ABA services we would be forced to keep him at home for his safety. I won't let him be a tragedy should this bill be allowed. The sad part is my son is so smart and has learned to read on his own from the age of two. His memory is amazing and he could name most of the animals and mimic the sound they make. When he was 4 years old, the pre-school teachers would let him read a book during circle time and the children would be amazed that he knew how to read. With his RBT, it is showing him how to function with others that are different than him and be able to express himself to others. Also he is learning how to follow directions to do everyday tasks. With him this is done with constant hand over hand directions.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Michelle Foushee - **PARENT**

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**IN STRONG OPPOSITION OF HB 2143**

If it weren't for ABA my **son** wouldn't be where he is today! I'm so grateful for ABA and I want to keep ABA as long as they accept my son in the program. They have not only helped my son who is autistic but as helped myself in so many ways! We need ABA!

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Nicole Skotz

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**IN STRONG OPPOSITION OF HB 2143**

Hello, I am a licensed behavior analyst, but more than that I stand with everyone who wants and expects most effective teaching methods. ABA is a research based science that can and does help individuals with autism and helps teach teachers on how to best support students. What is occurring in schools is sub par and does not support the children who are being let down everyday. Children are being blamed for challenging behavior, when environments are not effective and training is not occurring for teachers and 1:1 providers. Our children do not get a choice as to where they get to learn and it is unethical and inhumane to the give them sub par and in some cases problematic teaching environment where they are not understood. There needs to be rules as far as training and having confidence in the teaching that is being done. Credentialing is the way to ensure that confidence. Our kids deserve better and i know that it is possible if we work together as a community. Our goal is the same: to educate and give all children in schools a bright and thriving future.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Tracey Kashiwa

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We fight, like there is no tomorrow. ALL kids deserve the same educations! Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Denise Thornton - **PARENT**  
PO Box 226 Keaau, Hi 96749  
[deniserhornton808@yahoo.com](mailto:deniserhornton808@yahoo.com)

My **daughter** is in need of ABA therapy. Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts

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Maggie Gaylor

91-2049 Kaioli Street #2704, Ewa Beach, HI, 96706

[maggie.gaylor@yahoo.com](mailto:maggie.gaylor@yahoo.com)

Prior to becoming an RBT I was an under-trained worker in the DOE as a skills trainer. Now that I have been trained, tested, and properly supervised I can see the true difference between a skills trainer and a RBT. I am able to now work so much more efficiently for my clients and provide them with the best care. I have been able to see children go from sitting alone in a corner all day flourish socially and initiate play with their peers. I have seen children who don't talk learn to say "Mama" and the tears well up in that mama's

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eyes. I have seen children who were so frustrated because they couldn't communicate their wants and needs that they would bite themselves and now they can say "I need a break." These children deserve every chance they can to succeed and we can't wait for them to fail before we give them the help they need. Our Keiki deserve better, they deserve the best!

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Alyson Morita

47-465 Hui Aeko Place Kaneohe, HI 96744

[amor.620@hotmail.com](mailto:amor.620@hotmail.com)

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving

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Randi Lee

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ABA is the only scientifically proven effective treatment for children and adults with autism. It is our responsibility to make sure that our keiki are given the best possible treatment so that they can live the most independent and successful lives possible. DO NOT TAKE AWAY ABA FROM OUR KEIKI!

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Richard Elg - **PARENT**

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As a **parent** of a child with autism, I am alarmed and appalled that the s DOE would try to remove ABA services from children in need. It is imperative that children be given support from individuals that are licensed in the field of Behavior Analysis. Without licensed BCBAs, children will not get the care and support that they desperately need to succeed.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections,

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Stacey Kuhn, MS, BCBA, LBA

1253 S Beretania St, Suite 2710 Honolulu HI 96814 | Oahu

[staceykuhn@kuhnbc.com](mailto:staceykuhn@kuhnbc.com)

My name is Stacey Kuhn, Board Certified Behavioral Analyst and Licensed Behavior Analyst in the state of Hawaii. I am the founder of Kuhn Behavioral Consulting Services, a Kama'aina company, and Behavioral Health Center of Excellence accredited provider in the state of Hawaii, and I have over 24 years of experience in the field of Behavior Analysis. I stand in support of the amendments and changes for the current bills as suggested by HABA. Thank you for allowing me to submit testimony.



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**IN STRONG OPPOSITION OF HB 2143**

Emily Ferguson

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I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Daiquiri Hammond  
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Wednesday, February 21, 2018, 2:00pm

Conference Room 329, State Capitol

**IN STRONG OPPOSITION OF HB 2143**

Diana Powell

91-2290 Kanela Street Ewa Beach HI 97606

[dpowell@acesaba.com](mailto:dpowell@acesaba.com)

A lack of qualified behavior analysts in the DOE setting overseeing much needed ABA services for students with autism is unethical and dangerous, in addition to violating several federal laws including I.D.E.A, F.A.P.E., and the American with Disabilities Act. As a Board Certified Behavior Analyst (BCBA) and Licensed Behavior Analyst (LBA) in Hawai'i, I have unfortunately seen the results of lack of qualified personnel in the public school settings firsthand. The result is a dangerous setting for our keiki as well as school personnel; too often children are injured unnecessarily due to untrained, uninformed staff and a lack of qualified behavior analysts overseeing the treatment of students with autism and related developmental disorders.

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Lara Bollinger, M.S.Ed. BCBA, LBA - [lara.bollinger@gmail.com](mailto:lara.bollinger@gmail.com)

61-280 Kamehameha Hwy. Haleiwa, HI | Oahu

First, thank you all so much for passing Chapter 465-D, to ensure the licensure of Behavior Analysts. I am writing in support of HB2271, with amendments. I respectfully defer to HABA and HSTA for specific language.

1. In my experience, keiki who are exposed to quality behavioral programming can make significant progress while those that are exposed to sub-par programming can develop additional challenges, stall in their learning, or regress. Waiting for our keiki to fail will cause more problems in the long run and is unfair to them and their families.

2. Treating behavioral and learning difficulties as a reactive strategy is just plain wrong. Our goal as professionals is always to prevent problems. Doctors do preventative "well child" check ups to catch problems early and treat them before little problems become big problems. The same can be said for good Applied Behavior Analysis (ABA). We should not be waiting until students are failing before Licensed Behavior Analysts (LBAs) are called to be part of the team.

3. The Individuals with Disabilities Education Act (IDEA) requires that students are given access to a Functional Behavioral Assessment (FBA) anytime that their behavior is impeding their learning or the learning of others. In Hawaii, Chapter 465-D requires that the FBA is completed by an LBA or a Licensed Psychologist with ABA in the scope of their practice. By not completing this FBA, the Department of Education is opening itself up to many due process cases and potential lawsuits.

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Sierra Whittington

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Our kids need ABA services. I've experienced so many miracles since I've started providing ABA services. These one on one services provide so much help to these kids and it's important that we keep these services for families and for schools. I have one mom terrified for her kiddo if these bills are passed. She states, "If this happens, this will affect my kid tremendously. He doesn't have his RBT for in school, but he does have her for our home services. A psychologist, whom he already has, will replace his RBT if this bill passes. Which will not be good! His psychologist sees him once every 90 days to redo his prescriptions. How do they expect her to understand his home environment, his behavioral problems/anger issues, in her office?! How is she going to help him with social skills and how to cope with everything, in her office?! She puts a band-aid on his behavior with his medicine, but she doesn't help it go completely away. His RBT helps a lot with his at home behaviors and keeps him on track. Helps him to cope when he is upset and gives him options. If this is taken away from him, it won't just be bad for my child; it will be bad for all of us. He has come a long way, and this will make him backtrack and spiral out of control. Praying for all the kids that could potentially be affected by this.

I stand firmly in support of our teachers and keikis having access to appropriately licensed and qualified behavior analysts in the DOE setting.

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I am a Special Education Teacher from the Big Island of Hawai'i. I would like to submit testimony to share that there is a devastating impact when Applied Behavioral Analysis (ABA) and services for our keiki are not provided or done so by unqualified personnel. In addition to our keiki, I beg you to consider the negative impact the lack of adequate services and providers have on all students and our hard working teachers in Hawai'i. Not just the child requiring services is impacted, but all students witnessing classroom behaviors are impacted on a daily basis. The longer we wait to install appropriate services, the longer the students miss critical instruction. I personally witnessed unqualified people developing and implementing inappropriate strategies and the results were truly devastating. Not only were some interventions suggested highly inappropriate, but also some were emotionally and physically harmful. As an emergency hire teacher, I was asked to complete Functional Behavioral Assessments and develop Behavior Support Plans for my students and assist in daily implementation. Admittedly, I was not adequately trained, and my coursework had not covered this task in depth. I was instructed that as a Special Education teacher, we are already qualified to support students. This was not accurate and I desperately needed help, my students needed help. I needed the daily access to specialized knowledge and support of a Registered Behavioral Technician. I needed them to monitor behavior and collect data and under the supervision of a BCBA, modify plans as necessary. I needed to be able to manage my classroom and focus on teaching all of my students. The School Based Behavioral Health (SBBH) employee was also a licensed counselor had been instructed to assist me. She and I expressed that neither of us were sufficiently trained in Behavioral Analytical Practices. We needed access to personnel for clarification, and be supported appropriately to improve outcomes for our students. After completing a forty-hour training for Registered Behavioral Technicians nearly two years ago, I affirmed my belief that appropriately developed strategies would absolutely and positively impact students especially within the school setting. I truly believe it is necessary for Functional Behavior Assessments and the development of Behavioral Intervention Plans require the direct supervision of a Board Certified Behavioral Analyst (BCBA) or individuals who can certify that they possess adequate training. Students who spend the majority of their day in school, are already failing, we cannot afford to continue to wait for the provision of services where they spend the majority of day, in the school setting. Additionally, all personnel providing services should meet the basic credentials that a Registered Behavior Technician or a Board Certified Behavior Analysts possess. This is the most vulnerable population of our keiki who need us to responsibly provide services through qualified professionals that are trained specifically conduct a Functional Behavioral Assessments, develop interventional strategies



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based on data. Teachers need support for their students so that they can succeed. I am asking, for the sake of both our students and our teachers for your support in ensuring we truly provide what is best for our keiki.

Cathryn Langan - **PARENT**

2953 Kalihi St. Apt. A, Honolulu, HI 96819

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**IN STRONG OPPOSITION OF HB 2143**

[cathryn.langan@gmail.com](mailto:cathryn.langan@gmail.com)

s a **parent** of a child on the autism spectrum, I want a Registered Behavior Technician; someone trained in understanding behavior, working with my child. Someone with an autism specific credential may not know how to work fully with my child, who yes, is a child with autism but is also so much more than that. Also, I feel uneasy about licensed psychologists overseeing treatment, as there is no guarantee that a licensed psychologist will adequately know how to work with my child from a behavioral perspective. I also oppose this bill as I feel that many students in need would benefit from licensed behavior analysts (LBA) assisting with services in the DOE setting. This piece of legislation will not allow schools to "provide special education and specific services tailored to meet unique needs of students with disabilities," as outlined in PL 94-142. **I personally am uneasy about sending my child to a DOE school to start in kindergarten this fall because I have seen many children fall behind because they were not provided with adequate services which could have been improved by having LBAs assisting with their service plans.**

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Nicole Domingo  
98-417 Hookanike St. #A Pearl City, HI 96782  
[darqpique@gmail.com](mailto:darqpique@gmail.com)

I worked in the school for 5 years with children with autism before starting at my current job at a center where we do ABA treatment for children with autism. I learned so much more about autism and how to

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support and work with children with autism. I wish I had my knowledge of ABA when I was working in the school. Removing ABA from schools would be detrimental to children and negatively impact services children diagnosed with autism would receive.

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Cheryl Ebisui  
95-1091 Auina St | Oahu  
[cebisui@teampbs.com](mailto:cebisui@teampbs.com)

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I

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respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Catherine Wilson

PO Box 375 | Kauai

[catuare@hawaii.rr.com](mailto:catuare@hawaii.rr.com)

Dear Member of the Committee,

Thank you for the opportunity to testify. I am Catherine Wilson, a Board Certified Behavior Analyst and a Hawaii State Licensed Behavior Analyst. I am also in my last year of a clinical psychology doctorate degree. I own and operate a local behavior company, ABA Positive Support Services. This bill will greatly compromise the quality of ABA services provided throughout the state of Hawaii. There is only reason the state would be interested in pursuing an alternative track for credentialing one to one providers of applied

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behavior analysis. That reason is to avoid the time and effort it would take to assure that individuals are receiving quality services. The current legislation requires the Registered Behavior Technician (RBT) credential for one to one providers of ABA. The Behavior Analyst Certification Board (BACB) oversees this credential. The BACB has an established system to credential people, which includes training, continued supervision and a code of ethics. There is no reason to move away from what is already working. If a potential staff is willing to go through an alternative autism specific credential they should be significantly more enthusiastic to go through a process which is nationally recognized. Any alternate credential would produce a watered down version of the real thing. I believe our children deserve better than that. Licensed psychologists are not behavior analyst. As a clinical psychology student, I believe I have a clear understanding of the two professions. The education, training and implementation are different. They are not interchangeable. Only board certified behavior analyst should supervise the one to one providers.

Please feel free to contact me directly with questions or comments. I am available.

Thank you,

Catherine Wilson, M.Ed., BCBA, LBA, LMHC

Jennifer Frazier

1103 Mills Blvd

[jennkae81@icloud.com](mailto:jennkae81@icloud.com)

The DOE needs to work hand in hand with ABA providers. Behavior is synchronous to learning.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving

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forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Heidi Burgoyne

67-170 Kuhi st Waialua

[hbhawaii@gmail.com](mailto:hbhawaii@gmail.com)

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Maria Futo

58-306 Kaunala Pl Haleiwa

[Manefuto@gmail.com](mailto:Manefuto@gmail.com)

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Bryant Vergara

99-260 Aiea Heights Drive Aiea, HI 96701

[bryantv@hawaii.edu](mailto:bryantv@hawaii.edu)

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Brandi OCallaghan

1135 Panana St #1102

[br.ocallaghan@yahoo.com](mailto:br.ocallaghan@yahoo.com)

I work with special education students and they need these services. If we wait for students to fail then they are already missing concepts and relationships instead of modifying it for them from the outset. Students who are allowed to struggle and fail, when we know they need help, feel horrible about themselves. This attitude can become permanent and they will always be stunted emotionally. We want our citizens to feel capable and valued. Our entire society benefits from early interventions.

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Ashley Hogan, 46-255 Kahuhipa st Kaneohe HI

[ahogan216@gmail.com](mailto:ahogan216@gmail.com)

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

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Emely Suazo

515 Ulumawao St, Kailua, HI 96734

[ESuazo@stepshawaii.com](mailto:ESuazo@stepshawaii.com)

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

Mahalo,

Emely Suazo, BCBA, LBA

STEPS, LLC

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Andrea Baumes  
5171 Warden Ct. Honolulu, HI 96818  
[andrea.baumes@gmail.com](mailto:andrea.baumes@gmail.com)

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Vanessa Montes  
1611 Keeaumoku St. #308 | Oahu  
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Ariel Keaunui

91-201 Kamoawa Place | Oahu

[arielpahayahay@gmail.com](mailto:arielpahayahay@gmail.com)

I am currently an RBT on Oahu and I fully support Hawaii's teachers and Keiki and I support this bill, with amendments.

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Noveleenne Tuliao

94-269 Pupukoa St. Waipahu 96797 | Oahu

[ntuliao13@gmail.com](mailto:ntuliao13@gmail.com)

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support

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Shannon Patalano

469 ena rd | Oahu

[patalano4@gmail.com](mailto:patalano4@gmail.com)

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Wednesday, February 21, 2018, 2:00pm

Conference Room 329, State Capitol

**IN STRONG OPPOSITION OF HB 2143**

Courtney Manning

68-281 Au St

[cmanning@maulolearning.com](mailto:cmanning@maulolearning.com)

I have worked in the ABA field since 2013. During my 5 years of working in this field I have seen exceptional growth in our kiddos from their services during school hours. ABA during school hours does not restrict or prevent kids from learning or growing.. I have seen so many amazing kids grow, learn, and hit major learning milestones. If we took away ABA services during school hours our kids would be stripped of these opportunities.



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Mia Manzo

PO Box 152, Honomu, HI

[miamanzo@gmail.com](mailto:miamanzo@gmail.com)

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Sneha Bagchi

1830 Wilikina Dr Apt 912 | Oahu

[jaisneha90@gmail.com](mailto:jaisneha90@gmail.com)

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Brendan Hales

70 Niuhi St. | Oahu

[bdan.hales@gmail.com](mailto:bdan.hales@gmail.com)

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Ryota Takahara

945 Kapahulu Avenue Apt. B, Honolulu, HI 96816

[ryota302@gmail.com](mailto:ryota302@gmail.com)

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Vikki Kawamura

95-1014 Liho Street

[vikk9ff@gmail.com](mailto:vikk9ff@gmail.com)

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**ANONYMOUS TESTIMONY**

I've been in ABA as a RBT for 3 years and received ABA services for my brother for 5 years and taught for 2 years in the DOE setting with special needs and after being on all sides of this I strongly believe that ABA is a mutually beneficial experience for everyone. The story of applied behavior analysis in education in the United States is inextricably tied to the significant increase in Autism Spectrum Disorder (ASD) diagnoses among school-age children that emerged in the mid-1990s. Suddenly, classrooms were overwhelmed with special needs children who exhibited sometimes severe behavioral issues, impacting both their own education and the schooling of others. With that being said again I strongly believe that ABA is beneficial to call parties in the classroom; teacher, student and families.

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**IN STRONG OPPOSITION OF HB 2143**

Michelle Haia

68-024 Apuhihi st Waialua | Oahu

[mhhsia@gmail.com](mailto:mhhsia@gmail.com)

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Sheleah Watson – **PARENT**

59-470 Alapio Road Haleiwa HI 96712 | Oahu

[sheleahdiego@yahoo.com](mailto:sheleahdiego@yahoo.com)



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Please think about our Leuko. My son is autistic and really needs this service to help him function and become independent and be self-sufficient, as he becomes an adult.

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Melinda Seymour

59-065 Paumalu Place

[melindabcba@gmail.com](mailto:melindabcba@gmail.com)

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Elizabeth Hand

PO Box 30958 | Kauai

[bugdragoo@gmail.com](mailto:bugdragoo@gmail.com)

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Suzanne Machos

47-736 Akakoa Place #2, Kaneohe 96744

[suzanne.machos@gmail.com](mailto:suzanne.machos@gmail.com)

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Denby Siemer

PO Box 437 Waialua HI 96791 | Oahu

[pelagicblue@gmail.com](mailto:pelagicblue@gmail.com)

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Lauralei Tanaka

3276 Uilani Place | Oahu

[jltanaka@msn.com](mailto:jltanaka@msn.com)

Aloha, Our keiki need individuals who are educated and schooled in behavior analysis, not simply baby sitters. We need individuals who have been trained and who are required to receive continuous training to work with our children in order to keep them safe and to make sure that our children are taught using evidence based methods to help them reach their full potential.

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**IN STRONG OPPOSITION OF HB 2143**

Yvonne San Agustin

91-1016 Mikohu St

[yvonnemonique522@gmail.com](mailto:yvonnemonique522@gmail.com)

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**IN STRONG OPPOSITION OF HB 2143**

Kristen Holdaas

47-356 Hui Koloa Pl

[kbarry35@gmail.com](mailto:kbarry35@gmail.com)

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Brian San Agustin

91-1016 Mikohu St

[b.sanagustin@yahoo.com](mailto:b.sanagustin@yahoo.com)

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**IN STRONG OPPOSITION OF HB 2143**

Nancy Trujillo Sisemore

610 Ala Moana Blvd | Oahu

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Legislation must be upheld to promote professional standards of services and to protect the rights of those in need. Mahalo to our legislators for reverting to the already extended implementation date of 1/1/2019. However, I am extremely concerned about the expansive exemption now permissible with language submitted by the Hawai'i Psychological Association. I support our teachers and our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Rebecca Seiter

352 Aina Lani Pl, Kauai, HI 96746

[rebeccaseiter@yahoo.com](mailto:rebeccaseiter@yahoo.com)

To Whom it May Concern,

I am a Registered Behavior Technician on Kauai doing home visits with school-aged children diagnosed with Autism. While I believe that ABA therapy in the home is important and relevant to changing a child's overall behavior and skills, I have also come to realize how important it is to have that balance during the school day with consistent ABA techniques as well. It is counter-therapeutic to provide ABA structure in one setting and not in another. It allows the child the opportunity to operate with one set of rules during the school setting and then with another set of rules in the home setting. Behavior becomes setting-based, which is not allowing them to truly develop much needed skills, and often hinders overall mastery and progress.

Additionally, with ABA only in the home setting, it is extremely difficult to communicate regularly with the daily school providers to see what strategies are being used or are effective. Likewise, there is no way to model across settings what therapies are being used in the home that are making significant progress there.

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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I hope my thoughts are helpful. 808-634-0397

Erin Stephenson  
36 Puu Hale St.  
[erinam.step@gmail.com](mailto:erinam.step@gmail.com)

Please do the best for our keiki! Families need all the services they can get access to. This is so important for the development of our kids! Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our

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keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Brandi Barretto - **PARENT**

PO Box 30343 | Oahu

[brandibarretto@gmail.com](mailto:brandibarretto@gmail.com)

My son received three years of "ABA" therapy in which his behavior support staff were constantly changing. Of 6 interventionists, only one was a Board Certified Behavior Analyst (BCBA). Targets and goals were met consistently and efficiently ONLY when the BCBA supervised his case. Anything less was a waste of valuable learning time.

Now the Hawaii DOE has introduced a bill, relating to Behavior Analyst Licensure, which seeks to limit ABA services to students as a reactive approach. This bill requires a "fail first" approach, and would not allow students, like my son, access to a licensed behavior analyst in the DOE setting. This bill is believed to violate several federal laws; I.D.E.A., FAPE, and the American with Disabilities Act (ADA). We stand firmly in support of our teachers and keikis having access to appropriately licensed and qualified behavior analysts in the DOE setting.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong

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support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

April Woolley

66-939 Kiekonea Way | Oahu

[acasey@hawaii.rr.com](mailto:acasey@hawaii.rr.com)

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Jordan Hall

96-212 Waiawa Rd apt 106 | Oahu

[jordan\\_th81@msn.com](mailto:jordan_th81@msn.com)

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Kahoni Rowland

96-212 Waiawa Rd apt 106 | Oahu

[kahoni47@gmail.com](mailto:kahoni47@gmail.com)

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Lauren Kapp

Po box 5076 Kaneohe | Oahu

[LaurenDKapp@gmail.com](mailto:LaurenDKapp@gmail.com)

I have been a skills trainer for 5 years and an RBT for 2 years. I am scheduled to take my BCaBA exam this month. Having gained the knowledge I have of Applied Behavior Analysis, I can now see the difference in programs that utilize ABA appropriately versus those that do not. ABA in untrained hands can actually make behaviors worse, further hindering the life of the client and their family. I have witnessed the result of what happens when ABA is not used correctly in schools. It is detrimental to the student, and the entire learning environment. I can't stress enough how important it is to have trained individuals assessing, creating and implementing behavior change programs. Please consider the wellbeing of our students, staff, and families and keep ABA in our schools!



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Jessica Huggins

46-318 Haiku Rd. Apt 87 | Oahu

[jessica.leanne17@yahoo.com](mailto:jessica.leanne17@yahoo.com)

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Jackie Belding

3-2600 Kaumualii Hwy, STE 1300, PMB 340

Lihue HI 96777 | Kauai

[jackiebaker15@hotmail.com](mailto:jackiebaker15@hotmail.com)

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Julian Leigh

134 Kapahulu Ave. #916, Waikiki 96815 | Oahu

[msjulianhawaii@hotmail.com](mailto:msjulianhawaii@hotmail.com)

I have worked for ten plus years as a Skills Trainer in Hawaii Public School Special Education classrooms. Most teachers and most school administrators I have encountered are ill-equipped to assess and provide services required by each unique special needs student. There is inconsistency in the behavioral programs designed, as each teacher and school administration approach the child with their own priorities and level of expertise. The inconsistency that results is extremely damaging for our children with special needs and stifles their potential. ABA is the national standard for assessing and addressing the needs of these children and Hawaii DOE must welcome that standard of service provision into our classrooms.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis

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Hannah Risko

1395 Pueo Rd | Hawaii

[hannahrisko@gmail.com](mailto:hannahrisko@gmail.com)

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Maggie Frazier

P.O. Box 1630 | Hawaii

[maggiemfrazier@gmail.com](mailto:maggiemfrazier@gmail.com)

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GIGI CALI - PARENT

94-1038 LUMIAUUAU ST

[Gigi.sean@yahoo.com](mailto:Gigi.sean@yahoo.com)

Providing additional support in the school environment will slow educators and parents to work as a team by increasing communication, increase observations, implement positive reinforcement at the appropriate time. RBT also provide support to DOE educators to focus on the classroom as a whole oppose to giving attention to a student who needs behavioral support. My son has made an astronomical advancement in his speech language social skills as well as his academic learning. He is currently having more time in the gen ed environment where he can learn from his peers. Without RBT these children will lose the ability to learn because RBT provides the child opportunities to succeed and assist these students to working through their challenges and giving family's hope that their child will survive and become independent. RBT is not only an advocate for students but a liaison between educators and family

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Cori Webb

58-372 Kamehameha Hwy | Oahu

[coriwebb86@gmail.com](mailto:coriwebb86@gmail.com)

ABA is vital in these children's lives! We make a difference!! Don't take that away from them! Educate yourselves!! Understand what we do and how it works!!

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and

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other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Mahalo for the opportunity to present testimony on this important matter.

Rochelle Hall - **PARENT**

PO Box 18,68, Kealakekua, HI. 96750

[Rochellejhall@gmail.com](mailto:Rochellejhall@gmail.com)

My daughter has been approved for ABA but the school refuses to allow the providers on campus and they do not provide the support my daughter needs to access her curriculum. She struggles daily, particularly socially and deserves to have this support during her remaining years in school. We met Superintendent Kishimoto on September 18 when she came to speak on the Big Island. That day we asked her what families like us are supposed to do and she told us she needed time to get data and now this bill is introduced. It is disrespectful and disheartening. I expect more of our public schools. My daughter deserves better from us. All of us.

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSE HB2143.

Kind regards,

Rochelle Hall



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John Lopez

6495B 103rd St, Ewa Beach, HI 96706

[jokainlopez@gmail.com](mailto:jokainlopez@gmail.com)

As an advocate and a professional in the field, I have heard and experienced the tyranny of low expectations in our education system for children with significant developmental delays. ABA providers that I work with have made significant impacts for the children that we work with in home and community based settings. It is always the limitations of the school that parents mention to be what is "holding them back". The fact that ABA providers would be limited to home and community based settings vs Speech and Occupational therapists which perform skills across all settings, limits their ability to impact our keiki's lives to their full potential. Furthermore, teachers need this help. Many teachers that I have met are burnt out and underprepared. They deserve to have help in managing and preventing challenging behaviors. Do what's right, this bill, as is, is believed to violate several federal laws; I.D.E.A., FAPE, and the American with Disabilities Act (ADA). We stand firmly in support of our teachers and keikis' having access to appropriately licensed and qualified behavior analysts in the DOE setting.

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

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Melissa Sandwell

2444 Hihwai Street Apt 2104 Honolulu, HI

[Msandwell@gmail.com](mailto:Msandwell@gmail.com)

Do the right thing for our Keiki!!

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSE HB 2143.

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Rebekah Walker - **PARENT**  
53-972 Kamehameha Hwy  
Hau'ula Oahu 96717  
[Matagiwalker@gmail.com](mailto:Matagiwalker@gmail.com)

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSE HB 2143.

My **daughter** has benefited from early intervention with ABA services. It pains me to think that other Autistic children would be denied these services of highly trained aides. With early intervention of trained aides hopefully our children on the Autism Spectrum will have the best opportunities for their success

Mahalo,  
Rebekah Walker

Justine Tubana  
94-541 Loa St.  
Waipahu, HI 96797  
[j2bana14@gmail.com](mailto:j2bana14@gmail.com)

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I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

Kristine D. Dickson

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Cherlyn Jensen

91-1029 Kamaaha Ave #1203

Kapolei, Hi 96707

[Cjensen@bayada.com](mailto:Cjensen@bayada.com)

Our children deserve quality professional care from those who are qualified in the field of ABA.

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

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Beau Laughlin

41 Laumakani Lp

Kihei HI 96753 | Maui

[bochacompany@gmail.com](mailto:bochacompany@gmail.com)

All people with disabilities have a right to effective treatment. For some this may be applied behavior analysis. This is Federal Law. All students should be able to access services they find meaningful. It is time for egos to step aside in this arena of the DOE versus behavior analysis. It is time to realize we need to come together and respect each other for the good of our community.

I stand in strong support of our teachers and children.

Sincerely,

Beau Laughlin, M.S. BCBA

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Sara Sato

2241 Kauhana Street Honolulu, Hawaii 96816

[saratsuki@gmail.com](mailto:saratsuki@gmail.com)

My name is Sara Sato and I am an Board Certified Behavior Analyst (BCBA) who has experience as working as a special education teacher and a contracted BCBA in the Hawaii DOE. I also have previously worked in schools in the San Francisco Bay Area as a BCBA consultant. Having experiences in these settings have given perspective to what models are successful in supporting and teaching students with disabilities as well as structures and systems that fail. Unfortunately, the Hawaii DOE is more often than not failing to provide the necessary, adequate, and appropriate supports for their special needs students.

One area I find to be the most lacking in the Hawai'i DOE system is the understanding of what ABA is. Applied Behavior Analysis (ABA) is NOT just a way to address challenging behavior. BCBA's are not only necessary to teach a child to stay on task. ABA is the science of teaching. As BCBA's we can look at any situation, break it down into components, examine what might be wrong, look at the objective, and utilizing the principles of behavior and effective teaching, develop a game plan to reach our terminal goal. While this may sound simple, and in theory it really is, our work as Behavior Analysts is constant, systematic, and consistent analyzing of our objectives and making changes based on data to produce meaningful changes in our clients lives. Simply put, teacher's are not put through the same

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type of training and methodology during their course/field work. For many BCBA's who have masters degrees in special education, an additional 6 or more course sequence plus 1500 fieldwork hours are required to even qualify to sit for the exam. Just these requirements alone show a huge discrepancy in the general experience of a special education teacher and a BCBA. There are numerous FANTASTIC teachers and scores of EXCELLENT BCBA's in Hawai'i. Both groups come from different backgrounds and different skill sets. The bottom line is we want to provide the BEST education that can be provided to our Keiki. It's not a matter of one group or the other, it's working together, celebrating our individual strengths and supporting our areas of need to turn our failing education system into one that we all can be proud and confident of. Our Keiki and our future are so deserving of this. Please malama our keiki.



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**IN STRONG OPPOSITION OF HB 2143**

Geri Pinnow - **PARENT**

Luke Pinnow - **SELF-ADVOCATE**

Ewa Beach, Oahu

[gpinnow@rocketmail.com](mailto:gpinnow@rocketmail.com)

Say no to Luke. That is what the Department of education said to him as a preschooler and continued to say now as a senior. There are people who have the skills just waiting to help him access his education but DOE says NO! Is Luke not deserving and kids just like him? His Christmas card to me was I'll be brave Mom. Really? Is this a war where your son writes home and says he'll be brave? No mother of a 17 yr. Old high schooler in 2017 should get a Christmas card that says, "I'll be brave." But that is what Luke is trying to tell us. He's had to fight for access to his education. Can you imagine all the non-verbal keiki with autism and what they'd tell you? Imagine with me when we leave this world that these sweet angels will thank us for trying to help. Will you do the right thing? Kids can't wait year after year. We are having them experience year after year of cruelty. Why? The teachers are asking for help, they see the potential in the children, the parents and the community as a whole know the help exists, the children are literally crying for help, and the DOE says, "Will not!" Help exists, the choice is yours. Will you help our state and tell the DOE to let help in NOW!

Since I cannot testify in person, I am sending video testimony: [Help Luke get ABA in the DOE](https://www.facebook.com/forourkeiki/videos/541725256208502/)  
<https://www.facebook.com/forourkeiki/videos/541725256208502/>

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Conference Room 329, State Capitol

**IN STRONG OPPOSITION OF HB 2143**

Ashley Brown - **PARENT** | [iambamaa4@gmail.com](mailto:iambamaa4@gmail.com)

My name is Ashley Brown. We are an Army family with two sons. We've lived in Hawaii for almost eight years now, own a home in Waialua and vote in Hawaii. My husband has served over twenty five years to date and is still on active duty. He's served three tours of duty in Iraq and has two purple hearts for wounds received in combat in Iraq. As his wife I'm also sad to say that he suffers from the effects of Traumatic Brain Injury and PTSD. Despite this he still works long hours to defend our country and support our family with little to no support from state resources.

From a state that prides itself on Aloha and Ohana we are shocked to hear that the State is considering adopting a 'fail first' approach to dealing with disabilities in the Department of Education. We are an example of restricted services and the "fail first" approach can and will do harm to even more families across this State if this bill is allowed to pass.

Our son Bowen Brown is 15 yrs old and just spent over 150 days locked up in 2 different acute care inpatient wards not equipped to deal with autism. He spent over 60 days at Queens and then 90 days in the UCLA psychiatric unit.

We recently had to send our son 4,700 miles away from family to try and receive needed autism behavioral services. As I speak/write, our son is currently in Virginia while I, his mother is here in Hawaii. This is where he'll stay for the foreseeable future.

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We are trying to get him help in residential program that is only approved for 5 months. We desperately need a functional behavioral assessment (FBA) by Licensed BCBA to identify target behaviors that cause danger to his school and our Waialua community.

We requested, last August, an FBA and IEP with behavior plan to address Bo's dangerous behaviors. We also requested that Waialua Elementary school to help enroll Bo in Child and adolescent mental health. We were hoping for a team effort to help us address Bo's behaviors.

Instead DOE placed Bo on 8 hrs a week homebound services with zero access to any FBA or ABA services or speech therapy. Child and adolescent mental health refused to help us until he was discharged from Queens and Department of Developmental services turned him down because his IQ score was 3yrs old.

So DOE, DDD and CAMHD have denied all services to help address Bo's dangerous autism behaviors. Behaviours such as breaking out of his home, running into traffic, and episodic violent behaviour against both family and strangers. All of these behaviours are clearly dangerous to our community and often results in avoidable tragedies nationwide as we see so often in the news.

To summarize our situation: the DOE offered zero support or help to to address Bo's behaviors and instead he was placed into a homebound program with 10 hours a week of educational services. And now, as a result, we had to leave our child 150 days in a acute psychiatric hospitals and then ship him off to Virginia. That is neither Aloha or supportive of the Ohana.

Now we are less than 4 months with a discharge date from Residential care paid by Tricare and DOE refuses speech therapy and an FBA to help facilitate safe transition to Waialua community and school. Without an FBA and ABA we can't address or help Bo with these dangerous behaviors.

So to summarize, our son is over 4k miles away from home with a return date in 4 months and we can't get DOE to plan and assist with his transition back to school and community. We desperately

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need an FBA and ABA therapy to address his behavior so he doesn't end up back in Queens cycling in and out until he ends up hurting someone in our community.

Please don't create more barriers to care for our children. It is dangerous and harmful to the family and community.

Katrina Dangleman  
61-278 Kamehameha Hwy #3  
[kdangleman@yahoo.com](mailto:kdangleman@yahoo.com)

Our children deserve quality professional care from those who are qualified in the field of ABA.

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSE HB 2143.

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**IN STRONG OPPOSITION OF HB 2143**

Nadia Todd

95-1057 Kaapeha Street #196 Mililani HI 96789

[ntodd@maulolearning.com](mailto:ntodd@maulolearning.com)

As a behavior analyst, I have worked in the field for 5 years. I have seen how people with autism are greatly affected by ABA services and without these services, would be highly detrimental. I firmly stand in support of teachers and children having access to appropriately licensed and qualified behavior analysts in the DOE as they are the only professionals who are certified and licensed to provide these services. I have directly been a part of the substantial effects and changes children can make with ABA services in the DOE provided by licensed and qualified behavior analysts. These services provided by professionals is the only way for children on the autism spectrum to reach their highest potential.

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSE HB 2143.

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**IN STRONG OPPOSITION OF HB 2143**

Lilly Atwell

1234 Olino st Honolulu HI 96818

[latwell@maulolearning.com](mailto:latwell@maulolearning.com)

Our children deserve quality professional care from those who are qualified in the field of ABA.

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSE HB 2143.

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**IN STRONG OPPOSITION OF HB 2143**

Aimee Cueva

975 Ae St Apt 201 Kapolei, HI 96707

[acueva.mauloalearning@gmail.com](mailto:acueva.mauloalearning@gmail.com)

Our children deserve quality professional care from those who are qualified in the field of ABA.

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSE HB 2143.

Abbas Zaidi

95-1064 Kuauli Street, Unit 212, Mililani, HI 96789

[abbaszaidi@hotmail.com](mailto:abbaszaidi@hotmail.com)

I have a 6 year old special needs daughter Mishal currently enrolled in Mililani Mauka Elementary. Starting at age 18 months she received DOH's early intervention (EI) speech and physical therapy - she also attended

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Kama'aina kids for a year before enrolling at the local elementary school at age 3. At age 5 and a half the pedi at Kaiser referred us to a specialist behavioral therapist MD who initiated the ABA process after 3 months of further evaluations. It has just been 9 months under a BCBA two twice a week for 3 hours a day and already we have seen a sea change in her personality. Mishal had a dangerous habit of getting out of hand grip suddenly and running off. Once she snapped her hand out of mine and ran onto main Kalakaua Ave stopping traffic ; twice ran off in Pearl Ridge mall where we had to notify security ; and eating out with the tantrums and screaming was out of question. We stopped going out altogether. 9 months of ABA coaching and she now stands next to the car with one hand on the door waiting for the next instruction ; has learnt the rule that once outside the front door she needs her hand to be held to walk ; and we are ecstatic about the increase in vocabulary and expression... but the greatest milestone has been her ability to brush her teeth and use the bathroom independently. We were using on average ten pampers number 7 diapers for her daily - only available from babys'r'us - now we are down to only three a day. The BCBA accompanied us through 2 IEPs at the school and it really helped streamline, improve and better focus some of the goals. To bring synergy where DOE, DOH and insurance are all working together for the best interest of the child there should be an onsite BCBA as part of the school. This will give equal opportunity to every child to be professionally evaluated, assessed, the parents guided on the IEPs and these children access to the ABA methodology in the critically formative years.

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.



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**IN STRONG OPPOSITION OF HB 2143**

Ebony Fuller

55337 Kamehemaha Hwy, Laie, HI 96762

[ebonynuku@gmail.com](mailto:ebonynuku@gmail.com)

I am an RBT for Mau Loa Learning, I have been working in ABA for over a year now and i strongly believe that all of our children on the spectrum should have the right to access ABA services in school. ABA is an evidence based practice that makes monumental positive behavioral changes for those on the spectrum, which then allows for successful skill acquisition. This therapy helps not just the individual receiving the therapy but it Also heavily impacts those who are surrounded by him or her whether at school, home or out In the community. It is important for our kids to have ABA in school as it is a completely different environment which Calls for one on one support which our teachers cannot provide on a consistent basis as they also have other children in their class to watch over and teach. Why anyone would want to remove or limit the access to ABA for our kids in the school system makes no sense as ABA only allows for better behavior management which then in turn opens up the doors for endless learning and generalization of their skills! I am a witness of the positive changes that ABA makes In our kids lives.

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

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**IN STRONG OPPOSITION OF HB 2143**

Katie Weldon

46-051 Konohiki St #3731 Kaneohe, HI 96744

[klucchesj1990@gmail.com](mailto:klucchesj1990@gmail.com)

This trimming of services for underserved populations, students with disabilities in this case, needs to stop. It is inhuman. Failing intentionally is completely not conducive to a healthy education. I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

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**IN STRONG OPPOSITION OF HB 2143**

Burton Clausen

Address 5029 Milburn Loop, Wahiawa

[burt.clausen@live.com](mailto:burt.clausen@live.com)

To whom it may concern, I am the parent of a 5 year old who is currently in the DOE Pre K program diagnosed with Autism Spectrum Disorder. He is involved in many supportive therapies outside of the school as it has been a struggle to get any support from the DOE. My child has multiple behaviors that are unfortunately not able to be appropriately addressed as the support we have received from the DOE is minimal. Requesting the help of a licensed behavioral analyst is key to providing my child with an appropriate education. His current Functional Behavior Assessment (FBA) was completed by a guidance counselor who just doesn't have the full education/experience to adequately evaluate my child. It is important that my child be able to having a FBA conducted by a licensed behavior analyst (LBA) so his IEP can reflect his needs. He has every right to receive an education that will make him successful. By taking away these services, my child and many others will suffer. Our children should not be punished.

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**IN STRONG OPPOSITION OF HB 2143**

Aloha Chair, Vice Chair, and members of the Committee,

My name is Dr. Amanda Kelly. I am licensed behavior analyst and formerly a licensed teacher. I would like to submit testimony today in opposition of HB2143. Various bills are circulating this legislative session which pertain to our Behavior Analysis Licensure law (Chapter 465-D). Despite strong support from our legislators, I feel the language moving forward in HB 2143 HD1 puts consumers of Applied Behavior Analysis (ABA) at great risk. While I respect licensed psychologists who have ABA in their scope of practice, I feel the language proposed in HB 2143 HD1 is too broad to ensure appropriate consumer protections. For this reason, I ask you to Oppose HB 2143. If the committee wishes to advance the bill, however, we respectfully suggest the amendments as suggested by HABA (Hawai'i Association for Behavior Analysis).

Amanda N Kelly, PhD, BCBA-D, LBA

(808) 298-2658 | [forourkeiki@gmail.com](mailto:forourkeiki@gmail.com)

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**IN STRONG OPPOSITION OF HB 2143**

Frankie Servetti

1148 Kupulau Drive | Maui

fscmaui@gmail.com

There are various bills circulating this session, which seek to revise existing behavior analyst licensure law (Chapter 465-D). I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you defer to the Hawai'i Association for Behavior Analysis (HABA) if additional guidance is needed on this matter. The language proposed by HABA in other bills moving forward this session, also relating to behavior analysis licensure, offers language specific to psychologists and their right to practice. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess.

Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Dr. Lori Babbitt

23 Kahoea Pl | Maui

lgbabbs@gmail.com

As an LBA practicing in Hawaii, it is imperative that we continue to provide quality and skilled ABA resources to our s. With all due respect, if Psychologists and teachers demonstrated ABA knowledge and skills needed in being effective in their assessment, planning, treatment, and monitoring of challenging behavior and developmental deficits, this law would not have been necessary - in keeping with our 49 other states and the international communities. Please do not set Hawaii back! Hawaii keiki need and deserve to have RBT, BCaBA, and BCBA support in order to make the best progress in these critical years, as they set the tone and quality of their very lives.

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**IN STRONG OPPOSITION OF HB 2143**

Kevin Abella

15-1867 4th Avenue | Hawaii

kevinabella04@gmail.com

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess.

**Please OPPOSE HB2143. It's the right thing to do for our keiki.**

Allowing children to receive evidence based services, ABA, in the school setting speaks volumes as to how we educate our keiki and how the community/state expects treatment for our special needs community.

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**IN STRONG OPPOSITION OF HB 2143**

Kim Wolff

58-117 Kaunala St | Oahu

kwolffbcbca@gmail.com

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.



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**IN STRONG OPPOSITION OF HB 2143**

Linda Barton

92-1491 Aliinui Dr. | Oahu

[lindaasolla@gmail.com](mailto:lindaasolla@gmail.com)

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Mahalo for the opportunity to present testimony on this important matter.

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**IN STRONG OPPOSITION OF HB 2143**

Jason Barton

92-1491 Aliinui Dr | Oahu

[cheer1445s@netscape.net](mailto:cheer1445s@netscape.net)

I stand firmly in support of our teachers and keikis having access to appropriately licensed and qualified behavior analysts in the DOE setting.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Jeanette Irvine - **PARENT**

95-1044 Ainamakua Dr. H Mililani | Oahu  
jeanetteirvine@gmail.com

Mahalo for the opportunity to present testimony on this important matter. As a **parent** whose child has benefited from ABA and is now completely independent, I advocate for licensed ABA professionals. Without having had professionals who were credentialed I know my child would not be as successful as he is today.

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please **OPPOSE** HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Sheryl Cunningham - **PARENT**

91341 Ewa Beach Road

sherylcunn808@gmail.com

Mahalo for the opportunity to present testimony on this important matter. My son has made huge progress thanks to ABA services. He has been accepted into a private school only because he receives ABA services and the DOE will not allow him to have ABA services.

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Wednesday, February 21, 2018, 2:00pm

Conference Room 329, State Capitol

**IN STRONG OPPOSITION OF HB 2143**

Maile Rogers - **PARENT**

68-386 Kikou St. Waialua, HI 96791 | Oahu

maile\_m@yahoo.com

Mahalo for the opportunity to present testimony on this important matter.

My **son** is autistic. He's considered "high functioning" because he's smart, has a large vocabulary, and can do math problems in his head. But high functioning doesn't mean that his autism doesn't affect him, sometimes very severely, in ways that others can't see or don't interpret as struggling. He has issues socially, emotionally, and behaviorally. The education the DOE provides cannot and should not be limited to academics. The help he receives should not be contingent on the severity of his disability. Whether a child has a severe disability or not, whether their disability "appears" severe or not, should not hinder the possible growth that licensed and trained behavior analysts can provide to any child with a disability. Research has shown that earlier and more intense interventions, implemented by appropriately trained and licensed behavior analysts can limit the amount of time that intervention is needed, and can greatly increase a child's potential. Please don't take away the possibility of a bright, independent future from my son and other keiki like him.

ABA is needed in Hawaii schools. Our keiki have been waiting. DOE needs to work with Behavior Analysts. Psychologists are useful team members, but are no replacement for experts in ABA. My son was getting "help" through the DOE for over a year and made zero progress. The first signs of progress we ever saw were when we were finally able to access privately funded ABA services provided in our home, provided by Licensed Behavior Analysts (LBAs) and Registered Behavior Technicians (RBTs). He can only make so much progress without support in natural social situations like the ones provided at school. He needs the support of Licensed Behavior Analysts (LBAs) to help him be his best self and have a fulfilling life. The earlier and the more intensive his support is, the more effective it will be in the long term. Please help our keiki.

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I

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respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Ililani Foree - **PARENT**

PO box 44669 | Hawaii

irc4ee@yahoo.com

My **son** is being denied services and being harmed. I believe that the DOE needs to provide the right people to do assessments to get all the needed services and resources that my son needs to be in a safe educational environment at his school. In fact I believe that it is doing my son an injustice because he could be put in possible danger with not receiving the right services. I find that knowingly that my son needed a crisis plan to be done right away that this would be a high priority to be done correctly and in an affective why it wasn't I find it highly unethical as a professional and here are the following reasons. - Improper assessment - lacking recommendation of a behavior analyst - resulting in harm and delayed access to treatment (do we pull him out of school to keep him safe) - They ignored and minimized concerns brought to light by Aiden's crisis plan - neglected to mention Aiden's ambulance or hospitalization - neglected to include relevant occurrences of behavior (11/22/17, 9-1-1 called, restrained, urinated himself) - provided a draft of his report - The Agency did not provide the report before meeting, meaning we had to cancel our son's IEP meeting, further delaying us access to answers and proper care.

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please **OPPOSE** HB2143. It's the right thing to do for our keiki.

Mahalo for the opportunity to present testimony on this important matter.

Amy Grant

61-280 Kamehameha Hwy | Oahu

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amyjean1984@gmail.com

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Our Keiki deserve access to ABA services. ABA should never be a "last resort" it should be the gold standard! We demand our Keiki be put FIRST!!



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**IN STRONG OPPOSITION OF HB 2143**

Ashley Monden

[ashley.monden@student.chaminade.edu](mailto:ashley.monden@student.chaminade.edu)

This is my first year working as a licensed Special Education Teacher in the Department of Education and I'm currently seeking my licensure as a Board Certified Behavior Analyst. Before this I was a 1:1 paraprofessional and an Educational Assistant both here on Oahu and on the Big Island. As a 1:1 I've experienced what it's like to work with high needs student who needs the direct supervision of an adult. I went to numerous trainings, looked online for strategies that could give me insight, talked to DOE autism consultants, and supervisors. None of them could give me feedback or show me by example on how to help my students. Over the years I found Applied Behavior Analyst (ABA) strategies and tried them with my students. Through trial and error I saw improvements. I worked with various different disabilities and found that ABA strategies make a big difference when consistent and done the right way. After working 8 hours in my classroom, I work in the evenings and weekends as a Registered Behavior Technician (RBT). This summer I worked with a child who received 6 hours of ABA therapy in the home setting and in as little as 3 months made a lot of gains such as now being able to sit to finish a task, respond to his name, and verbally saying what he wants instead of being aggressive! If our students receive the same support within the school day imagine the outcome! In the DOE school setting we are already failing our keiki by having untrained 1:1's who are just there as an extra body. By allowing LBA (Licensed Behavior Analyst) in the school would only add strength to our educational system and show that we truly do support our teachers who have the biggest jobs "educating our keikis". Why do we want to allow our keikis to fail when we are constantly pushing for success!?

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

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**IN STRONG OPPOSITION OF HB 2143**

Jeastine Larson - **PARENT**

2249 Elou St | Oahu

[larson905@yahoo.com](mailto:larson905@yahoo.com)

We have lived in Hawai'i for a little over two years. In those two years, it has taken us over 20 months to finally get our **son**, who is autistic, an IEP. We finally got one put in place about two months ago. We were previously told, "as long as his grades are good, his lack of social skills is not our concern." We also had an incident with his first ABA company; they were providing services with uncredentialed direct support workers (DSW). This resulted in little to no progress made for our son and very poor services. The Behavior Analyst Licensure law needs to stay and be implemented. General Psychiatrists and Psychologists are not trained in autism, the way Licensed Behavior Analysts (LBAs) are. They do get training, but it is not as extensive as is required by the Behavior Analyst Licensure law. Our children deserve the best we can offer them, not the minimum that exists.

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSE HB 2143.

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**IN STRONG OPPOSITION OF HB 2143**

Roger Larson - **PARENT**

2249 Elou St | Oahu

[larson905@hotmail.com](mailto:larson905@hotmail.com)

My name is Roger Larson. I am the father of a SPED student at Wheeler Middle School in the Central District on Oahu. I am submitting testimony opposing the DOEs proposal of changing Chapter 465-D. Our children are our future. When teachers instruct their students, we build the foundation for equality and prosperity for tomorrow's generations. Every dollar invested in our community's public schools yields exponential returns, not just for our economy, but also for the promise of a more open and democratic society. We need to keep and strictly enforce Chapter 465-D in our public schools to ensure that teachers and students both have the assets needed to help our keiki succeed. Several administration members at my **son's** school have stated that they are not qualified to handle my son's issues or adequately support him. They also state that they would love to do more and do the right thing for my son but are told by their district and DOE leadership to not comply with State laws and regulations regarding autism support as it is "not required based off their interpretation. " It is a shame that a military family has had to fight for over two years to finally begin to get the care my son needs. We still have a long way to go in that regard since the district and state DOE leadership has been extremely unhelpful and has attempted to undermine the care of our children by threatening teachers and support workers. This is a matter of support for our children's future! We need your help.

Mahalo. Roger Larson

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Stephanie Phelan | [stephanie.h.phelan@gmail.com](mailto:stephanie.h.phelan@gmail.com)

66-059 Alapii St., Haleiwa, HI 96712, Oahu

My name is Stephanie Phelan, I am a practicing Licensed Behavior Analyst in Hawaii and I am writing with concern regarding proposed legislation to change Chapter 465-D, the Behavior Analyst Licensure law. Proposed changes include a provision that would limit the requirement of behavior analytic services in schools only for students with severe challenges with problem behavior, communication, or social interactions, and would only be provided when other interventions have not been effective. Applied Behavior Analysis (ABA) is the only evidence-based treatment for Autism Spectrum Disorder. ABA services are not meant to be used as a last resort when non evidence-based interventions fail. This provision would be in violation of the Individuals with Disabilities Education Act (IDEA) that mandates students with disabilities to receive individualized, proactive interventions to ensure they receive a free and appropriate public education (FAPE). By limiting their access to ABA we are hindering our keiki's ability to succeed in school. Additionally, the proposed changes to the legislation would seek to allow any paraprofessional or direct support worker in the Department of Education (DOE) Schools to implement ABA. This provision would jeopardize the quality and success of ABA programs. Research in the application of ABA has shown again and again that if ABA interventions aren't implemented as they were designed, the interventions are less likely to be successful. It is critical that those responsible for the implementation of ABA services are thoroughly trained in ABA principles, concepts, and methodologies. Through requiring the Registered Behavior Technician credential, we are ensuring a high level of competency and helping to control for the quality and success of ABA programs. As a Behavior Analyst, I want to see all our keiki succeed and flourish in school. Across the country we have witnessed the positive impact that ABA services can have for students and I believe ABA professionals including the LBAs and RBTs are an asset to our keiki's school teams. We want to help, and will be most successful in doing so with the Behavior Analyst Licensure law as it stands, without the proposed revisions. The proposed revisions will not only limit our keiki's access to medically-necessary evidence-based treatment and as a result limit their access to a free and appropriate public education, but it will also decrease the effectiveness of behavior analytic service delivery as a result of lack of quality control for those providing the services. Thank you for your consideration of my testimony. If there is more information I can provide, please do not hesitate to contact me.

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Sungalina Lee - **PARENT**

1 Ohana Nui Way HNL 96817 | Oahu

[slee@assets-school.net](mailto:slee@assets-school.net)

As a **parent**, educator and engaged citizen, I am concerned that changing the licensure law, Chapter 465-D, will harmfully affect the most vulnerable of our keikis and families. We are a state who prides ourselves in our values, especially those related to our children and, families so this effort does not align with our values or the needs of teachers, students, parents or our community. I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

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**IN STRONG OPPOSITION OF HB 2143**

Sara Dinkelo

2056 A Puu Place, Wahiawa, HI | Oahu

[sdinkelo@gmail.com](mailto:sdinkelo@gmail.com)

As a LBA, I can't stress enough the need for our keiki impacted by autism to have access to applied behavior analysis in schools. It's not a methodology but a science with regimented data collections systems to ensure progress and to make program changes based on performance. It is not possible to be "trained" to run an ABA program; it requires credentialed, licensed professionals who abide by strict ethical guidelines to do. Our teachers need support; they cannot teach and be required to do something that is out of their practice. ABA should not be limited to those with severe problem behaviors (however they should be prioritized) but an individual's access to ABA can impact their outcomes across their lifespan. Our keiki have a right to a free and appropriate education. ABA needs to be available to all children who need it and it needs to be provided by licensed credentialed professionals (LBAs), or else it is not ABA. I support our teachers getting the resources they need to have productive classrooms and help our keiki live productive lives.

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Mahalo for the opportunity to present testimony on this important matter.

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**IN STRONG OPPOSITION OF HB 2143**

Peggy Brandt - **PARENT**

3288 Pamakani Place | Oahu

[peggy.brandt@gmail.com](mailto:peggy.brandt@gmail.com)

Hawaii's keiki deserve to be supported with the best practices available to them. From my first-hand experience, they will not receive this without legal support.

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Joelle Branch - **PARENT**

91872 Puhikani St. | Oahu

[Jbranch409@yahoo.com](mailto:Jbranch409@yahoo.com)

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.



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**IN STRONG OPPOSITION OF HB 2143**

Josh Wilson

2056a Puu Pl, Wahiawa | Oahu

[rollout1983@yahoo.com](mailto:rollout1983@yahoo.com)

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Anastasia Kellercollins

91-129 Nohoihoewa Way | Oahu

[anastasiakellercollins@gmail.com](mailto:anastasiakellercollins@gmail.com)

Sometimes it is so hard to do what is right. Sometimes it's too easy not to. Please do what is right. Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Corrie Lynn Montalvo

911054 Hoakalei Street | Oahu

[kuuipom77@gmail.com](mailto:kuuipom77@gmail.com)

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**IN STRONG OPPOSITION OF HB 2143**

Andrea Keeseey

66-235A Kamehameha Hwy Haleiwa HI 96712

[ak.keeseey@gmail.com](mailto:ak.keeseey@gmail.com)

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Lo Edmonds

66-235A Kamehameha Hwy Haleiwa HI 96712 | Oahu

[loedmonds@gmail.com](mailto:loedmonds@gmail.com)

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Rachel Sammis

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[rachelsammis@gmail.com](mailto:rachelsammis@gmail.com)

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

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Wednesday, February 21, 2018, 2:00pm

Conference Room 329, State Capitol

**IN STRONG OPPOSITION OF HB 2143**

Lisa Sakuda

1131 D Wainiha Street, Oahu

[lisasak46@gmail.com](mailto:lisasak46@gmail.com)

If we are pushing for Inclusion in the next school year, the DOE should allow Licensed Behavior Analysts (LBA) to come into the school, and help the teachers write the Functional Behavior Assessment (FBA), and help write Behavior Support Plans (BSP) for the students. We also need Registered Behavior Technicians to help work with the child in the classroom, they are supervised by an (LBA/BCBA). Applied Behavior Analysis does not only help children diagnosed with Autism, it can also help other children in the classroom, and it can help the teachers as well. Your teachers need help; they are tired at the end of the day. They feel the pressure with all the testing required by them, they do not need added stress by asking them write an Functional Behavior Assessment (FBA) on a student. They know nothing about writing an FBA. Would you want someone who is not a Licensed Surgeon to operate on your child? Help you teachers; they work very hard for our children. By not allowing ABA in the school, we are not hurting ourselves, but we are hurting the children, and we are making special education teachers want to quit. I have a couple of Special Education teachers who say they are very tired, and drained at the end of the day. They feel like they do not have the support they need. All they want to do is teach the children. We want the best for our keiki, and they deserve the best education. Put yourself in a SPED teacher shoes, put yourself in a child's shoes, and put yourself in a parent's shoes. How would you want your child, grandchild, niece or nephew to be treated, what kind of education would you want for your family?

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

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**IN STRONG OPPOSITION OF HB 2143**

Christina Libby

41-611 Inoaole St Waimanalo Oahu 96795

[clibby@maulolearning.com](mailto:clibby@maulolearning.com)

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.



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Wednesday, February 21, 2018, 2:00pm

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**IN STRONG OPPOSITION OF HB 2143**

Nikole Ross

94-232 Emoloa Pl | Oahu

[nikole.ross82@gmail.com](mailto:nikole.ross82@gmail.com)

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Wednesday, February 21, 2018, 2:00pm

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**IN STRONG OPPOSITION OF HB 2143**

Melissa Urquidi - **PARENT**

1620 Ala Aoloa Lp | Oahu

[melissaurquidi@hotmail.com](mailto:melissaurquidi@hotmail.com)

I am writing this testimony as a **parent** of a child with Autism and as a BCBA. I have experienced the effects of a failure 1st approach in the educational setting for my own child and strongly feel that his lack of success in his home school is a result of not having qualified licensed behavior analysts and RBTs overseeing, leading, and implementing effective ABA methodologies. As a BCBA I strongly urge our representatives to not allow other professions to oversee and implement ABA programs that require specific education and training that only BCBAs possess.

I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please **OPPOSE** HB2143. It's the right thing to do for our keiki.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session.

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**IN STRONG OPPOSITION OF HB 2143**

Shanda Strickland

PO Box 894811 Mililani | Oahu

[ssg808@yahoo.com](mailto:ssg808@yahoo.com)

Any opportunity to improve environments, communication and access to positive, inclusive experiences should not only be utilized, but celebrated. Removing qualifications for those who directly impact the fundamentals of keiki, teachers, school and families, is in direct conflict with the philosophy and commitment of those who promise to aid our keiki.

To those promoting this declination - I respectfully challenge you to imagine a system that, intentionally or not, promotes a culture of inequality and inadequate care, a ranking system and segregation of preferred diagnosis and community exclusion. Perhaps this decision can benefit by asking you, "Who comes to mind when you discuss adequate and sufficient training, support, regulation and care?" Is it a person in your Ohana? Your neighborhood? Your church? Your community? Your employment? I beg to differ if you say "no one." "No one" is not an option, because it is everyone. Everyone is affected because "that person" we reference is someone's child who is currently in our public education system, or our department of health system, that "that person" is a friend, a neighbor, a community member that is equally deserving of scientifically proven approaches to minimize barriers and increase access to reinforcement. I doubt you say "no one" though, because you - like all of us, are affected and I hope you are equally driven to promote sustainable and ethical interventions. Scientifically proven interventions, not just adequate training but rather a higher criterion of clinical expectations and knowledge base that demands a base level of care, clinical oversight, ongoing education and supervision. One far above what you are promoting. Those who are promoting this Bill - I encourage you to reference our professional code of ethics and for some, your oaths. Reference FAPE, IDEA/IDEIA, ADA, Felix Decree and Luke's Law. I ask you to truly listen to those state and federal regulations, learn from our past mistakes and look to yourself and those around you, to improve our system, not break it down. It should not be needed to encourage you to be and do pono.

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**IN STRONG OPPOSITION OF HB 2143**

Naomi Tachera - **PARENT**

PO Box 6388 | Hawai'i

[nkaae@hawaii.edu](mailto:nkaae@hawaii.edu)

Aloha, My name is Naomi Tachera; I live on Hawai'i with my family including **two sons** Kaiiao (7) and Kaleohano (5) with autism spectrum disorder. They are currently enrolled in public education and receive special education services with IEP's, what's not included in their IEP's is applied behavior analysis, despite years (since 2014) of advocating for FAPE under IDEA. The IEP teams are not taking into consideration the level of my children's disability and how autism impedes their ability to access a free and appropriate education with the use of ABA provided by a Board Certified Behavior Analyst licensed in the State of Hawai'i. Despite the fact that the DOE has lost in the ninth circuit court (R.E.B vs. State of Hawai'i DOE) in February 2017 because "DOE violated the IDEA by failing to specify Applied Behavioral Analysis ("ABA") as a methodology in the IEP" and after the passing of Chapter 465D Behavior Analyst Licensure Law in 2016, the DOE makes no effort to hire BCBA's working in that capacity. They instead are asking for an exemption to NOT provide FAPE in addition to restrictions set forth by an "IEP Team decision" on whether or not a student needs ABA only after they've exhausted all other strategies that do not work. That's taking away time from our precious children! If this analogy were the medical field and everyone that works in the hospital can claim to be a medical doctor or perform medical procedures, then consumers cannot be protected from malpractice. The reason why only people with demonstrated competency (i.e. BCBA competency in ABA) should practice in their scope of practice is for consumer protection. If the Legislation decides to support the DOE with this exemption regarding Chapter 465D, families, including myself will start to sue public school employees individually because of their involvement in violations of the Individuals with Disabilities Education Act (Crofts v. Issaquah School District). My entire family continues to suffer from overwhelming stress, hardship, and harassment from DOE staff members for advocating for our two children, no family deserves this treatment, no child with a disability deserves to be forgotten, and no community deserves to watch the most vulnerable members suffer.

Mahalo, Naomi Tachera

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**IN STRONG OPPOSITION OF HB 2143**

Eric Tachera - **PARENT**

PO Box 6388 | Hawai'i

[kealiiloa@yahoo.com](mailto:kealiiloa@yahoo.com)

Aloha, My name is Eric Tachera; I live on Hawai'i with my family **including two sons** Kaiao (7) and Kaleohano (5) with autism spectrum disorder. They are currently enrolled in public education and receive special education services with IEP's, what's not included in their IEP's is applied behavior analysis, despite years (since 2014) of advocating for FAPE under IDEA. The IEP teams are not taking into consideration the level of my children's disability and how autism impedes their ability to access a free and appropriate education with the use of ABA provided by a Board Certified Behavior Analyst licensed in the State of Hawai'i. Despite the fact that the DOE has lost in the ninth circuit court (R.E.B vs. State of Hawai'i DOE) in February 2017 because "DOE violated the IDEA by failing to specify Applied Behavioral Analysis ("ABA") as a methodology in the IEP" and after the passing of Chapter 465D Behavior Analyst Licensure Law in 2016, the DOE makes no effort to hire BCBA's working in that capacity. They instead are asking for an exemption to NOT provide FAPE in addition to restrictions set forth by an "IEP Team decision" on whether or not a student needs ABA only after they've exhausted all other strategies that do not work. That's taking away time from our precious children! If this analogy were the medical field and everyone that works in the hospital can claim to be a medical doctor or perform medical procedures, then consumers cannot be protected from malpractice. The reason why only people with demonstrated competency (i.e. BCBA competency in ABA) should practice in their scope of practice is for consumer protection. If the Legislation decides to support the DOE with this exemption regarding Chapter 465D, families, including myself will start to sue public school employees individually because of their involvement in violations of the Individuals with Disabilities Education Act (Crofts v. Issaquah School District). My entire family continues to suffer from overwhelming stress, hardship, and harassment from DOE staff members for advocating for our two children, no family deserves this treatment, no child with a disability deserves to be forgotten, and no community deserves to watch the most vulnerable members suffer.

Mahalo, Eric Tachera

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**IN STRONG OPPOSITION OF HB 2143**

Jolie Kaae - **GRANDPARENT**

PO Box 6388 Kamuela, HI 96743, Hawai'i

[kaaeohana@aol.com](mailto:kaaeohana@aol.com)

Aloha, My name is Jolie Kaae; I live on Hawai'i with my family. I have **two grandsons** Kaiao (7) and Kaleohano (5) who have autism spectrum disorder. They are currently enrolled in public education and receive special education services with IEP's, what's not included in their IEP's is applied behavior analysis, despite years (since 2014) of their parents advocating for FAPE under IDEA. The IEP teams are not taking into consideration the level of my grandchildren's disability and how autism impedes their ability to access a free and appropriate education with the use of ABA provided by a Board Certified Behavior Analyst licensed in the State of Hawai'i. Despite the fact that the DOE has lost in the ninth circuit court (R.E.B vs. State of Hawai'i DOE) in February 2017 because "DOE violated the IDEA by failing to specify Applied Behavioral Analysis ("ABA") as a methodology in the IEP" and after the passing of Chapter 465D Behavior Analyst Licensure Law in 2016, the DOE makes no effort to hire BCBA's working in that capacity. They instead are asking for an exemption to NOT provide FAPE in addition to restrictions set forth by an "IEP Team decision" on whether or not a student needs ABA only after they've exhausted all other strategies that do not work. That's taking away time from our precious children! If this analogy were the medical field and everyone that works in the hospital can claim to be a medical doctor or perform medical procedures, then consumers cannot be protected from malpractice. The reason why only people with demonstrated competency (i.e. BCBA competency in ABA) should practice in their scope of practice is for consumer protection. If the Legislation decides to support the DOE with this exemption regarding Chapter 465D, our family, our community will start to sue public school employees individually because of their involvement in violations of the Individuals with Disabilities Education Act (Crofts v. Issaquah School District). My entire family continues to suffer from overwhelming stress, hardship, and harassment from DOE staff members for advocating for our two grandchildren, no family deserves this treatment, no child with a disability deserves to be forgotten, and no community deserves to watch the most vulnerable members suffer.

Mahalo, Jolie Kaae

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**IN STRONG OPPOSITION OF HB 2143**

Kaleo Kaae - **GRANDPARENT**

PO Box 6388 Kamuela, HI 96743 | Hawai'i

[kaaeohana@aol.com](mailto:kaaeohana@aol.com)

Aloha, My name is Kaleo Kaae; I live on Hawai'i with my family. I have **two grandsons** Kaiao (7) and Kaleohano (5) who have autism spectrum disorder. They are currently enrolled in public education and receive special education services with IEP's, what's not included in their IEP's is applied behavior analysis, despite years (since 2014) of their parents advocating for FAPE under IDEA. The IEP teams are not taking into consideration the level of my grandchildren's disability and how autism impedes their ability to access a free and appropriate education with the use of ABA provided by a Board Certified Behavior Analyst licensed in the State of Hawai'i. Despite the fact that the DOE has lost in the ninth circuit court (R.E.B vs. State of Hawai'i DOE) in February 2017 because "DOE violated the IDEA by failing to specify Applied Behavioral Analysis ("ABA") as a methodology in the IEP" and after the passing of Chapter 465D Behavior Analyst Licensure Law in 2016, the DOE makes no effort to hire BCBA's working in that capacity. They instead are asking for an exemption to NOT provide FAPE in addition to restrictions set forth by an "IEP Team decision" on whether or not a student needs ABA only after they've exhausted all other strategies that do not work. That's taking away time from our precious children! If this analogy were the medical field and everyone that works in the hospital can claim to be a medical doctor or perform medical procedures, then consumers cannot be protected from malpractice. The reason why only people with demonstrated competency (i.e. BCBA competency in ABA) should practice in their scope of practice is for consumer protection. If the Legislation decides to support the DOE with this exemption regarding Chapter 465D, our family, our community will start to sue public school employees individually because of their involvement in violations of the Individuals with Disabilities Education Act (Crofts v. Issaquah School District). My entire family continues to suffer from overwhelming stress, hardship, and harassment from DOE staff members for advocating for our two grandchildren, no family deserves this treatment, no child with a disability deserves to be forgotten, and no community deserves to watch the most vulnerable members suffer.

Mahalo, Kaleo Kaae

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**IN STRONG OPPOSITION OF HB 2143**

Olympia Frink - **PARENT**

66-916 Kuewa Dr Waiialua, HI 96791 | Oahu

[supgirl77@gmail.com](mailto:supgirl77@gmail.com)

Our schools need behavior analysts, particularly Licensed Behavior Analysts (LBAs) and Registered Behavior Technicians (RBTs) to get our special Ed children the education they deserve. The teachers and current professionals are too few on campus, and have proven they are not able to provide the proper support in reference to kids with autism.

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Mahalo for the opportunity to present testimony on this important matter.



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**IN STRONG OPPOSITION OF HB 2143**

Kenny Frink - **PARENT**

66-916 Kuewa Dr Waiialua, HI 96791

[kennyfrink71@gmail.com](mailto:kennyfrink71@gmail.com)

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Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Tyler Rogers - **PARENT**

68-386 Kikou St. Waialua, HI 96791 | Oahu

[rogerstyj@hotmail.com](mailto:rogerstyj@hotmail.com)

ABA is needed in Hawai'i schools. Our keiki have been waiting. DOE needs to work with Behavior Analysts. Psychologists are useful team members, but are no replacement for experts in ABA. My son is autistic. Rather than getting proper support in school, he has been suspended multiple times for things directly related to his disability because the school doesn't know how to handle children with behavior issues. He needs the support of licensed behavior analysts in the school setting to help supplement the therapy he already has access to in the home through our private insurance. Please help our keiki.

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Tara Ormond - **PARENT**

70 Niuhi Street | Oahu

[tara.ormond07@gmail.com](mailto:tara.ormond07@gmail.com)

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**IN STRONG OPPOSITION OF HB 2143**

Carla Jager

95-1517 Ainamakua Drive Apt 87 Mililani | Oahu

[carla.jager94@gmail.com](mailto:carla.jager94@gmail.com)

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**IN STRONG OPPOSITION OF HB 2143**

Leanne Nagai

2471 Auhuhu Street | Oahu

[nagai.leanne@gmail.com](mailto:nagai.leanne@gmail.com)

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Wednesday, February 21, 2018, 2:00pm

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**IN STRONG OPPOSITION OF HB 2143**

Alexandra Sagastume

1255 Nuuanu Avenue | Oahu

[aps88@comcast.net](mailto:aps88@comcast.net)

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Vania Simmons - **PARENT**

68025 Apuhihi St | Oahu

[brazilnut@hawaii.rr.com](mailto:brazilnut@hawaii.rr.com)

We definitely need more parents with children on the spectrum in Congress! Only those parents truly understand the needs of the children with autism. Applied Behavior Analysis is a scientifically validated approach to understanding behavior and how it is affected by the environment and a known strategy to change/modify the behavior of children on the spectrum.

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**IN STRONG OPPOSITION OF HB 2143**

Celeste Nishijima

98-410 Koauka Loop, Apt. 6G | Hawaii

[celesterodrigues92@gmail.com](mailto:celesterodrigues92@gmail.com)

As an RBT and an individual pursuing my BCBA credential, I believe that our teachers and keiki deserve the best support available. Our teachers work extremely hard everyday to teach our keiki, and the support of licensed behavior analysts and RBTs will help teachers to ensure that all keiki have access to an appropriate education. Chapter 465-D ensures that our keiki have access to applied behavior analysis services by licensed behavior analysts and RBTs. Our keiki are the future, and they deserve the evidence-based treatment of ABA delivered by licensed professionals. We need to give our keiki the very best we have to offer!

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Mahalo for the opportunity to present testimony on this important matter.

Michelle Lam

3938 Kilauea Ave. | Oahu



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[michelle\\_l\\_808@yahoo.com](mailto:michelle_l_808@yahoo.com)

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Mahalo for the opportunity to present testimony on this important matter.

Debi Hoohuli-Rosa | 506 Kumulani Dr | Maui | [debi.hoohuli@gmail.com](mailto:debi.hoohuli@gmail.com)

What happens when non-licensed and non-credentialed individuals attempt to practice or implement behavior analytic procedures? I moved to Maui in 2014 and worked for a contracted agency as a Skills

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Trainer within the Department of Education (DOE). I initially worked in a fully self contained classroom overseen by a Special Education Teacher who was so bogged down by paperwork she had little to no time to spend teaching the keiki. There were keiki in the classroom who had problematic behaviors, including but not limited to, aggression, self-injurious behaviors and elopement. One of the keiki's parents requested a Board Certified Behavior Analyst (BCBA) consultation, specifically stating that they were interested in receiving an updated Behavior Support Plan (BSP) for their keiki. A District Autism Consultant (no identifiable licensure) came to the classroom several times and within the course of her visits made scientifically impractical and potentially harmful biomedical, non-evidenced based recommendations such as: chelation therapy and gluten-free/ casein free diet. When parents asked if these were ABA interventions, she stated, "ABA means a lot of different things, these interventions would be considered ABA." The interventions were considered by the parents but ultimately not utilized. No recommendations were made to the teacher for the classroom other than, "use trialing - an ABA method - to teach him to communicate." The teacher was then provided with a template form and advised by the Autism Consultant Teacher (ACT) to write a Behavior Support Plan (BSP) based on information received from the Paraprofessional (1:1 assistant). This resulted in an ineffective and non-functional BSP. The following year, I witnessed a District Autism Educational Assistant, who after 6 months of working with a keiki with severe behaviors without a BSP in place, make a formal recommendation to a parent of a child with ADHD and Autism that included the purchase and use of CBD, a cannabis compound! Since then I have worked at 19 different schools on the of Maui, including two private schools and have on several occasions witnessed support staff, administrators, and teachers engage in unethical behavior including social disapproval, shaming, physical abuse, and inappropriate restraints and seclusion in attempts to intervene on inappropriate and problematic behaviors that our keikis engage in. The majority of the occurrences that I witnessed involved keiki who had poorly written or no Crisis or Behavior Support Plans (BSP). Further investigation determined that the majority of the BSPs the staff were directed to implement were not based on Functional Behavior Assessments (FBA), per federal law, and in fact, several were actually based on a template distributed to Behavior Health Specialists (BHS), School Psychologists and teachers by the District Consultants. Faulty BSPs developed by unlicensed individuals, implemented by non-credentialed individuals result in due process hearings, teacher and direct care staff burn out, high turnover rates of front line staff, and severe injury to staff and keiki, as well as the unethical treatment of staff and keiki. Our most vulnerable keiki are placed in harm's way when non-licensed and non-credentialed individuals attempt to practice or implement behavior analytic procedures.

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Mahalo for the opportunity to present testimony on this important matter.

Aimee Watkins

Po box 1237 Kapaau HI 96755

[aimeemalialani@hotmail.com](mailto:aimeemalialani@hotmail.com)

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**IN STRONG OPPOSITION OF HB 2143**

Our keiki need these behavior analyst specialists, the law is there for a reason- with more keiki needing these specialized services everyday we can't afford this change. I stand in strong support our teachers and our keiki

Chelsey Mendoza

P.O. Box 492535 Keaau | Hawaii 96749

[chelseysalomon@gmail.com](mailto:chelseysalomon@gmail.com)

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers

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Mahalo for the opportunity to present testimony on this important matter.

Trisha Petit - **PARENT**

4192 Keanu St., #4 | Oahu

[tpetit808@outlook.com](mailto:tpetit808@outlook.com)

The DOE has already been violating the law.

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSE HB2143.

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**IN STRONG OPPOSITION OF HB 2143**

Lohea Merola - **PARENT**

75-6081 Alii Drive X103, Kailua Kona, HI 96740

limmerola@gmail.com

My **son** was diagnosed with autism spectrum disorder. He has grown leaps and bounds due to a program he was fortunate to be a part of that included an RBT and a BCBA. Since he has been in the DOE progression has been minimal and the teacher often asks me why my son does not perform and she does not know how to work with my child on skills like eating and doing schoolwork. I have asked for additional support in the classroom and they cannot provide anyone to work on specific skill sets that will set my child up for success in his educational career. I have only asked for the teacher to take data and for us to

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work together on a program of how to teach my son and what skill sets we should focus on, but what is happening currently in the school does not replace ABA therapy. I know this first hand because my son is not progressing at the speed that he did when he was immersed in an ABA program.

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Mahalo for the opportunity to present testimony on this important matter.

Kaiolohia Tolentino  
P.O. Box 2467 | Hawaii  
kaikait55@gmail.com

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Mahalo for the opportunity to present testimony on this important matter.

Dawn Decoito - **PARENT**

94-520 Kupuohi Street, Apt 101, Waipahu | Oahu

ddecoito808@gmail.com

Why is Department so quick to want to carve themselves out of a law that was designed to protect our most vulnerable? The current position is upsetting, illegal, and unconscionable.

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Mahalo for the opportunity to present testimony on this important matter.

Erin O'Donnell

Po Box 437333 | Hawaii

nellieod@yahoo.com

Our keiki need and deserve the right type of providers with the qualifications to serve them. As a provider I have seen kids who need special needs behavior analysts to serve them, this can't be done by just anyone and certainly not teachers who need to focus on all the students in a classroom. Give our keiki, their families and teachers the support to help them thrive and grow with the right tools.

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Mahalo for the opportunity to present testimony on this important matter.

Juri Ishida

95-024 Waihau St | Oahu

[jurishida@gmail.com](mailto:jurishida@gmail.com)

I have seen some children with Autism forced to leave DOE due to lack of professional help (ABA). These children, including my child, have so much potential and are be able to academically strive with the help of ABA. Train the direct staffs with ABA under Licensed Behavior Analysts (LBA); have them obtain RBT credentials and the learning environment for both children with Autism and teachers would be so much better. Please take care of our keikis.

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Mahalo for the opportunity to present testimony on this important matter.

Jesica La Rue - **PARENT**

Hc2 Box 5726, 16~1703 41st Orchidland | Hawai'i

[Divineewon@gmail.com](mailto:Divineewon@gmail.com)

Our **son** is a student with DOE on the Big of Hawai'i. His FSC class is not supporting his behavioral and educational needs.

Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Felicia Clausen - **PARENT**

5029 Milburn Loop | Oahu

[garneyfs@gmail.com](mailto:garneyfs@gmail.com)

As a **parent**, we want our children to get the services they are entitled and depend upon. There are many challenges that they face and having a child with Autism- Applied Behavior Analysis (ABA) has become a major key to our home and life. It is important that the provider is licensed. ABA has allowed my child to be able to function around peers, the community and in the home. It has helped with self-injury, tantrums and poor self-regulation. My child has so much grow and has been reaching his potential with the help of his Licensed Behavior Analyst (LBA) and Registered Behavior Technician (RBT). Our children deserve the right to have ABA by licensed providers in the school.

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Mahalo for the opportunity to present testimony on this important matter.

Nicole Olival

PO Box 732 Hawai'i

[dojah8@yahoo.com](mailto:dojah8@yahoo.com)

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Simone Hawkins

2055 Ala Wai Blvd #502 Honolulu

[simonehawkins@teampbs.com](mailto:simonehawkins@teampbs.com)

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**IN STRONG OPPOSITION OF HB 2143**

John Paul (JP) Phelan

66-059 Alapii St., Haleiwa, HI 96712, Oahu

There are various bills circulating this session, which seek to revise existing behavior analyst licensure law (Chapter 465-D). I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you defer to the Hawai'i Association for Behavior Analysis (HABA) if additional guidance is needed on this matter. The language proposed by HABA in other bills moving forward this session, also relating to behavior analysis licensure, offers language specific to psychologists and their right to practice. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Corey Wolff

58-117 Kaunala St | Oahu

There are various bills circulating this session, which seek to revise existing behavior analyst licensure law (Chapter 465-D). I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you defer to the Hawai'i Association for Behavior Analysis (HABA) if additional guidance is needed on this matter. The language proposed by HABA in other bills moving forward this session, also relating to behavior analysis licensure, offers language specific to psychologists and their right to practice. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki. I support licensed behavior analysts and respect the expertise they possess.

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Lawson Cosseboom

61-280 Kamehameha Highway

Haleiwa, Oahu

We need licensed providers to aid our teachers and our keiki. It's not rocket science, it's common sense. Why is the Hawaii DOE so quick to ask to be carved out from something that was created to protect consumers? Let's do the right thing Hawaii, for our keiki, our teachers, and our community.

There are various bills circulating this session, which seek to revise existing behavior analyst licensure law (Chapter 465-D). I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you defer to the Hawai'i Association for Behavior Analysis (HABA) if additional guidance is needed on this matter. The language proposed by HABA in other bills moving forward this session, also relating to behavior analysis licensure, offers language specific to psychologists and their right to practice. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

I support licensed behavior analysts and respect the expertise they possess. **Please OPPOSE HB2143.** It's the right thing to do for our keiki.

Nikki Shigematsu

P.O. box 324 | Hawaii

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[nikkishigematsu@yahoo.com](mailto:nikkishigematsu@yahoo.com)

What is going on in our state DOE system?? The need is here and NOW, the funds are available!!! We want answers as to why so much wasted time at the expense of our keiki. What legitimate reasoning does the DOE have refusing to follow federally mandated laws, designed to aid our keiki!!!!

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Marija Colic

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Mahalo for the opportunity to present testimony on this important matter.

Dawna Moody - **GRANDPARENT**

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**My grandson** has a doctor's diagnosis of autism but it has taken 18 months for his school to accept this diagnosis and allow him to receive services. He was denied over and over. The principal and others vehemently fought to discourage this family from getting the services and support in school that he needed. The problem is that we have been down this road before. We had to fight for OUR son to get services back in the 1990's. We had to sue the DOE. Which worked. In our grandson's case every avenue was explored but it too came down to a lawsuit. The imminent threat resulted in him FINALLY receiving the services he was legally due for the past 18 months. And now the DOE would like to do away with the very thing that makes it possible for many of these severely affected children to be able to function in the world. Having behavior analysts follow these children and support them to learn and grow is vital to their ability to make sense of their very confused perception of what is happening around them every day. The DOE has refused to train and hire licensed, trained professionals that would be available to work in the schools, hand in hand with the educators. The DOE has prohibited teachers from receiving further training and even gone as far as threatening the jobs of teachers who had expressed a desire to receive further training that would help them with these lost children. I oppose the DOE's desire to take away the requirement to provide one-on-one support to those children most in need. The DOE has been lazy and stubborn in not realizing that this is a new world. We have the ability to diagnose disabilities much earlier and provide the needed support. We can help these children navigate the education system successfully. Don't allow the DOE to take away something that was fought so long and hard for by LUKE, his family, and many others who have remained unnamed. Don't make lawsuits the only stick that can force compliance.

Kahalenoe Kamalani

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[kpk@hawaii.edu](mailto:kpk@hawaii.edu)

I am a strong believer in learning through failure and I can even say that some of my most profound learning experiences arose from my failures. In fact, I believe in failing so much that I allow my children fail

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and then rejoice with them when they come back stronger and smarter from those failures. I can do this because my children are equipped with the tools to succeed and persevere despite those setbacks. However, for most individuals with disabilities- failure is not an option, in fact, in many cases it can be detrimental to their long term success. We actually have to do the exact opposite, which is continually ensure that we set them up for success. We set up learning situations where they can get it right. Using the principles of behavior through applied behavior analysis (ABA), we can help our most vulnerable students to be successful. ABA should not be used as a last resort; instead, it should be accessible to every child that can benefit from this science. The longer the learning history, especially when failure is involved, the harder it is for the student. Why put our children who already struggle through even more unnecessary struggle by postponing effective treatment as a last resort. I opposed the language of the original bill because I believe waiting to fail first is counterproductive to everything our educational system aims to not do.

Kaiki Gunderson-Cook

PO Box 343 Kamuela, HI 96743

[risingtide80@hotmail.com](mailto:risingtide80@hotmail.com)

The DOE needs to support the children of Hawaii. Resources should be offered for educational opportunities, not taken away. This includes children with autism. The DOE should provide this support by having Licensed Behavior Analysts who understand ABA, because they understand the needs of the

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children. These children will grow up and become a part of our everyday community. We need to make sure they are supported as much as possible in the classroom to teach, mold, and promote the best person that each child can become. We want them to thrive and become an active community member as adults.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Rachel Sanchez - **PARENT**

[rsanchez701@yahoo.com](mailto:rsanchez701@yahoo.com)

I would like to share our personal journey about our son Julian diagnosed with autism/speech delay at the age of 3 years old. After his diagnosis, we started with enrolling him in an ALL day Early Childhood Program located at our nearest elementary school. Along came additional services needed outside of school to include, speech therapy, occupational therapy, physical therapy, and ABA services. In order to make sure we did everything for my son that was needed, we only relied on reputable companies in our area. I can say that throughout the years Julian progressed but this is also due to the fact that we had exceptionally

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trained therapists in our home. It was intense therapy as he grew to age 7-10 years old. We had a trained therapist in our home 2 hours a day 5 days a week while I homeschooled some of the years and kept all of his therapy appointments and social/community programs going. All of our therapists interacted so that each knew what was being worked on with Julian. I also provided details and had to keep on top of all of it. I couldn't imagine having someone untrained in the specific ABA methods used for my son at the time. It's because of those trained individuals, that I attribute his amazing success back into a great public high school, with minimum supports now because of his independence and becoming a wonderful student academically and socially. He is now 14yrs. old What an amazing journey thus far and looking forward to what's ahead for him. I'm grateful for our trained ABA Therapists whom were so dedicated to Julian and us as our family needed so desperately in his younger years. I ask that my testimony be attributed to keeping only trained ABA Therapists in our schools and outside reputable companies who specialize in ABA. It's truly detrimental to our children's progress. Thank you for your time in reading our story. Rachel Sanchez  
702-637-8142

Wendi Park

94-290 Lupua Place

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Knowledge is power, and our children and those supporting our children, teaching our children, and parents loving their children deserve the right to access ABA through and in the DOE. Teachers, Psychologists, Behavior Support Specialists, Speech Therapists, Occupational therapists, are all valued team members, but no one should be replacing another in their role of expertise. Each team member brings knowledge to the table and the Keiki deserve the right to have these specialists working together including an LBA. Our children have no time to waste and the earlier we can help them in all parts of their

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lives, school, home, and within our communities the better it can be for the individual, their families, our schools, and our state.

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Jeanette Perez | [jcperez@hawaii.edu](mailto:jcperez@hawaii.edu)

16-768 Milo street Keaau HI 96749

I am a licensed special education teacher here in Hawaii who has since left the classroom due to poor management by administrators, harassment on a personal level by an administrator and no support for special education. I worked at the same school I did my student teaching. I was excited and focused on providing the best care and education to my students. I worked in the fully self-contained classroom for 5 years. Three of those years were with students with multiple disabilities from PreK-5th grade and two were in an "autism" class created by the school. The school has gone through multiple administrators but at one point my concerns were heard and the administration at the time agreed that students on the autism spectrum (ASD) needed a more specialized environment with multiple supports. As the teacher in



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this class, I struggled with how to support my students. I did receive 2 helpful training's (PECS and TEACCH) from the district office but quickly realized it was not enough. I then heard of Luke's Law and began to read up on it. I then found that Chapter 465-D which is the licensure of Behavior Analyst law in Hawaii. After reading it and learning more about it, I realized that I was being asked to work outside of my scope and sequence as a teacher. I was not given access to Board Certified Behavior Analyst (BCBA) but was asked to do the work. I was not given training on Functional Behavior assessments or Behavior support plans. This is when I decided to pursue my license in Behavior Analysis. I knew that I wanted to continue working with children with special needs, especially those on the autism spectrum. I am now in my 5th course out of 6 and can only look back and think about how much I could have helped my former students. If I had this knowledge and most importantly, been supervised by a BCBA to apply the knowledge with a student my impact could have been more profound. It is incredibly disappointing to see the DOE try and undermine the work of behavior scientist. Behavior science is unfortunately not common knowledge and it is also not a part of the teaching programs here in Hawaii. Instead of working with licensed behavior analyst, the DOE would rather train their staff in restraints. Denying the effectiveness and the science behind ABA is like denying the science behind climate change. Do we as a state move forward together and deny evidence-based practices in behavior change and allow anyone to perform the duties of a licensed professional? Would this be an acceptable proposal in any other work setting? Would we allow hospital employees from janitors and cafeteria staff implement medical interventions? Would we let any doctor perform brain surgery? Would we allow anyone with a driver's license drive heavy equipment or semi-trucks? NO! There are specialized educational programs and licenses that one needs to obtain to perform these jobs. We need to hold our Department of Education employees to the same standard as we do for those in other positions. If the DOE does not have the capacity to internally bring this service to all students who need it, they need to contract out from a private provider. Denying students medically necessary services in the DOE setting is in direct violation of FAPE and IDEA.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving

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forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Kira Burleson

2134-Mott Smith Dr Honolulu, HI 96822 (Oahu)

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ABA is essential for the correct FBA and interventions to be implemented. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Joshua O’Kain | Ewa Beach | Oahu

[jokain@teampbs.com](mailto:jokain@teampbs.com)

When I began my career as a special educator with profoundly impacted high school students, I had the privilege of working alongside a classroom BCBA. This BCBA was able to help two of my children obtain intensive ABA treatment in my classroom during the school day because of their needs. With this BCBA’s support, I was able to modify my classroom (with her oversight) to create child-centered behavior reduction and skill acquisition programming that led to each and every one of my students having a method of communication with their peers and other adults around them. This single change in their education helped lead each child to a more meaningful and relevant high school experience. I believe that, if all teachers who are in these severe and profound classrooms had access to support from a BCBA for consultation and/or direct therapy with an RBT, our teachers would be able to concentrate on creating and incorporating quality curriculum and incorporating the methods that the RBTs/BCBAs implement. Our teachers, although well meaning, do not have the support necessary to be successful in their classrooms, especially when the expectations are that they should perform FBAs and BIPs. I have seen, first hand, as an instructor at the University of Hawai’i for emergency hires and BCBA track students, that our teachers do

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not have the knowledge necessary to manage and prevent challenging behaviors. Most of the teachers that I observed and taught, did not have the ability or knowledge to create FBAs and BIPs that were fit for implementation. They also utilized ABA "methodology" incorrectly and inconsistently. Although many of them were almost at the end of their course sequences, they were mainly focused on how to teach rather than how to manage behaviors. Even their "mentor" or "supervising" teachers, when asked, could not identify appropriate methods. This is quite concerning to me as a university instructor and it should be concerning to all educators and parents.

In my opinion, if we were able to collaborate to improve our education support systems to include BCBA's and RBTs as a related service (much like services such as OT or PT), we would be able to make better use of our teachers' skill sets and help them to appropriately manage behaviors and utilize ABA as a related service to gain appropriate consultation and oversight as they relate to instruction with intensive, empirically validated methods that may be suggested by an LBA. Out of the 40-50 children that I have worked with on the spectrum, I would say not even one has had appropriate services or instruction that would be maximizing their functional or academic skills. I'm uncertain why our DOE is resistant to having help from outside agencies. I can say that, as a general Ed and licensed special education teacher, as well as a Licensed Behavior Analyst, across 4 states, I have seen a variety of schools. I can say, with confidence, that the state of our SPED programs in Hawai'i are dismal, at best. It is our responsibility as educators and citizens to assure that our keiki have the best education possible so that they can become active, productive members of society.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Chelsea Jeansonne - **PARENT**

988 Ohana Nui Circle | Oahu

miahj81@yahoo.com

My **son** is 5 and has had ABA since he was three. He had a RBT one on one all day at school. We moved to Hawaii in July. The school determined he did not need a one on one paraprofessional. He also was not offered any ABA services during the school day. We have to use private ABA. Since most companies have a one-year wait list for afternoon appointments we have to pull from the school day. He will miss 15 hours a week from school to attend ABA therapy. He can't function in the classroom until we get the behaviors in control. The school has threatened us with truancy since we pull him 15 hours a week from the classroom. However, we have no choice but to pull him In order to receive the medically necessary ABA therapy. We have seen huge gains thanks to ABA therapy. We are considering homeschool next year in order to maintains a more stringent therapy schedule. He is not progressing in the classroom and SPED like we know he can. This is due to not having his RBT with him during the school day. He struggles staying on task without constant redirection. He still needs that one on one attention and the school has made little effort to help accommodate his individual needs. We asked about providing his RBT in the classroom but we

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were told several times that this was not allowed. We asked for one through the school and we removed no response of yes or no. They ignored my question. The purpose of IDEA is to make sure that all children are able to have their individual learning needs met in the classroom. My son needs ABA to meet his individual needs. The IEP he has does not accommodate all of his individual need. The school is not holding up their end of FAPE. Which in all honesty I don't have a clue how they are legally allowed to get away with this. Their job is to make sure all children have the education that fits their needs. The school is not making sure that my child receives all the accommodations he needs. I feel they are doing what is best for them and not what is best for my child. ABA is a huge component to the success of my son. The school is not providing the best education for him. So we will be looking elsewhere.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Patti Heath

2112 Point Welcome Pl | Oahu

[patricia.heath1@gmail.com](mailto:patricia.heath1@gmail.com)

ABA is essential to improving the quality of life our kids can develop over the years. Please don't take this away from them. Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Bernadette Cuba - **PARENT**

98-142 Lipoa Place#307 | Oahu

[stuntman300@gmail.com](mailto:stuntman300@gmail.com)

Please don't get rid of ABA provided by behavior analysts. I think kids need it in school thank you very much. Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.



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Molly Stemmler

59-602 A Kamehameha Highway | Oahu

[refugee.molly@gmail.com](mailto:refugee.molly@gmail.com)

If we are facing capacity issues as a state, let's come up with solutions for increasing the capacity of qualified providers in our state. The answer is simply not to carve individuals out from these protections. Prior to the behavior analyst licensure law, individuals in our state were receiving behavior support for intense and severe behaviors by a cadre of mixed "professionals". The intention of the ABA licensure law was to bring credibility to behavioral practices and to increase consumer protections in our state. Why would the legislature agree to reduce these protections for our most vulnerable? As a society, we must take care of each other. It's our kuleana.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Heidi Nobmann

67-249 KIAPOKO ST | Oahu

[heidinobmann@gmail.com](mailto:heidinobmann@gmail.com)

The people of Hawaii deserve trained professionals so they have the opportunity to succeed. Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Kendall Mindar

533 Kaukaalii St. | Oahu

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Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Johanna Poore

168 Kline Rd. | Oahu

[jrasbrat@yahoo.com](mailto:jrasbrat@yahoo.com)

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Kellie Crowder

67-242 Kanalu St. | Oahu

[kellcrowder@gmail.com](mailto:kellcrowder@gmail.com)

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Meagan Bresson

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[meagan.bresson@gmail.com](mailto:meagan.bresson@gmail.com)

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These behavior analysts are crucial for autistic children like my nephew. We have seen leaps and bounds while he was under the care of a licensed behavior analyst and for the schools to decide that he doesn't need it is bull---.

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Denita Mortensen | Oahu - PARENT

[denita.mortensen@gmail.com](mailto:denita.mortensen@gmail.com)

As the mother of a child with disabilities I know how very important it is for children to have early intervention. In other states child psychologists, therapists and special education teachers are trained to analyze and advocate for the needs of the child within the public schools to ensure their progression and

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scholastic success. As educators, parents and indeed all members of the community will agree that helping our children become and do their best is not only beneficial to the child but to society in general. We have a duty to provide the best learning environment for all our children not just the ones who fit easily into the less-than-perfect existing educational model. The funding is there. We pay taxes and expect it to be used in a prudent way to provide for the needs of ALL our children.

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Maureen McComas - **PARENT**

7221 Luhi Place | Oahu

[rainbowmomhi@gmail.com](mailto:rainbowmomhi@gmail.com)

Our child made minimal progress in school, and was provided poorly implemented ABA prior to and after the licensing law went into effect- by unlicensed and unqualified staff. Her behaviors prevented her from accessing her learning. As **parents** we made the difficult decision to remove her from school and place her in a clinical ABA setting where she has blossomed into a happy engaged learner who for the first time has

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meaningful communication. She has made amazing progress in all areas working with the dedicated and passionate staff that includes only licensed LBA's and RBT's who provide individualized ABA that is specifically designed to meet her unique needs in behavior, communication and social skills. Despite this documented progress, the DOE refuses to include ABA into her school programming.

We have seen firsthand the amazing benefits of ABA programming provided by licensed and certified providers, and have seen firsthand the damage that can be caused by unqualified direct support workers. I stand in strong support #fourkeiki!

John McComas - **PARENT**

7221 Luhi Place | Oahu

[rainbowmomhi@gmail.com](mailto:rainbowmomhi@gmail.com)

Our child made minimal progress in school, and was provided poorly implemented ABA prior to and after the licensing law went into effect- by unlicensed and unqualified staff. Her behaviors prevented her from accessing her learning. As **parents** we made the difficult decision to remove her from school and place her in a clinical ABA setting where she has blossomed into a happy engaged learner who for the first time has meaningful communication. She has made amazing progress in all areas working with the dedicated and passionate staff that includes only licensed LBA's and RBT's who provide individualized ABA that is



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We have seen firsthand the amazing benefits of ABA programming provided by licensed and certified providers, and have seen firsthand the damage that can be caused by unqualified direct support workers. I stand in strong support #fourkeiki!

Whitney Moody  
68-386 Kikou St | Oahu  
[whittygirl83@yahoo.com](mailto:whittygirl83@yahoo.com)

This is ridiculous! You need to have licenses behavior analysis on staff in order to help children with different abilities, especially with things like ASD. My nephew attends a public school here, and he needs this help in order to be successful! All our keiki deserve the opportunity to be successful!

The Hawaii DOE has introduced a bill, relating to Behavior Analyst Licensure. This bill seeks to limit ABA services to students as a reactive approach. This bill requires a "fail first" approach, and would not allow students in need access to a licensed behavior analyst in the DOE setting. This bill is believed to violate several federal laws: I.D.E.A., FAPE, and the American with Disabilities Act (ADA). I stand firmly in support

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of our teachers and keikis having access to appropriately licensed and qualified behavior analysts in the DOE setting

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Kelsey Kamaau

67-456 Kioe St | Oahu

[kelskamaau@gmail.com](mailto:kelskamaau@gmail.com)

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSE HB2143.

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ANONYMOUS

Aloha. I am a care coordinator working with many pediatricians across Oahu. Pediatricians often refer families to me when they've recently received a new diagnosis, are struggling to understand their Individualized Education Programs (IEPs) through their schools, or are generally coming up with barriers in navigating "the system." Many of my families have incomes that are heavily impacted by the structural changes in family roles that arise from having a child with a special health need. One issue that often comes up is getting a one-to-one aide in an after school program. Many children with autism are unable to attend after school programs due to lack of appropriate staffing. When asked during an IEP meeting if the school could provide a 1:1 during this time, the answer is almost inevitably, "That's not a DOE program, we have no ability to provide during this time." One work around that some families have devised is getting their insurance-funded ABA time to take place at the after school program, however, they're now starting to be refused because DOE is not allowing non-DOE contracted service providers on campus, even if it's for a non-DOE program during non-school hours.

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As a result of this, many of my families are unable to have full two-income households. One caregiver is able to work full time, while the other is only able to work during DOE hours. This is because the school that houses the after school program will not allow insurance-contracted RBT's to provide ABA therapy in that setting, nor will they provide appropriate ABA services during that time. Many of these kids spend their whole day in special education classrooms with only disabled peers. After school programs offer important socialization opportunities with typical functioning peers.

Moreover, there are movements across our society, here in Hawaii and across the US, to promote inclusion. The purpose of this is not only for individuals with disabilities, but also for individuals without disabilities to better understand the scope of human diversity, and to find the strengths in everyone. I firmly believe that there is a job for everyone in our society, and that is echoed in many of the transition and employment goals of Hawaii's youth with ASD. How can we teach the world that these individuals are able to provide a valued service to society if their first interaction with them is in young adulthood? ABA provides important services that can improve Hawaii's inclusion rates, which are dismally low (36% as of February 2016, compared to a national average of 62% at the same time). Very often, kids are put in special education classrooms due to behavior issues that disrupt their learning or the learning of others. ABA is a way to ameliorate that issue.

I am a master's level clinician who is considered "qualified" by the Department of Education to be a Behavior Health Specialist. I can absolutely say that I am not qualified in any way to design or complete any type of Functional Behavior Analysis or Behavior Support Plan. It's simply not within my scope of practice as a mental health counselor.

Implementing effective certification and licensure to require competent clinicians to provide effective and manualized ABA will certainly be expensive. However, as a society, we can't afford not to."

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Gina Konishi

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I'm in strong support for ABA in schools because I have a cousin that teaches in the public school system here in Hawaii. She's worked as a 1:1 with students with autism here and also on the neighbor islands. I have witnessed the large amount of dedication that she puts in with her students and coworkers. My cousin Ashley puts in the time and effort to research strategies that help behavioral students and also seek advice from licensed behavior analysts. She often tells me her struggle working under unqualified professionals who use strategies that have not been vetted. I work in the healthcare facility and having people with the right skills and knowledge gives us the assurance of the do's and don'ts on appropriate treatment and procedures. Like in many professions we always seek other professionals for guidance when we are unfamiliar. Why should children be any different or be an exception to the rule? Students that have had the opportunity to have my cousin Ashley as a teacher has made great gains not because she's a teacher but because she knows what it takes to make an impact on each of her students and she's not afraid to seek professionals BCBA's for guidance.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support

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Coco Pollock

68-300 Mahina ai street, 68-300 | Hawaii

[cocopollock@gmail.com](mailto:cocopollock@gmail.com)

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Shazlei Sampaio-ribucan - **PARENT**

911159 keahumoa pkwy | Oahu

[ms.shazlei@yahoo.com](mailto:ms.shazlei@yahoo.com)

ABA is needed. My **son** has severe autism and is non-verbal. Imagine yourself or your child need something and its going to be taken away. How would you react and do when you fight for your child to have something and it's going to be gone. ABA – we need it.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please **OPPOSE** HB2143. It's the right thing to do for our keiki.

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Wendy Lowry

67-345 Kaiea Pl | Oahu

[wendylowryonline@gmail.com](mailto:wendylowryonline@gmail.com)

Special Ed in Hawaii is so far behind the rest of the country. They need better help! Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.



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Tasi Taylor

68-017 Waialua | Oahu

[tasi.taylor@gmail.com](mailto:tasi.taylor@gmail.com)

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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Sara Rowley

68-450 Kikou Street | Oahu

[sararowley55@gmail.com](mailto:sararowley55@gmail.com)

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Lyle Moody - **GRANDPARENT**

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

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Rep. John M. Mizuno

Wednesday, February 21, 2018, 2:00pm  
Conference Room 329, State Capitol

**IN STRONG OPPOSITION OF HB 2143**

70 Niuhi Street | Oahu

[dawna\\_moody@yahoo.com](mailto:dawna_moody@yahoo.com)

Please don't let the school system get away with denying my **grandson** the services he needs. They need to step up and provide the services that these kids are eligible for and to make sure there are trained professionals ready to provide the service. Why is the DOE not stepping up to take care of our children? Please do what is best for our children.

I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

Brighton John

68450 Kikou street | Oahu

[brightyy101@gmail.com](mailto:brightyy101@gmail.com)

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I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Carly Penaranda

68-416 kikou St | Oahu

[carlybeth.swim@gmail.com](mailto:carlybeth.swim@gmail.com)

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Jennifer Hales

70 Niuhi St | Oahu

[jenniemoody92@gmail.com](mailto:jenniemoody92@gmail.com)

My nephew is autistic and his behavior analysts have done WONDERS for him. His quality of life is better, he is happy and his behavior has completely changed for the better. Please help my nephew. The DOE

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needs to have licensed behavior analysts on staff to help kids with behavior issues. Please don't let the DOE get away with not helping these kids.

I stand in strong support our teachers and of our keiki.

Mai Waye  
951062 Kamalino St. Mililani HI 96789 | Oahu  
[tawmdl@aol.com](mailto:tawmdl@aol.com)

I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Sarah Sutton

67-616 Kahui Street, Waialua | Oahu

[sarah@sustainablemuseums.net](mailto:sarah@sustainablemuseums.net)

Applied Behavior Analysis (ABA) is one of the most powerful tools we have to address autism and other development and emotional challenges. Its adaptive nature ensures appropriateness for each case. What we do for our keiki now when they are young makes an exponential difference for them, their families, and their communities and Hawai'i in the future. Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these

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bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Lisha Padilla | 99-943 Halawa Heights Rd. Aiea, HI 96701 | [lishac57@gmail.com](mailto:lishac57@gmail.com)

My name is Lisha Padilla. I am a former teacher in the Leeward District on Oahu. Our children are our future. When teachers instruct their students, we build the foundation for equality and prosperity for tomorrow's generations. Every child in our state deserves an education founded in evidence-based practices that ensures they are graduating with the skills and knowledge necessary to be contributing members of society. These bills change the language in the current law relating to ABA services delivered in schools. We can all agree that our teachers already go above and beyond to support our Keiki. By limiting ABA services as a reactive approach, rather than a proactive one, we will be putting additional strain on our teachers in the classroom. Our Keiki deserve services delivered by qualified professionals. When a child with special needs requires speech therapy to make adequate progress in his/her education, they are provided with a licensed SLP. When a child with special needs requires gross motor therapy in



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order to make progress in his/her education, they are provided with a licensed PT. When he/she needs occupational therapy, he/she is provided with a licensed OT. When that same child needs behavior interventions, he/she should be afforded a licensed professional to provide high quality services. As a former special education teacher, I can attest to the improvements that I have seen first hand, in my students who received ABA services. I can also attest to amount of work that gets piled onto a teacher's plate when those services are not provided. I would never purport to be an SLP and design/implement speech language services, as I do not have specific training in the area of speech/language pathology. I would never purport to be a PT or an OT, and design/implement interventions in physics therapy or occupational therapy. Yet year after year, the DOE expected me to design and implement behavioral interventions for my students with severe disabilities (including Autism). Precious instructional time was spent developing behavioral interventions for my students that should have been spent teaching or lesson planning. I count myself extremely lucky that my own education included many courses in applied behavior analysis, but even then, when designing behavioral programs, it felt like I was doing more than one person's job. I can say first hand that when I had support from a licensed behavior analyst, I had time to do MY job: being a teacher. The DOE needs to provide adequate services for students with special needs, which reflect the value of our hardworking teachers. We need your help. Mahalo.

Noelle Dennard

94-1071 Kaukahi Place, A9

[nchapman@alumni.princeton.edu](mailto:nchapman@alumni.princeton.edu)

I work as an RBT at a private clinic, and I have seen firsthand what ABA therapy can do for kids with special needs. I also have heard many negative things, from parents and from DOE-contracted skills trainers, about the lack of training and organization in many of the agencies that are contracted for special education workers. It seems that ineffective programming often goes unchanged for long periods of time in settings where ABA professionals are not present. By contrast, the programs at our clinic are being evaluated every day by BCBA's and RBTs, and the constant communication ensures that programming is always being improved for maximum efficacy. I think special education in public schools would benefit greatly if ABA professionals were always present in those settings.

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I stand in strong support of our teachers and our keiki and respectfully ask that you OPPOSEHB2143.

Melody Ericson

98-1729 Kaahumanu Street #B

[melodymansour@hotmail.com](mailto:melodymansour@hotmail.com)

I support our teachers and our Keiki!

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**IN STRONG OPPOSITION OF HB 2143**

Alison Dinsmore  
1916 Fox Blvd | Oahu  
[ali\\_r\\_lose@yahoo.com](mailto:ali_r_lose@yahoo.com)

DOE should have their own ABA in schools. I'm a RBT and work with children that have autism; I have also worked in a public school. It's really sad to see the lack of education and help provided to children in the DOE. The children are our future and we should be doing everything in our power to help these children thrive and succeed in life. The easiest way to do this is to educate teachers, students, and DOE skills to help these children. The DOE should be adding more ABA services, not taking services away.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving

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forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

Benjamin Penland - **GRANDPARENT**

471B Hinano Way | Oahu

[bpenland@gmail.com](mailto:bpenland@gmail.com)

Our children deserve quality treatment provided by Licensed Behavior Analysts and nothing less. Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Carolyn Penland - **GRANDPARENT**

471B Hinano Way | Oahu

[bpenland@gmail.com](mailto:bpenland@gmail.com)

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**IN STRONG OPPOSITION OF HB 2143**

Forest Penland - **PARENT**

471B Hinano Way | Oahu

[kathleenmpenland@gmail.com](mailto:kathleenmpenland@gmail.com)

Licensed Behavior Analysts can help our keiki reach their fullest potential. Broadening the law to "any licensed professional" to design, implement, and oversee ABA will allow the status quo to continue. We cannot allow that. Thank you for your consideration. Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

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**IN STRONG OPPOSITION OF HB 2143**

Stephanie Pollock

68 300 Mahinai Ai Street Waiialua | Oahu

workingoutinparadise@yahoo.com

All children should have the help they need no matter how severe their case has been deemed.

The Hawaii DOE has introduced a bill, relating to Behavior Analyst Licensure. This bill seeks to limit ABA services to students as a reactive approach. This bill requires a "fail first" approach, and would not allow students in need access to a licensed behavior analyst in the DOE setting. This bill is believed to violate several federal laws: I.D.E.A., FAPE, and the American with Disabilities Act (ADA). I stand firmly in support of our teachers and keikis having access to appropriately licensed and qualified behavior analysts in the DOE setting.

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Kerilyn Pollock  
68 300 Mahinai Ai Street Waialua | Oahu  
keriynpollock@yahoo.com

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.



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Michelle Rogers

68-386 Kikou St Waialua HI 96791

[michellejumprope@gmail.com](mailto:michellejumprope@gmail.com)

Please don't cancel this program or the funding for it. It is need in schools so badly. I work in a school and these programs help so many. Not only do they help the children but help the parents that totally need help. This program is helping my nephew right now and he truly needs it sense he has been in the program he has been able to do much better but he still needs more help so I plead with you to not cancel it.

Mahalo for the opportunity to present testimony on this important matter. Various versions of this bill are circulating this session. I believe the DOE would like to maintain the status quo. Despite strong support from committees, the language moving forward in these bills puts consumers of ABA in great risk. While I respect psychologists who have ABA in their scope wish to continue to practice, the current language proposed in HB2143 HD1 is too broad to ensure consumer protection. I respectfully request that you consider the language offered by the Hawai'i Association for Behavior Analysis (HABA) in other bills moving forward this session. I believe this language provides psychologists and teachers the necessary protections, while also protecting our keiki and other recipients of ABA services. I support licensed behavior analysts and respect the expertise they possess. Please OPPOSE HB2143. It's the right thing to do for our keiki.

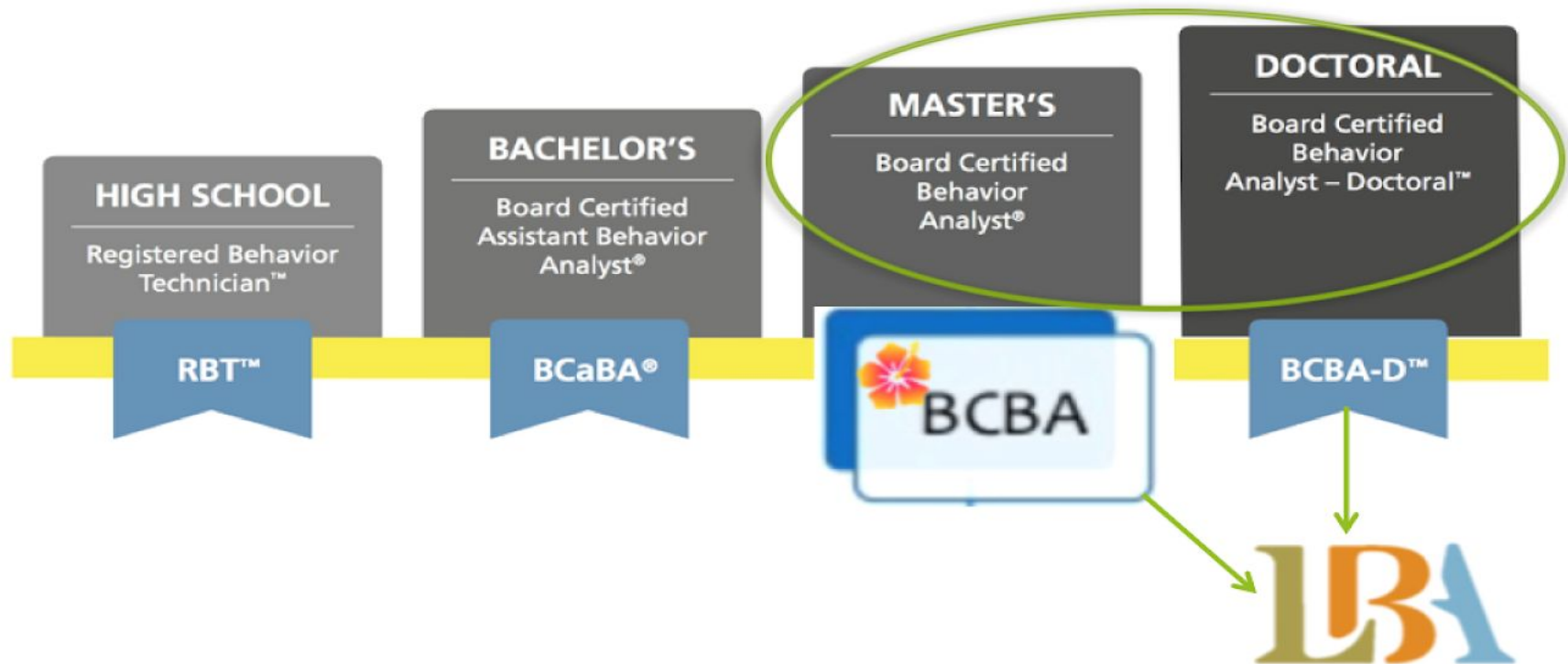
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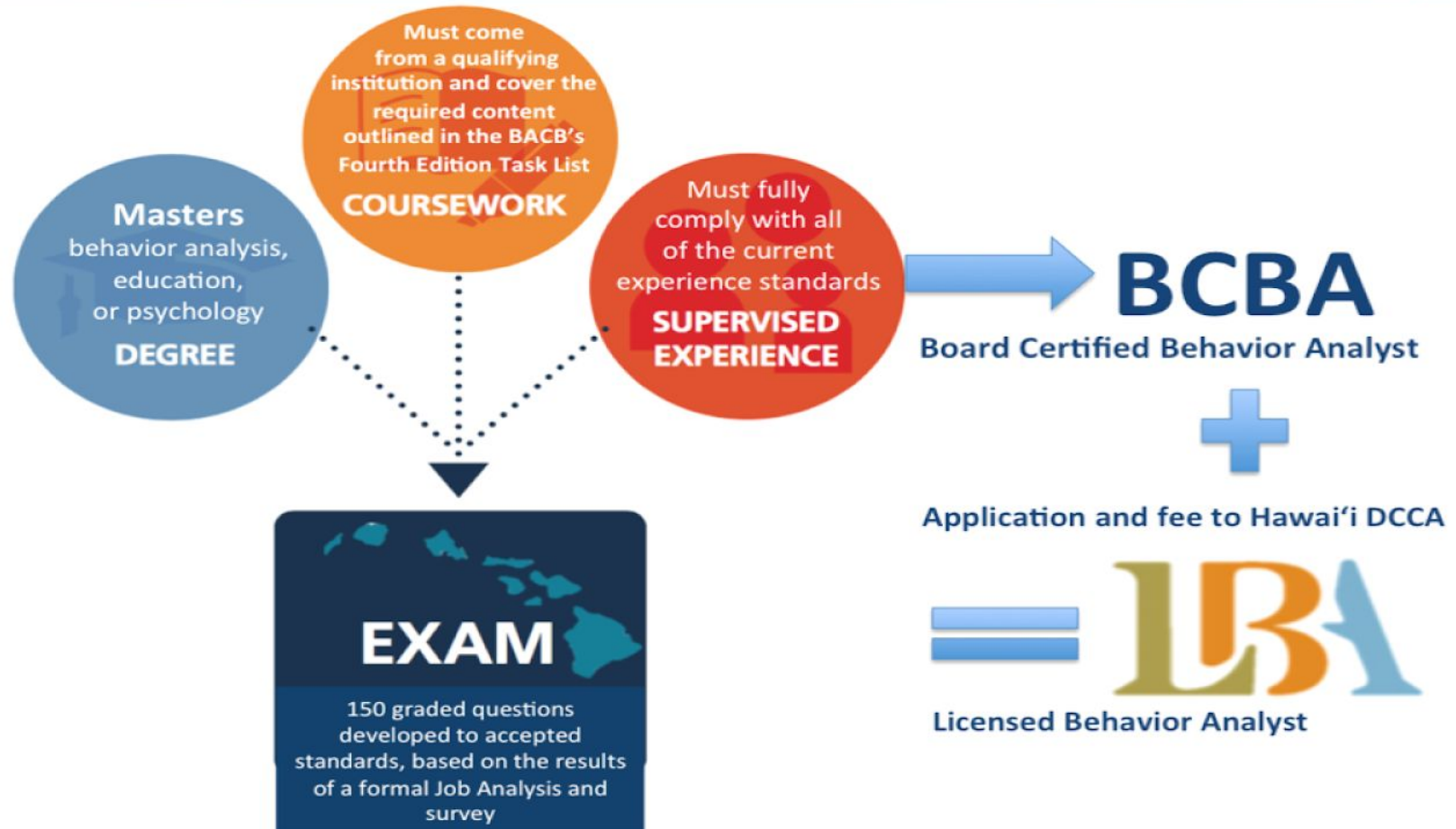
Information current as of 2/16/2018

# Behavior Analyst Certification Board (BACB)

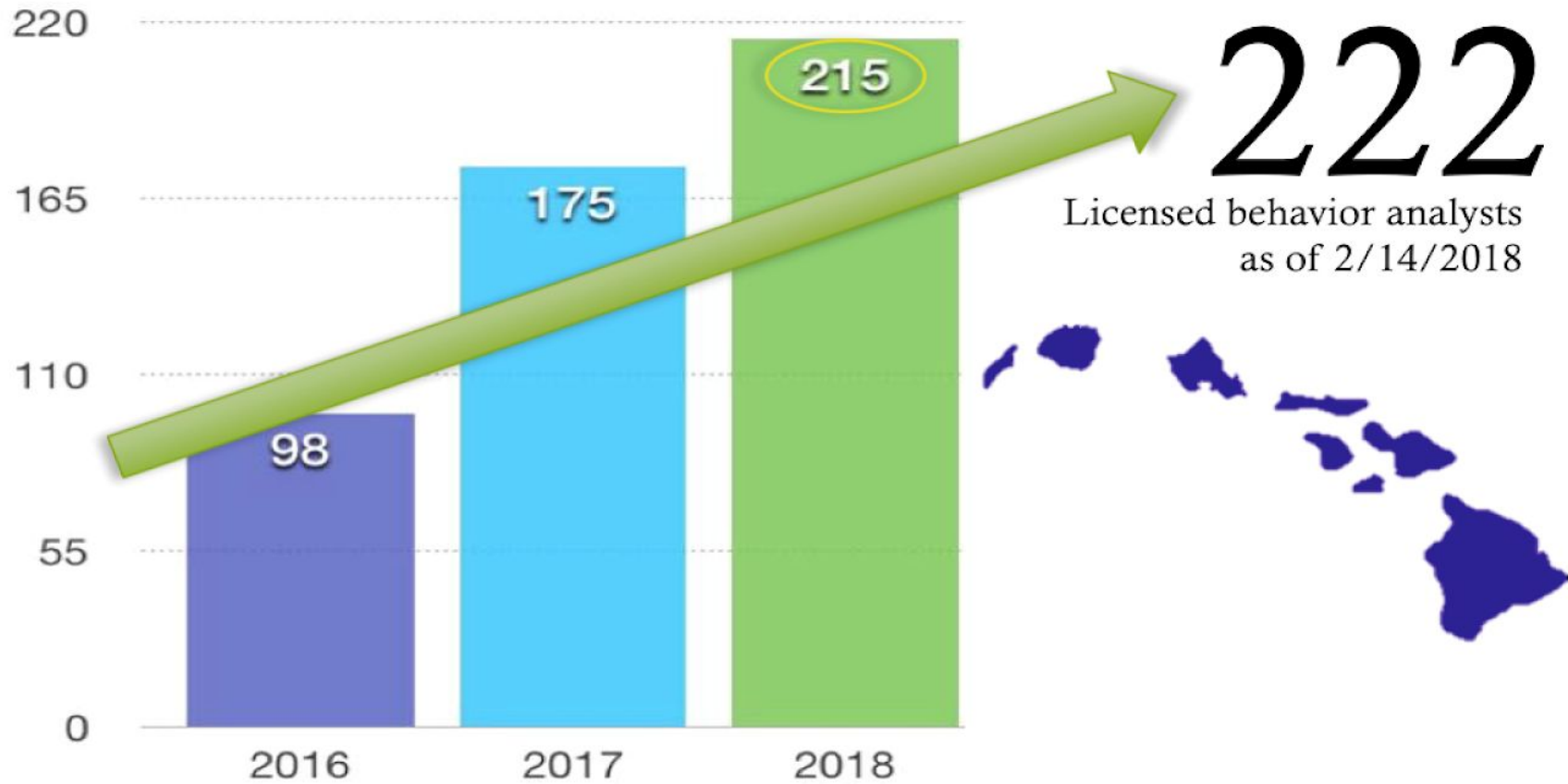
The BACB credentials and recognizes practitioners at four levels:



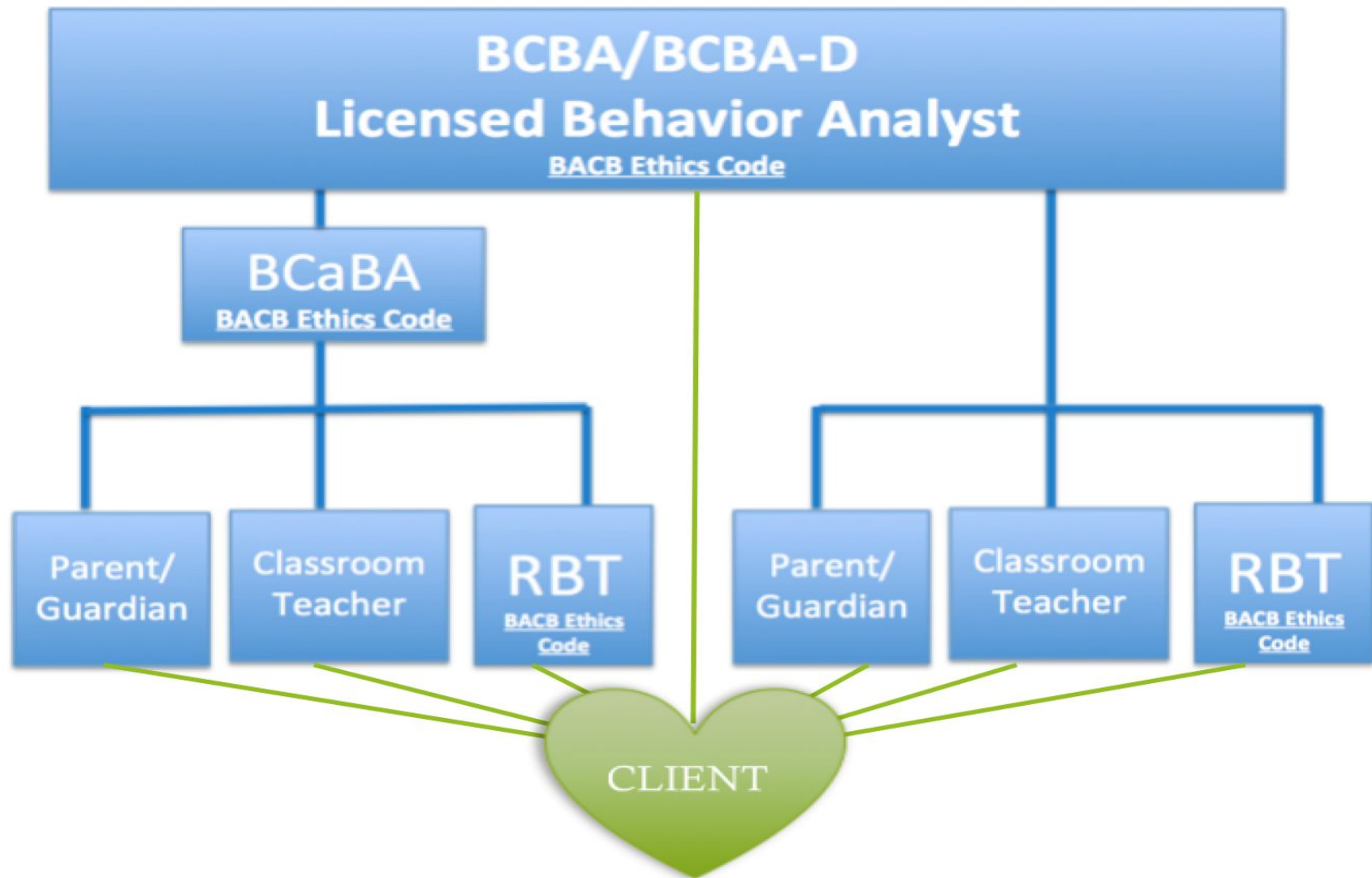
# Primary requirements for certification by the Behavior Analyst Certification Board (BACB)



## Growth of Licensed Behavior Analysts in Hawai'i

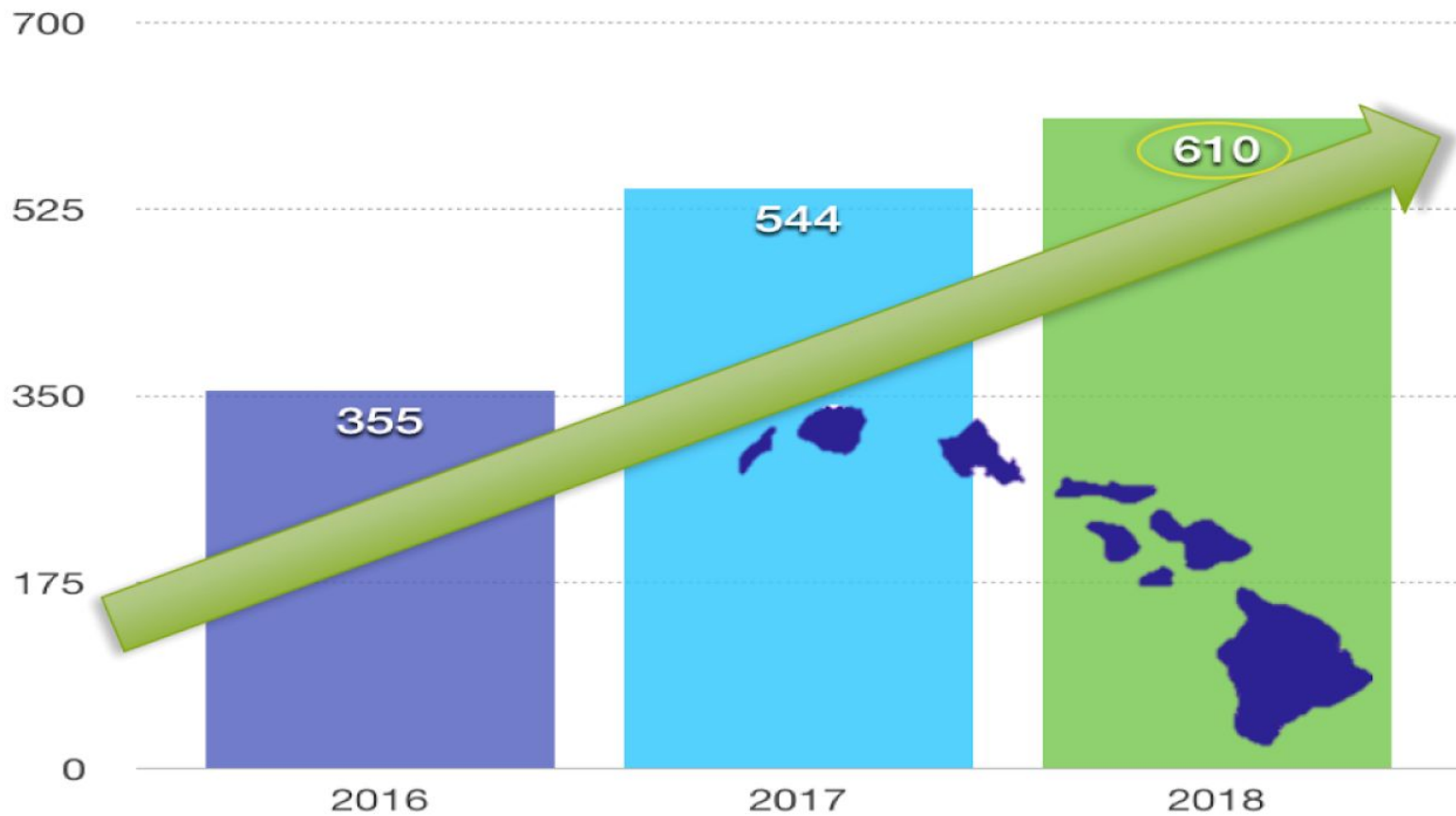


Data as reported at HI DCCA <https://pvl.ehawaii.gov>  
dated reported for January 1st of each year



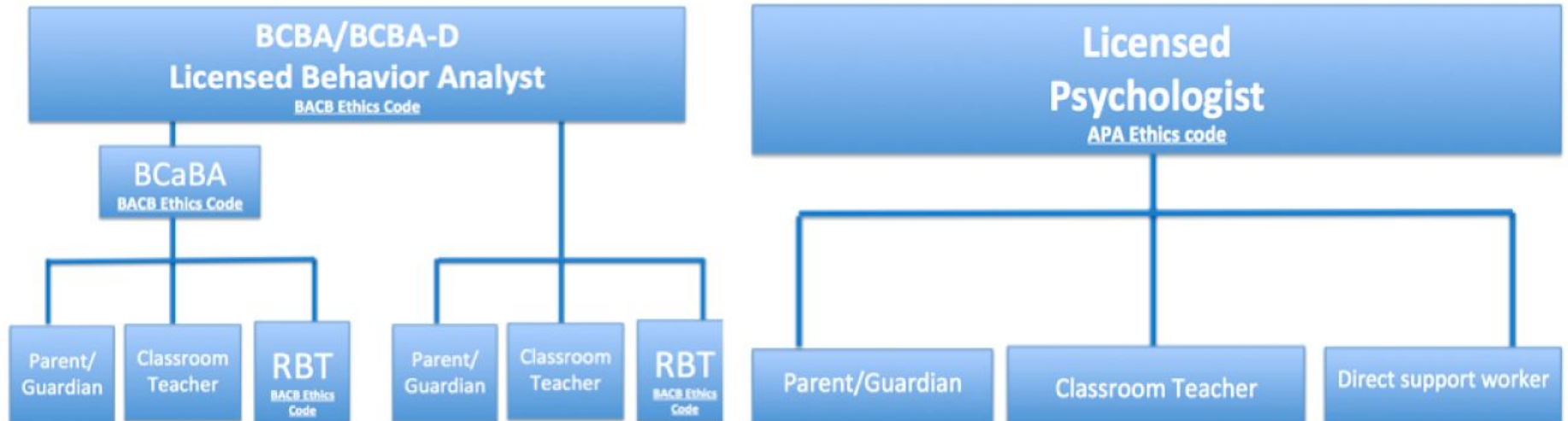


## Growth of Registered Behavior Technicians in Hawai'i



Data as reported on [www.BACB.com](http://www.BACB.com)  
data reported for January 1st of each year

# Consumer Protection





Direct Support Worker (1:1)	Registered Behavior Technician (RBT) (Source: www.BACB.com)	Hawai'i DOE Paraprofessional (Source: HIDOE)
Job Responsibilities	A paraprofessional who practices under the close, ongoing supervision of a (LBA) BCBA/BCBA-D, BCaBA, or psychologist with the ABPP credential.	A paraprofessional who provides support services “under the direct supervision of a highly qualified teacher or professional practitioner.”
Degree	High school diploma	High school diploma plus 48-semester credits of baccalaureate level course, OR associates degree in arts or science at baccalaureate level
Training in Applied Behavior Analysis	40 hours of explicit ABA training, related to the BACB <a href="#">RBT Task List</a>	-----
Demonstrated Competency	<a href="#">Skills demonstration performed with client, conducted by Licensed Behavior Analyst (LBA)</a>	-----
Ethics Code	<a href="#">Ethics Code (BACB)</a> , background check required	-----
Examination	<a href="#">Pearson Vue exam</a> The RBT examination is comprised of 75 multiple-choice questions. Each question has four possible answers. Examination content is based on the RBT Task List. Candidates sitting for the RBT examination will usually answer 85 questions total. Candidates are given a total of one and a half hours (90 minutes) to complete the examination.	<a href="#">ParaPro Assessment</a> The test has 90 multiple-choice questions, approximately two-thirds of which focus on basic skills and knowledge. The remaining one-third focus on applying skills in the classroom. All test questions are in English.
Ongoing Supervision	5% of hours worked by RBT must be overseen by a masters level LBA, some group supervision allowed, minimum monthly supervision requirements	NONE SPECIFIED, as needed
Supervisor	Licensed behavior analyst (LBA) attached to each RBT; Responsible Certificant refers to an individual who serves in the capacity of either organizational compliance officer or direct supervisor of one or more Registered Behavior Technicians.	“A highly qualified teacher or professional practitioner.”



**Hawai'i Association for Behavior Analysis**

Information current as of 2/16/2018



**LATE**

February 21, 2018

The Honorable Roy M. Takumi, Chair  
The Honorable Linda Ichiyama, Vice Chair  
House Committee on Consumer Affairs and Commerce

Re: HB 2143, HD1 – Relating to Behavior Analysis

Dear Chair Takumi, Vice Chair Ichiyama, and Committee Members:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 2143, HD1, which, among other things, seeks to clarify the scope of practice of behavior analysis to mean the practice of applied behavior analysis, and broadens the exemption of licensed or credentialed practitioners practicing within their own recognized scopes of practice who are already exempt from the Behavior Analyst Law, to include participants in the Medicaid Intellectual and Developmental Disabilities Home and Community-Based Waiver.

HMSA appreciates the intent of these measures to increase access to ABA services in our state. At the request of legislators last year, HMSA started working with the psychologist community to create a pilot program to recognize and reimburse psychologists providing ABA services to our members. We are moving forward with the pilot, and hope to have feedback to Legislators and other stakeholders on the outcome of the program. As such, this measure may be premature and we have concerns with language exempting psychologists from the licensure law at this time.

We also have concerns with the addition of the term “caregiver” as it relates to delivering an ABA plan. Currently the term is undefined and could be broadly interpreted; the Committee may want to consider the definition provided for “caregiver” in HB 2657, HD1. In addition, we continue to have concerns with Section 3(a)(1) that would allow non-qualified or unlicensed persons to provide ABA services under the direction of a licensed professional.

We appreciate the intent of these measures and are open to continuing to work with the stakeholders to safely and efficiently expand ABA services in our state. Thank you for allowing us to provide comments on HBs 2143, HD1.

Sincerely,

Jennifer Diesman  
Senior Vice-President-Government Relations