

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Commerce & Consumer Protection
Thursday, April 1, 2021
9:40 a.m.
Via Videoconference**

**On the following measure:
H.B. 471, H.D. 1, S.D. 1, RELATING TO BEHAVIOR ANALYSTS**

WRITTEN TESTIMONY ONLY

Chair Baker and Members of the Committee:

My name is Ahlani Quiogue, and I am the Licensing Administrator of the Department of Commerce and Consumer Affairs' (Department) Professional and Vocational Licensing Division. The Department supports this bill and requests an amendment.

The purpose of this bill is to make permanent the regulation of behavior analysts. The Department supports the bill's intent to make permanent the regulation of behavior analysts to continue protecting the public from the unqualified practice of behavior analysis and from unprofessional conduct by behavior analysts.

As Hawaii Revised Statutes chapter 465D (behavior analysts) is scheduled to be repealed on June 30, 2021, the Department requests that the effective date of this measure be no later than June 29, 2021. The Department would like to ensure that this chapter is not repealed unintentionally if this measure is enacted after June 30, 2021.

Thank you for the opportunity to testify on this bill.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 04/01/2021

Time: 09:40 AM

Location: CR 229 & Videoconference

Committee: Senate Commerce and
Consumer Protection

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: HB 0471, HD1, SD1 RELATING TO BEHAVIOR ANALYSTS.

Purpose of Bill: Makes permanent the regulation of behavior analysts. (SD1)

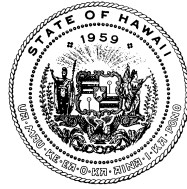
Department's Position:

The Hawaii State Department of Education (Department) supports the intent of HB 0471, HD1, SD1 to continue the regulation and control of the practice of behavior analysts for the purpose of ensuring continued treatment of individuals with autism and protecting the public's health, safety, and welfare.

The Department is committed to providing quality Applied Behavior Analysis services to our students regardless of the continuation of Hawaii Revised Statutes, Chapter 465D.

Thank you for the opportunity to provide testimony on this measure.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB471 HD1 SD1
RELATING TO HEALTH.**

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

SENATOR STANLEY CHANG, VICE CHAIR
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Hearing Date: APRIL 1, 2021

Room Number: Via Videoconference

1 **Department Position:** The Department of Health (DOH) **SUPPORTS** this Measure.

2 **Department Testimony:** The subject matter of this measure falls within the scope of the
3 Department's Behavioral Health Administration (BHA) and its statutory mandate to assure a
4 comprehensive statewide behavioral health care system by leveraging and coordinating public,
5 private, and community resources. Through the BHA, the Department is committed to carrying
6 out this mandate by reducing silos, ensuring behavioral health care is readily accessible, and
7 person-centered. The BHA's Developmental Disabilities Division (DDD) provides the following
8 testimony on behalf of the Department.

9 The DOH-DDD operates Hawaii's §1915(c) Medicaid Home and Community-Based Services
10 Waiver for Individuals with Intellectual and Developmental Disabilities (I/DD) on behalf of the
11 Department of Human Services, MedQUEST Division. DOH-DDD is committed
12 to quality behavioral interventions. A key intervention is the use of Licensed Behavior
13 Analysts, and Licensed Psychologists working within their respective scopes of practice when an
14 adult participant of the I/DD waiver needs a formal Functional Behavioral Analysis
15 and oversight for the implementation of a Behavior Support Plan. The DOH supports that the
16 practice of behavior analysis and licensure of behavior analysts should continue to be regulated
17 to ensure the efficacy of behavior analytic services and access to this much needed resource. The

1 DOH also supports the exemptions in chapter 465D, Hawaii Revised Statutes that help to ensure
2 an adequate workforce for 1915(c) I/DD Medicaid Waiver participants.

3 Thank you for the opportunity to testify.

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March 29, 2021

Senator Rosalyn H. Baker
Chair, Senate Committee on Commerce and Consumer Protection
Hawaii State Capitol

Senator Stanley Chang
Vice Chair, Senate Committee on Commerce and Consumer Protection
Hawaii State Capitol

Hearing Date: April 1, 2021 in CR 229 and via Videoconference

Submitted online via the Hawaii State Legislature website

Re: In Strong Support of HB471 HD1 SD1 Relating to Behavior Analysts

Dear Chair Baker, Vice Chair Chang and members of the committee,

The Council of Autism Service Providers (CASP) is a non-profit association of organizations committed to providing evidence-based care e.g., applied behavior analysis (ABA) to individuals with autism. CASP represents the autism provider community to the nation at large, including government, payers, and the general public. We serve as a force for change, providing information and education and promoting standards that enhance quality.

As highlighted in the December 2020 Hawaii Auditor's Report (no. 20-20), licensing requirements governing the practice of applied behavior analysis protect the health, safety and welfare of those receiving services. CASP concurs with the summary of findings in the auditor's report which supports continued regulation of the profession of applied behavior analysis.

I am writing in strong support of making permanent the regulation of behavior analysts under chapter 465D, Hawaii Revised Statutes. However, as currently drafted, HB471 HD1 SD1 could create a lapse in regulation if the Act were not to take effect on June 30, 2021.

On behalf of CASP and our member organizations that serve individuals with autism in Hawaii, we ask the committee to please amend Section 4 to read, "**This Act shall take effect on June 30, 2021**" and pass HB471 HD1 SD1 as amended.

Thank you for your consideration of our testimony.

Sincerely,



Michael Wasmer
Vice President of Government Affairs and Special Projects
The Council of Autism Service Providers
mwasmer@casproviders.org
913-626-0668



Senate Committee on Commerce and Consumer Protection
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

Tuesday March 30, 2021
Re: HB 471 HD 1, Relating to Behavior Analysis

Testimony submitted via Capitol Website

Dear Chair Baker, Vice Chair Chang, and members of the committee,

The Hawai'i Association for Behavior Analysis (HABA) strongly supports HB 471, HD 1, which would make permanent the regulation of behavior analysts under Hawaii Revised Statutes Chapter 465D.

Since the enactment of the behavior analyst licensure law (Act 199) and autism insurance law (Act 235) in 2015, over 480 behavior analysts have been licensed and over 1500 registered behavior technicians have been credentialed under their supervision in the State. As a result, several thousand keiki and other individuals have received access to applied behavior analysis services. These numbers are continuing to grow to meet the ongoing demand for applied behavior analysis services in the State.

The practice of behavior analysis should continue to be regulated in order to protect consumers from unqualified practitioners, unprofessional conduct, and to ensure high quality services for those who need them. In December 2020, the Auditor released Report No. 20-20: "Sunset Evaluation: Regulation of Behavior Analysts," which supported the continued regulation of the applied behavior analysis profession. The Report specifically found that:

1. Licensing requirements governing the practice of applied behavior analysis are reasonably necessary to protect the health, safety, or welfare of those receiving services, and therefore should be maintained. For example, behavior analysts develop and supervise treatment in cases involving aggressive and impulsive behaviors, including physical aggression, property destruction, and self-injury. Licensing the practice of applied behavior analysis protects consumers by establishing certain minimum qualifications, as treatment by unqualified individuals could worsen behavior and result in other negative social outcomes;
2. Regulation assures that behavior analysts are licensed professionals providing services that are eligible for insurance reimbursement; and
3. Licensing of behavior analysts does not unreasonably restrict entry into the practice of applied behavior analysis in Hawaii and licensing fees cover the cost to administer the program.

HABA supports HB 471, HD 1, SD1, and appreciates that an "upon approval" effective date was inserted in the bill by the prior committee. **However, we would respectfully request that the effective date in the bill be amended to June 29, 2021 to ensure the regulation does not lapse. We have discussed this issue with DCCA and they have concurred with the need for this change in the effective date of the bill.**

I sincerely appreciate the opportunity to testify on this measure and thank you for your continued support of our keiki and families.

Mahalo,

A handwritten signature in black ink, appearing to read 'Roxanne Bristol', written in a cursive style.

Roxanne Bristol
President
Hawai'i Association for Behavior Analysis

HB-471-SD-1

Submitted on: 3/29/2021 3:21:36 PM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	No

Comments:

We are in strong support.

HB-471-SD-1

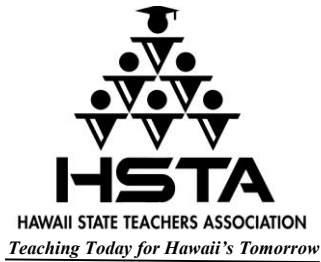
Submitted on: 3/30/2021 4:23:32 AM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Wood	Testifying for BAYADA Behavioral Analysis	Support	No

Comments:

I support this bill and the licensure of behavior analysts. I respectfully request that the bill be amended to reflect [June 29, 2021](#) as the effective date given the current sunset date is [June 30, 2021](#) and want to ensure there is no lapse in the regulation.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee
President
Osa Tui Jr.
Vice President
Logan Okita
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON COMMERCE &
CONSUMER PROTECTION

RE: HB 471, HD1, SD1 - RELATING TO BEHAVIOR ANALYSTS

THURSDAY, APRIL 1, 2021

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Baker and Members of the Committee:

The Hawaii State Teachers Association **supports HB 471, HD1, SD1**, relating to behavior analysis. **This bill makes permanent the regulation of behavior analysts.**

Behavior analysis means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. The practice of behavior analysis includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis, as well as the use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop positive behaviors.

Act 199, Session Laws of Hawaii 2015, established the behavior analyst program within the Department of Commerce and Consumer Affairs and created licensing requirements for behavior analysts. Licensing of behavior analysis services was made concurrent with mandated insurance coverage for diagnosis and treatment related to autism disorders, with which nearly 1,500 public school students are currently diagnosed. Act 205 further clarified the licensing qualifications for those who conduct Functional Behavior Assessments (FBAs), and design and monitor Applied Behavior Analysis (ABA) Plans in our state.

Our teachers sometimes need the support of other professionals who support our students with other areas of expertise; this area is one of them. Health plans should cover these services and these services should remain regulated and licensed accordingly. Although teachers are able to implement these plans, they need Licensed Behavioral Analysts or School Psychologists to conduct FBAs and write ABA plans.

To support access to learning experiences of our most vulnerable keiki, the Hawaii State Teachers Association asks your committee to **support** this bill.

HB-471-SD-1

Submitted on: 3/31/2021 8:26:15 AM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sally McKeever	Testifying for Hawaii Association for Behavior Analysis	Support	No

Comments:

Dear Chair Baker, Vice Chair Chang and members of the Committee:

I would like to offer testimony in **strong support** of House Bill 471 relating to Behavior Analysts.

I am a behavior analyst working with families in our community here in Hawaii. This licensure law is important to me because it will help to ensure that children and their families are receiving the best care from qualified practitioners. Access to behavior analysis services is vital to children and other Hawaii residents, and the continuation of the licensure law provides access that access to them.

Regulation of behavior analysis is needed to maintain the quality of services that our children and families receive. Since the licensure law and autism insurance coverage law in 2015, over 480 behavior analysts and 1400 registered behavior technicians have been licensed or credentialed in the state of Hawaii, and thousands of children and families have received access to applied behavior analysis services. Continued regulation ensures that behavior analysts are licensed professionals providing services to our community that are eligible for public and private insurance reimbursement.

I support HB 471. Please don't let the regulation lapse on June 30th, 2021.

Thank you for the opportunity to testify in SUPPORT of this measure.

Sally McKeever

HB-471-SD-1

Submitted on: 3/31/2021 3:27:26 AM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amanda Kelly	Testifying for Together For Our Keiki	Support	No

Comments:

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

My name is Dr. Amanda Kelly and I am the President of Together For Our Keiki, which is a 501(c)3 non-profit educational advocacy group. We thank you for the opportunity to testify today in support of HB471. Hawai'i was the 42nd state to pass autism insurance coverage (which all 50 states now provide) and the 22nd state to regulate the practice of behavior analysts. Since the inception of the Behavior Analyst licensure law, hundreds of professionals have been licensed and since the passage of autism insurance reform "Luke's Law", thousands of individuals have received access to medically-necessary behavior analysis services. We applaud the legislature for enacting this legislation, for upholding the fidelity of the law, and for the discussions now to make the licensure permanent in Hawai'i.

Again, we thank you for the opportunity to testify today in SUPPORT OF HB471, which seeks to make permanent the licensure for behavior analysts. We are available for questions and additional discussion.

Mahalo,

Amanda N Kelly, PhD, BCBA-D, LBA

[President, Together For Our Keiki](#)

HI Behavior Analyst License #1

HI Elementary Ed Teaching License #53517

HB-471-SD-1

Submitted on: 3/29/2021 10:57:10 AM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John D. Smith	Individual	Support	No

Comments:

I support.

HB-471-SD-1

Submitted on: 3/29/2021 1:07:53 PM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Erin Walters	Individual	Support	No

Comments:

I support making the regulation of behavior analysis permanent and respectfully request the effective date be modified to June 29, 2021 to ensure there is no lapse in the regulation.

HB-471-SD-1

Submitted on: 3/29/2021 1:08:46 PM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chelsea Gornichec	Individual	Support	No

Comments:

Hi,

I support making the regulation of behavior analysis permanent and respectfully request the effective date be modified to June 29, 2021 to ensure there is no lapse in the regulation.

Mahalo,

Chelsea

HB-471-SD-1

Submitted on: 3/29/2021 1:10:48 PM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel Miller	Individual	Support	No

Comments:

I support this bill and the licensure of behavior analysts. I respectfully request that the bill be amended to reflect June 29, 2021 as the effective date given the current sunset date is June 30, 2021 and want to ensure there is no lapse in the regulation.

HB-471-SD-1

Submitted on: 3/29/2021 1:45:04 PM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marchet Fullum	Individual	Support	No

Comments:

I support this bill and the licensure of behavior analysts. I respectfully request that the bill be amended to reflect June 29, 2021 as the effective date given the current sunset date is June 30, 2021 and want to ensure there is no lapse in the regulation.

HB-471-SD-1

Submitted on: 3/29/2021 1:51:44 PM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Torres	Individual	Support	No

Comments:

I support making the regulation of behavior analysis permanent and respectfully request the effective date be modified to June 29, 2021 to ensure there is no lapse in the regulation.

HB-471-SD-1

Submitted on: 3/29/2021 4:15:54 PM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Ebisui	Individual	Support	No

Comments:

I strongly support the continued regulation of the practice of behavior analysis and removal of the sunset for this law.

HB-471-SD-1

Submitted on: 3/29/2021 2:38:25 PM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Josliene Miller	Individual	Support	No

Comments:

I support HB471 SD1 for the continued regulation of behavior analysis, but request the committee please revise for an effective date of June 29, 2021 to ensure there is no gap with the current law's sunset date of June 30.

HB-471-SD-1

Submitted on: 3/30/2021 9:34:46 AM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Roxanne Bristol	Individual	Support	No

Comments:

Dear Chair Baker, Vice Chair Chang and members of the Committee:

I would like to offer testimony in strong support of House Bill 471 relating to Behavior Analysts.

Thank you for this opportunity to submit testimony on HB 471 HD1 SD 1. I am a behavior analyst, a parent and a HABA board member. I have had the honor of being a part of this tremendous community since 2016 and have been continually inspired by the passion of the diverse community of professionals supporting applied behavior analysis (ABA) services across multiple settings. This measure is not only important to me as a practitioner of behavior analysis, but also as a member of this community. I have been able to see firsthand how it positively impacts individuals, families, and all recipients of behavior analysis services. I am passionate about disseminating our science and fostering collaboration among our profession to build capacity and continue to support the training, education, and supervision of behavior analyst throughout the state. This measure supports our efforts to meet the growing needs of our community and help to grow future practitioners who are rooted here in Hawaii and understand the unique culture of the individuals and families we support. I strongly support for the regulation of behavior analysis to be permanent as outlined in this measure.

Since the enactment of the behavior analyst licensure law (Act 199) and autism insurance law (Act 235) in 2015, over 480 behavior analysts have been licensed and over 1400 registered behavior technicians have been credentialed under their supervision in the State. As a result, several thousand children and other individuals have received access to applied behavior analysis services. These numbers are continuing to grow to meet the ongoing demand for applied behavior analysis services in the State.

I support HB 471. Please don't let the regulation lapse on June 30th, 2021.

Thank you for the opportunity to testify in SUPPORT of this measure.

Roxanne Bristol

HB-471-SD-1

Submitted on: 3/30/2021 8:57:12 AM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Leslie Allison Schurtz	Individual	Support	No

Comments:

I support HB471 SD1 for the continued regulation of behavior analysis, but request the committee please revise for an effective date of June 29, 2021 to ensure there is no gap with the current law's sunset date of June 30.

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

415 South Beretania Street
Honolulu, HI 96813
Room 229 via video conference

April 1, 2021
9:40 am

SUPPORT of HB 471 HD1 SD1

Honorable Chair Baker, Vice Chair Chang, and members of the Committee:

Thank you for the opportunity to submit testimony in support of this important bill, HB 471 HD1 SD1 relating to behavior analysts.

My name is Kristen Koba-Burdt and I am a licensed behavior analyst living and practicing on Maui. Additionally, I serve as the Autism Speaks Volunteer Advocacy Ambassador for the state of Hawai'i.

I fully support this bill making the regulation of the practice of behavior analysis permanent by removing the sunset. The continuation of the licensure law was supported by the State Auditor's report and ensures the continued consumer protections afforded by this law which is vital for the vulnerable population we serve. I respectfully request the Committee amend SECTION 4 to read ~~This Act shall take effect upon its approval~~ **"This Act shall take effect on June 30, 2021."**

Thank you,



Kristen Koba-Burdt, BCBA, LBA
Autism Speaks Volunteer Advocacy Ambassador
Maui

HB-471-SD-1

Submitted on: 3/30/2021 10:13:44 AM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Burdt	Individual	Support	No

Comments:

I support the continued regulation of the practice of behavior analysis and request the committee amend the effective date in Section 4 to read **“This Act shall take effect on June 30, 2021.”**

Mahalo for supporting this bill.

Brian Burdt, M.A.

Maui

HB-471-SD-1

Submitted on: 3/30/2021 11:56:48 AM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Hogan	Individual	Support	No

Comments:

Dear Chair Baker, Vice Chair Chang and members of the Committee:

I would like to offer testimony in **strong support** of House Bill 471 relating to Behavior Analysts..

Since the enactment of the behavior analyst licensure law (Act 199) and autism insurance law (Act 235) in 2015, over 480 behavior analysts have been licensed and over 1400 registered behavior technicians have been credentialed under their supervision in the State. As a result, several thousand keiki and other individuals have received access to applied behavior analysis services. These numbers are continuing to grow to meet the ongoing demand for applied behavior analysis services in the State.

The practice of behavior analysis should continue to be regulated in order to protect consumers from unqualified practitioners, unprofessional conduct, and to ensure high quality services for those who need them. In December 2020, the Auditor released Report No. 20-20: "Sunset Evaluation: Regulation of Behavior Analysts," which supported the continued regulation of the applied behavior analysis profession. The Report specifically found that:

1. Licensing requirements governing the practice of applied behavior analysis are reasonably necessary to protect the health, safety, or welfare of those receiving services, and therefore should be maintained. For example, behavior analysts develop and supervise treatment in cases involving aggressive and impulsive behaviors, including physical aggression, property destruction, and self-injury. Licensing the practice of applied behavior analysis protects consumers by establishing certain minimum qualifications, as treatment by unqualified individuals could worsen behavior and result in other negative social outcomes;

1. Regulation assures that behavior analysts are licensed professionals providing services that are eligible for insurance reimbursement; and

1. Licensing of behavior analysts does not unreasonably restrict entry into the practice of applied behavior analysis in Hawaii and licensing fees cover the cost to administer the program.

I support HB 471. Please don't let the regulation lapse on June 30th, 2021.

Thank you for the opportunity to testify in SUPPORT of this measure.

Ashley Hogan MA., LBA, BCBA

Vice President, Hawaii Association for Behavior Analysis

Dear Chair Baker, Vice Chair Chang and members of the Committee:

I strongly support HB 471 in regards to Behavior Analysts.

Please don't let the regulation lapse on June 30th, 2021.

I am a parent of a child with a disability and a registered behavior technician working in a public middle school. I have worked in DOE special education classrooms for over 3 years. This licensure law is important to me because many children with disabilities were not being provided Evidence based services before Applied Behavior Analysis was brought into the public schools here in Hawaii. ABA in the schools ensures that the services being provided to our keiki with special needs are not only evidence based, but that the Registered Behavior Technician's that work 1:1 with students with disabilities are being supervised by experienced licensed behavioral analysts.

The continued licensure of behavioral analysts provides much needed access to services for keiki and other Hawaii residents. Since the enactment of the licensure law and autism insurance coverage law in 2015, over 480 behavior analysts and 1400 registered behavior technicians have been licensed or credentialed in the State. Thousands of individuals have received access to applied behavior analysis services. Regulation of behavior analysts is needed to ensure demand for services continues to be met, and to maintain the quality of services. Continued regulation ensures that behavior analysts are **licensed professionals providing services** that are eligible for public and private insurance reimbursement.

If you had a child with a disability who needed behavioral services while at school, wouldn't you want the person working with your child to be a trained, licensed professional who is required to be supervised by a Licensed Behavior Analyst?

Thank you for your time and for considering how this bill will affect the already underserved, struggling children that are currently receiving services from BCBA's and RBT's in Hawaii's public schools.

Sincerely,

Brandi M. Picardal

94-1415 Welina Lp. Apt. 8B

Waipahu, HI 96797

Hana-Elise Lambur

2500 Campus Rd

Honolulu, HI 96822

(714) 312-9124

hlambur@hawaii.edu

30 March 2021

To: House of Representatives, Thirty-First Legislature, 2021 State
of Hawai'i

From: Hana-Elise Lambur, MSW Student

Date: April 01, 2021 09:40 AM

Video Conferencing, Conference Room 229

Re: Testimony on H.B. 471 HD1 SD1 Relating to Behavior Analysts.

Thank you for the opportunity to submit testimony on this bill, which would allow all myself, a fellow graduate student of the University of Hawai'i at Mānoa, to attend community meetings or presentations. As a social worker graduate student of this university, I hereby approve this bill. I have been attending this school since Fall of 2019 to pursue a Master level degree in the field of social work. My time here as a student, I have grown to understand and acknowledge the importance of enacting a regulatory structure for behavior analysts.

The statement provided by H.B. No. 471, acknowledges “the purpose of this Act is to make permanent the regulation of behavior analysts under chapter 465D, Hawaii Revised Statutes.” The bill also states, “licensing requirements governing the practice of applied behavior analysis are reasonably necessary to protect the health, safety, or welfare of those receiving services, and therefore should be maintained. In particular, behavior analysts develop and supervise treatment in cases involving aggressive and impulsive behaviors, including physical aggression, property destruction, and self-injury.” Following this statement, as a student within the field of social services, personally, I have found the greater value of specified support and services available for the community for the betterment of the environment and lifestyle for individuals in need. For example, while working within the

Department of Education in Hawai‘i, I have had the pleasure to work with many students who are diagnosed with autism spectrum disorder (ASD). With this being said, I have seen the power of behavior analysts and their positive implementation to improve social, communication, and learning skills through positive reinforcement. With the significance behavior analysts provide, as stated in the bill, “licensing the practice of applied behavior analysis protects consumers by establishing certain minimum qualifications, as treatment by unqualified individuals could worsen behavior and result in other negative social outcomes.” Conventional and qualified professionals should be held accountable since they weigh a heavy impact on our society.

Thus, with the presented bill, as a social worker graduate student of the University of Hawai‘i at Mānoa, I hereby recommend that this Committee pass this bill. Thank you for the opportunity to testify.

Hana-Elise Lambur

HB-471-SD-1

Submitted on: 3/31/2021 5:28:14 AM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Penland	Individual	Support	No

Comments:

Dear Chair Baker, Vice Chair Chang and members of the Committee:

I would like to offer testimony in strong **support** of House Bill 471 relating to Behavior Analysts. Regulation of behavior analysts is needed to ensure demand for services continues to be met, and to maintain the quality of services.

Thank you for the opportunity to testify in SUPPORT of this measure.

Kathleen Penland, M. Ed., BCBA

Dear Chair Baker, Vice Chair Chang and members of the Committee:

Thank you for the opportunity to testify in support of HB471 relating to the practice of behavior analysis.

I want to offer testimony in **strong support** of House Bill 471 relating to Behavior Analysts.

I am a behavior analyst, parent, and concerned member of the community. I support this bill to ensure the regulation of the practice of behavior analysis continues. Since the enactment of the behavior analyst licensure law (Act 199) and autism insurance law (Act 235) in 2015, over 480 behavior analysts have been licensed and over 1500 registered behavior technicians have been credentialed under their supervision in the State. As a result, several thousand keiki and other individuals have received access to applied behavior analysis services. These numbers are continuing to grow to meet the ongoing demand for applied behavior analysis services in the State.

The practice of behavior analysis should continue to be regulated in order to protect consumers from unqualified practitioners, unprofessional conduct, and to ensure high quality services for those who need them. In December 2020, the Auditor released Report No. 20-20: "Sunset Evaluation: Regulation of Behavior Analysts," which supported the continued regulation of the applied behavior analysis profession. The Report specifically found that:

1. Licensing requirements governing the practice of applied behavior analysis are reasonably necessary to protect the health, safety, or welfare of those receiving services, and therefore should be maintained. For example, behavior analysts develop and supervise treatment in cases involving aggressive and impulsive behaviors, including physical aggression, property destruction, and self-injury. Licensing the practice of applied behavior analysis protects consumers by establishing certain minimum qualifications, as treatment by unqualified individuals could worsen behavior and result in other negative social outcomes;
2. Regulation assures that behavior analysts are licensed professionals providing services that are eligible for insurance reimbursement; and
3. Licensing of behavior analysts does not unreasonably restrict entry into the practice of applied behavior analysis in Hawaii and licensing fees cover the cost to administer the program.

I strongly support HB 471, HD1, and requests a clean date to ensure the regulation does not lapse on 06/30/2021.

Mahalo for the opportunity to testify on this measure,

A handwritten signature in black ink that reads "Kyle Machos". The signature is written in a cursive style and is positioned above a horizontal line.

Kyle Machos MS., BCBA, LBA

HB-471-SD-1

Submitted on: 3/31/2021 8:26:04 AM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Krekel	Individual	Support	No

Comments:

Dear Chair Baker, Vice Chair Chang and members of the Committee:

I would like to offer testimony in **strong support** of House Bill 471 relating to Behavior Analysts.

This bill is important to me because I am a behavior analyst, parent of a child with a disability, and community stakeholder who is passionate about ensuring that the right to effective treatment for some of our most vulnerable keiki remains protected. I have worked in the field of education, mental health and behavior analysis for over a decade. Over the years I have seen first hand how high quality applied behavior analysis services delivered by licensed professionals and appropriately trained professionals have helped change the quality of life for hundreds of individuals and their families, including my own.

The practice of behavior analysis should continue to be regulated in order to protect consumers from unqualified practitioners, unprofessional conduct, and to ensure high quality services for those who need them.

I appreciate that an “upon approval” effective date was inserted in the bill by the prior committee. **However, I would respectfully request that the effective date in the bill be amended to June 29, 2021 to ensure the regulation does not lapse.**

I support HB 471. Please don't let the regulation lapse on June 30th, 2021.

Mahalo for the opportunity to testify in SUPPORT of this measure.

Sincerely,

Deborah Krekel MSCP, BCBA, LBA

HB-471-SD-1

Submitted on: 3/31/2021 11:46:20 AM

Testimony for CPN on 4/1/2021 9:40:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Kahaleno Kamalani	Individual	Support	No

Comments:

Dear Chair Baker, Vice Chair Chang, and members of the Committee:

Thank you for the opportunity to submit testimony in **support** of House Bill 471 relating to Behavior Analysts.

My name is Noe Kamalani, and I am a parent, educator, practicing licensed behavior analyst, and member of the Oahu community. Additionally, I serve as the Events Chair for the Hawaii Association for Behavior Analysis (HABA).

I strongly support this bill in removing the sunset, thus making permanent the behavior analyst licensure law. This is important to me as it ensures continued consumer protection for recipients of applied behavior analysis services who are often our most vulnerable community members.

Mahalo,

Kahaleno Kamalani, BCBA, LBA



LATE

Dear Chair Baker, Vice Chair Chang and members of the Committee:

I would like to offer testimony in **strong support** of House Bill 471 relating to Behavior Analysts.

I am an Assistant Behavior Analyst (BCaBA) and behavior analysis student. As a behavior analysis professional for the past 8 years and student for some of that time, I have witnessed the hard work and dedication that behavior analysts endure in order to ethically practice behavior analysis to the best of their abilities. Through the BACB, behavior analysts work under a code of ethics promoting professionalism, keeping up to date with ABA technologies, and ensuring that those we serve are treated with respect and receive the best services available to them.

The continued licensure of behavioral analysts provides much needed access to services for keiki and other Hawaii residents. Since the enactment of the licensure law and autism insurance coverage law in 2015, over 480 behavior analysts and 1400 registered behavior technicians have been licensed or credentialed in the State. Thousands of individuals have received access to applied behavior analysis services. Regulation of behavior analysts is needed to ensure demand for services continues to be met, and to maintain the quality of services. Continued regulation ensures that behavior analysts are licensed professionals providing services that are eligible for public and private insurance reimbursement.

I support HB 471. Please don't let the regulation lapse on June 30th, 2021.

Thank you for the opportunity to testify in SUPPORT of this measure.

Alexandra Sagastume, BCaBA
Marketing Chair
Hawaii Association for Behavior Analysis