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Corey Rosenlee  
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Justin Hughey  
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Amy Perruso  
Secretary-Treasurer  
Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION, AND HEALTH

RE: SB 739 - RELATING TO BEHAVIOR ANALYSIS SERVICES

FRIDAY, FEBRUARY 24, 2017

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

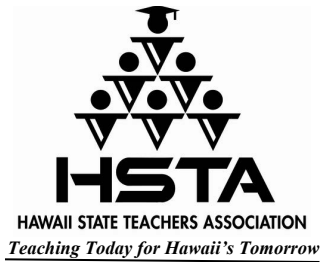
Chair Baker and Committee members,

The Hawaii State Teachers Association **opposes and suggests amendments for SB 739**, relating to behavior analysis services.

Last year, lawmakers approved Act 107, amending Luke's Law, Act 199 of 2015, to allow teachers to provide behavior analytic services to public school students without being under the guidance of a behavioral analyst, as long as they didn't call themselves behavioral analysts. HSTA continues to have concerns about the unintended consequences of this action, which has led to cases of principals mandating that teachers create behavioral analysis plans, without the consultation of a behavioral analyst. While some teachers are certified to perform behavioral analysis the majority of teachers, not only lack the appropriate qualifications to create and implement such plans, but also are not certified or licensed to do so.

Teachers, by profession, are also not psychologists, psychiatrists, or behavioral specialists. Instead, we rely on other experts—including school psychologists, behavioral analysts, social workers, occupational therapists, and skills trainers—to address and augment our students' learning needs. Access to these specialists is especially important for our students with special needs.

Yet, the changes to Luke's Law proposed by this bill may worsen problems already created by Act 107. This bill also removes the requirement that direct support workers on whom teachers rely be credentialed as registered behavior technicians.



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We are concerned, then, that students will be subjected to analysis from less-qualified providers, who are not registered behavior technicians, or worse, lose qualified behavioral supports entirely. In such an event, administrators may compel teachers to perform behavioral analysis of all kinds, absent a law explicitly prohibiting them from doing so.

Currently, to become a behavior analyst, you need a master's degree, additional coursework, and supervised fieldwork hours to gain training in the hands-on application of behavioral analysis techniques. This bill may further erode the required certification for the adults who create the behavioral analysis plans needed to assist our teachers in providing the best learning environment for our most vulnerable students. Advocates for autistic children fought hard for Act 199 to become law, yet its spirit has not been adhered to because of amendments that have weakened its intent last year. We must not let their efforts be undone or their children's care be unprofessionally handled.

We understand that the DOE struggles to provide adequate services to autistic students, hire and retain qualified staff, and monitor services. A lack of qualified applicants cannot be resolved by lessening licensing requirements. And this is one of the reasons we are fighting so hard to increase funding for our public schools. We should not shortchange our services, because of the bottom line. This situation can be rectified by providing more funding for schools to retain personnel and deliver the specialized services our students need.

Finally, we note an apparent inconsistency in this bill's language. Teachers do not provide Medicaid waiver eligible services under section 1915(c) of the Social Security Act. This measure deletes "autism treatment services pursuant to an individualized education plan" from Luke's Law entirely, on the other hand, which may ease the problem created by Act 107. If this bill is to move forward, we suggest deleting teachers from the definition of "direct support worker" contained on page 3, line 4 of this bill, which will prevent the administrator abuse we have seen in public schools since Act 107 was enacted last year.

Our state must not allow untrained individuals to provide behavior analytic services to our most vulnerable children. Therefore, the Hawaii State Teachers Association asks your committee to **oppose** this bill.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 24, 2017 3:11 AM  
**To:** CPH Testimony  
**Cc:** sheenapiehota@hotmail.com  
**Subject:** Submitted testimony for SB739 on Feb 24, 2017 09:30AM

**Categories:** pdf'd, Late (Printed)

**SB739**

Submitted on: 2/24/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sheena piehota	Individual	Support	No

Comments: I support services for children with autism. Please pass SB 739

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**From:** [Dennis Dixon](#)  
**To:** [CPH Testimony; Sen. Roz Baker](#)  
**Cc:** [Sen. Josh Green](#)  
**Subject:** SB 739: SUPPORT  
**Date:** Thursday, February 23, 2017 5:14:58 PM  
**Attachments:** [Dixon Linstead Granpeesheh Novack French Stevens Stevens Powell \(2016\) S....pdf](#)  
[Linstead et al \(2016\) treatment hours.pdf](#)

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Dear Chair Baker and Honorable Members of the Committee on Commerce,

I am the lead author on the research article cited by HABA in its effort to limit the practice of behavior analysis. HABA is mischaracterizing my study. While we did find that supervisors with a BCBA did produce improved outcomes, we specifically state that we were unable to compare BCBA to psychologists in this study. In regards to a supervisor's credential, the analysis was simply "BCBA contrasted to No Credential" not "BCBA contrasted to Other Credential/License." Additionally, it is important to note that the single greatest variable impacting outcomes in autism treatment is the number of hours of direct 1:1 ABA received by the patient and delivered by a paraprofessional technician. (Both articles are attached.)

I urge the Senate to pass this bill that ensures that highly qualified professionals will be able to supervise and deliver evidence-based autism treatment.

Respectfully,

**Dennis Dixon, Ph.D.**  
Center for Autism and Related Disorders, Ilc.  
21600 Oxnard Street, Suite 1800  
Woodland Hills, CA 91367  
ph: 818.345.2345 x1188

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02/24/17

Committee on Commerce, Consumer Protection, and Health  
Senator Rosalyn H. Baker, Chair  
Senator Clarence K. Nishihara, Vice Chair

Conference Room 229  
State Capitol  
415 South Beretania St.

**Testimony in STRONG OPPOSITION to SB739**

Our child has been receiving ABA services from a Licensed Behavioral Analyst and Registered Behavior Technicians which has tremendously helped him in his development!!! They are awesome!!!

Our child has had many UNLICENSED State of Hawaii, Department of Education individuals work with him, and due to their lack of training and certification, it hindered his development. Children with ASD deserve to be treated with the utmost respect, love, and patience, which ABA services provide, and only by LICENSED LBTs and RBTs have the knowledge and skill set. Children on the ASD spectrum REQUIRE these services, which will help all of them reach their maximum potential.

We OPPOSE SENATE BILL 739.

Sincerely,

Carrie Cher  
Oahu

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 23, 2017 12:18 PM  
**To:** CPH Testimony  
**Cc:** akelly@anuenueaba.com  
**Subject:** Submitted testimony for SB739 on Feb 24, 2017 09:30AM

**Categories:** Late (Printed)

**SB739**

Submitted on: 2/23/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Larsson	Lovaas Institute	Comments Only	No

Comments: Would Dr. Lovaas, a pioneer in applied behavior analysis himself, be deemed unfit to practice under current restrictions in Hawai'i? No, actually he [Lovaas] would have had no trouble meeting Option 3 [from the BACB] that was in effect in the early 2000's, when he still practiced. Only someone with a cavalier approach to a parent's right to informed consent would refuse to make the effort to meet these minimum standards of practice for the delivery of ABA services.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 23, 2017 11:40 AM  
**To:** CPH Testimony  
**Cc:** akelly@anuenueaba.com  
**Subject:** Submitted testimony for SB739 on Feb 24, 2017 09:30AM

**Categories:** Late (Printed)

**SB739**

Submitted on: 2/23/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

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

Comments: I oppose SB739 because I believe that every child has the right to effective treatment and that begins with the training and education of those we are trusting to work with our children. As a BCBA, I understand the importance of gaining hands on experience and demonstrating competency in my application of applied behavior analytic principles. That is what makes us the experts, we possess both the conceptual knowledge AND have the skills to apply our knowledge directly with the children, which has been shown through our fieldwork experience. I didn't just read a book or take some undergraduate class in psychology. I took multiple graduate level courses, continuing education classes, and spent many HOURS applying what I learned and becoming competent at what I do. I believe that the demonstration of the skills you have learned is a necessity when you are responsible for the care of a child with special needs. It would be irresponsible and shameful for us as teachers, caregivers, parents, and even lawmakers to overlook such an important component of training. Our kids cannot speak up for what is right for them and it is my responsibility to advocate for them because I know every child can learn, I know that these children deserve the best. Oppose SB739 and join a movement for change

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 23, 2017 11:39 AM  
**To:** CPH Testimony  
**Cc:** akelly@anuenueaba.com  
**Subject:** Submitted testimony for SB739 on Feb 24, 2017 09:30AM

**Categories:** Late (Printed)

**SB739**

Submitted on: 2/23/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

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

Comments: I adamantly oppose this bill. Children with ASD deserve quality care. having a heart for working with special needs children is not enough. They need to be equally competent in ABA and the understand the benefits and effectiveness of this strategy. I oppose SB739. I stand with HABA in opposing the change of licensure and credentialing standards for the practice of behavior analysis.

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**From:** [kgoccinc1@yahoo.com](mailto:kgoccinc1@yahoo.com)  
**To:** [CPH Testimony](#)  
**Subject:** TESTIMONY IN SUPPORT OF SB739  
**Date:** Thursday, February 23, 2017 11:23:42 AM

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Annie Chung Ph.D.  
P.O. Box 715  
Kapaa, HI 96746-0715

February 23, 2017

Rosalyn H. Baker  
Chair, Committee on Commerce, Consumer Protection, and Health

Dear Senator Baker:

Testimony SUPPORTING SB739  
RELATING TO BEHAVIOR ANALYSIS SERVICES  
And recommending amendments

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH  
SENATOR ROSALYN H. BAKER, CHAIR  
SENATOR CLARENCE K. NISHIHARA, VICE CHAIR

Friday, February 24, 2017 9:30AM  
State Capitol Conference Room 229  
415 South Beretania Street

I support Senate Bill 739 with the amendments recommended by the Hawaii Psychological Association (HPA). As a licensed psychologist, I am aware that my scope of practice, as defined in Hawaii state statute, includes the practice of "Behavior Analysis" and includes the direction of psychological assistants in this practice. I am very concerned that the original statute, Act 199, providing for the licensure of Board Certified Behavior Analysts (BCBAs) has been over-interpreted as making it illegal for my students and psychological assistants to provide behavioral interventions under my supervision. The proposed amendments would clarify psychologists' scope of practice as including the supervision of behavioral interventions and would prevent an unnecessary narrowing of the behavioral health workforce by allowing more variety in the acceptable training and certification requirements for paraprofessional workers and their supervisors.

Thank you for the opportunity to provide testimony on this important topic.

Sincerely,

Annie Chung, Ph.D.

I am a special education teacher who has worked with special needs children in the State Hawaii for 11 years in various education and community settings. I have personally witnessed the long-term negative impact done to children requiring professional care by unqualified, under trained and non-supported teachers. I've seen the benefits of good training and also the negative impact of what unqualified guidance by superiors who implement behavior strategies that have never been vetted or research-based can do to a child. I've watched the negative impact of GENERAL education teachers who simply take a test to fill high needs positions undo years of progress a child makes in just one interaction.

I took the 40 hour RBT training that confirmed that if you are not trained to write FBAs/BSPs you should not write them. I formally expressed my concerns regarding my lack of knowledge and skill. My requests were dismissed and demanded to write the BSP or be fired. After not feeling comfortable with the situation and considering the responsibility for the children's wellbeing and education, I was forced to seek out other employment.

A few days after submitting my resignation, the retribution began. The principal approached me and feeling uneasy with the situation I read my Weingarten rights and requested a meeting with my HSTA Rep. After that statement I was told that my services were no longer required and that I had to sign the separation of service that day. I was forced out and forced to sign my separation of services 3 days after giving my 2 weeks notice. It was so sudden that I wasn't given the chance to prepare my special needs students for my departure and transition to a new teacher. Additionally I was unjustly notified that if I were to come back onto school property it would be considered trespassing. Though I was living on the Big Island and we have an increased need for teachers there this incident resulted in having to pack up and move whatever I could in 2 days to relocate to my new job in Oahu. I strongly believe the inconsistency and abrupt change of special education teachers have significant adverse effects on the students.

I respectfully ask for your support to oppose this bill that supports limited and shortsighted thinking that less qualified providers have the same qualifications to educate upcoming doctors, lawyers, lawmakers, and judges. Rather we need to change our mindset and create an environment that will not just develop critical thinkers, but also leaders who are able to navigate the world with their heads held high and who are determined to create a better tomorrow! This can only be achieved by placing qualified professionals with students who have unlimited potential. Passing this bill will rob students of not only obtaining financial assistance through insurance, but also the care they deserve. It is in the best interest of the students that Bill 739 does not pass. Thank you.