
A BILL FOR AN ACT

RELATED TO THE PRACTICE OF BEHAVIOR ANALYSIS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 465D-7, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) This chapter is not intended to restrict the practice
4 of other licensed or credentialed practitioners practicing
5 within their own recognized scopes of practice and shall not
6 apply to:

7 (1) A licensed psychologist and any supervisee of the
8 licensed psychologist; provided that applied behavior
9 analysis services performed are within the boundaries
10 of the licensed psychologist's education, training,
11 and competence; provided further that neither the
12 licensed psychologist nor any supervisee of the
13 licensed psychologist purports to be a licensed
14 behavior analyst; and provided further that master's
15 level practitioners and postdoctoral fellows may
16 provide training and supervision to direct support
17 workers, paraprofessionals, caregivers, parents, and



1 guardians in a manner and to the extent determined by
2 the supervising licensed psychologist.

3 For purposes of this paragraph, "supervisee"
4 means a master's level practitioner, postdoctoral
5 fellow, direct support worker, paraprofessional,
6 caregiver, parent, or guardian who provides applied
7 behavior analysis services;

8 (2) A licensed [~~classroom~~] general education teacher or an
9 individual who is working as a [~~classroom~~] general
10 education teacher and is enrolled in a state-approved
11 teacher [~~preparation~~] education program working
12 towards licensure who implements but does not design
13 or monitor applied behavior analysis services in a
14 school setting in direct collaboration with a licensed
15 behavior analyst or a licensed psychologist [~~on or~~
16 ~~before July 1, 2019~~];

17 (3) An individual who implements or designs applied
18 behavior analysis services and possesses board
19 certification as an assistant behavior analyst by the
20 Behavior Analyst Certification Board and who practices
21 in accordance with the most recent supervisory and



1 ethical requirements adopted by the Behavior Analyst
2 Certification Board under the direction of a licensed
3 behavior analyst;

4 (4) An individual who directly implements applied behavior
5 analysis services and:

6 (A) Is credentialed as a registered behavior
7 technician by the Behavior Analyst Certification
8 Board, and is under the direction of a licensed
9 behavior analyst [~~or~~] or licensed psychologist;

10 (B) Is a direct support worker who directly
11 implements an applied behavior analysis program
12 under the supervision of a licensed behavior
13 analyst [~~or licensed psychologist~~] on or before
14 [~~January~~] July 1, 2020; or

15 (C) Is a direct support worker who directly
16 implements an applied behavior analysis program
17 under the supervision of a licensed psychologist
18 or a master's level practitioner or postdoctoral
19 fellow working under the direction of a licensed
20 psychologist;



1 provided that for purposes of this paragraph, "direct
2 support worker" means a paraprofessional who directly
3 implements intervention or assessment plans under
4 supervision and does not design intervention or
5 assessment plans;

6 (5) A family member, legal guardian, or caregiver
7 implementing an applied behavior analysis plan and who
8 acts under the direction of a licensed behavior
9 analyst or Hawaii-licensed psychologist; provided that
10 for the purposes of this paragraph, "caregiver" means
11 an individual who provides habilitative services in an
12 adult foster home, developmental disabilities
13 domiciliary home, adult residential care home,
14 expanded adult residential care home, special
15 treatment facility, or therapeutic living program
16 pursuant to the medicaid home and community-based
17 services waiver program authorized by section 1915(c)
18 of the Social Security Act;

19 (6) An individual who designs or implements applied
20 behavior analysis services to participants in the
21 medicaid home and community-based service waiver



1 program pursuant to section 1915(c) of the Social
2 Security Act on or before January 1, 2024;

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

8 (8) A matriculated graduate student or postdoctoral fellow
9 whose activities are part of a defined applied
10 behavior analysis program of study, practicum, or
11 intensive practicum; provided that the student's or
12 fellow's activities or practice is directly supervised
13 by a licensed behavior analyst, licensed psychologist,
14 or an instructor from a nationally recognized training
15 organization or in a Behavior Analyst Certification
16 Board-approved course sequence; [~~or~~]

17 (9) An individual pursuing experience in applied behavior
18 analysis consistent with the Behavior Analyst
19 Certification Board's experience requirements;
20 provided that the experience is supervised by a
21 licensed behavior analyst [~~-~~]; or



1 (10) A licensed special education teacher or an individual
2 who is working toward licensure as a special education
3 teacher and who is enrolled in a state-approved and
4 nationally-accredited special education teacher
5 preparation program that includes training in behavior
6 analysis assessment and interventions; provided that
7 the applied behavior analysis services performed are
8 within the boundaries of the licensed special
9 education teacher's or individual working toward
10 licensure as a special education teacher's scope of
11 education, training, and practice."

12 SECTION 2. The department of education shall seek any
13 approvals that may be necessary from the Centers for Medicare
14 and Medicaid Services to amend the Hawaii medicaid state plan to
15 provide reimbursement for necessary applied behavior analysis
16 services provided to medicaid-eligible students diagnosed with
17 autism, including services provided by licensed mental health
18 professionals with specialized training in applied behavior
19 analysis. These licensed mental health professionals may
20 include licensed behavior analysts, licensed psychologists,
21 licensed clinical social workers, advanced practice registered



1 nurses with a specialization in psychiatry, licensed marriage
2 and family therapists, licensed mental health counselors, and
3 those they supervise.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Practice of Behavior Analysis; Exemptions

Description:

Clarifies exemptions from licensure as a behavioral analyst for general education teachers, direct support workers, special education teachers, and teacher trainees working in collaboration with or under the supervision of licensed professionals. Requires the DOE to seek approval by the Centers for Medicare and Medicaid Services to amend the Hawaii Medicaid State Plan to provide reimbursement for applied behavior analysis services. (SB341 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

