

JAN 17 2020

A BILL FOR AN ACT

RELATING TO BEHAVIOR ANALYSIS.

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

1 SECTION 1. The legislature finds that behavior analysis
2 means the design, implementation, and evaluation of
3 instructional and environmental modifications to produce
4 socially significant improvements in human behavior. The
5 practice of behavior analysis includes the empirical
6 identification of functional relations between behavior and
7 environmental factors, known as functional assessment and
8 analysis, as well as the use of contextual factors, motivating
9 operations, antecedent stimuli, positive reinforcement and other
10 consequences to help people develop new behaviors, increase or
11 decrease existing behaviors, and emit behaviors under specific
12 environmental conditions.

13 The legislature further finds that Act 199, Session Laws of
14 Hawaii 2015, established licensing requirements for behavior
15 analysts. Licensing of behavior analysis services was made
16 concurrent with mandated insurance coverage for the diagnosis
17 and treatment of autism spectrum disorders.



1 The legislature additionally finds that many students
2 enrolled in department of education schools would benefit from
3 the expansion of behavior analysis services throughout the
4 State's public school system, including students with autism
5 spectrum disorders.

6 Accordingly, the purpose of this Act is to fund behavior
7 analysis services for public school students.

8 SECTION 2. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2020-2021 for the
11 department of education to provide public school students with
12 behavior analysis services performed by the following
13 individuals:

- 14 (1) Licensed behavior analysts;
- 15 (2) Board certified assistant behavior analysts under the
16 supervision of one or more licensed behavior analysts;
- 17 (3) Students pursuing a graduate level certificate in
18 behavior analysis under the supervision of one or more
19 licensed behavior analysts;
- 20 (4) Licensed psychologists;



- 1 (5) Master's-level practitioners under the supervision of
- 2 one or more licensed psychologists;
- 3 (6) Postdoctoral fellows under the supervision of one or
- 4 more licensed psychologists;
- 5 (7) Registered behavior technicians;
- 6 (8) Paraprofessionals under the supervision of:
- 7 (A) One or more licensed psychologists;
- 8 (B) A licensed psychologist's master's-level or
- 9 postdoctoral fellow supervisee; or
- 10 (C) One or more licensed behavior analysts on or
- 11 before January 1, 2020;
- 12 (9) Licensed clinical social workers;
- 13 (10) Licensed mental health counselors; and
- 14 (11) Advanced practice registered nurses who specialize in
- 15 psychiatry;

16 provided that the department of education may contract with any
17 type of service provider listed in this Act for the purposes of
18 this Act.

19 The sum appropriated shall be expended by the department of
20 education for the purposes of this Act.



1 SECTION 3. The department of education shall seek any
 2 necessary approvals from the Centers for Medicare and Medicaid
 3 Services to amend the state medicaid plan to provide
 4 reimbursements for applied behavior analysis services to
 5 medicaid-eligible students diagnosed with an autism spectrum
 6 disorder.

7 SECTION 4. This Act shall take effect on July 1, 2020.

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INTRODUCED BY:

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S.B. NO. 2085

Report Title:

DOE; Behavior Analysis; Appropriation

Description:

Appropriates funds to the Department of Education to provide public school students with behavior analysis services. Requires the department to seek any necessary approvals from the Centers for Medicare and Medicaid Services to amend the state Medicaid plan to include applied behavior analysis services for eligible students who have been diagnosed with an autism spectrum disorder.

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