

---

---

# 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 2019-2020 and the  
11 same sum or so much thereof as may be necessary for fiscal year  
12 2020-2021 for the department of education to provide public  
13 school students with behavior analysis services performed by the  
14 following individuals:

- 15           (1) Licensed behavior analysts;
- 16           (2) Board certified assistant behavior analysts under the  
17 supervision of one or more licensed behavior analysts;
- 18           (3) Students pursuing a graduate level certificate in  
19 behavior analysis under the supervision of one or more  
20 licensed behavior analysts;
- 21           (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 sums appropriated shall be expended by the department  
20 of 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, 2050.



**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. Effective 7/1/2050. (SD2)

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

