

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  
House Committee on Consumer Protection & Commerce  
Thursday, February 11, 2021  
2:00 p.m.  
Via Videoconference**

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

Chair Johanson and Members of the Committee:

My name is Dorene Eddy, and I am the Program Specialist of the Department of Commerce and Consumer Affairs' (Department) Professional and Vocational Licensing Division. The Department supports this bill.

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.

Thank you for the opportunity to testify on this bill.



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

**Date:** 02/11/2021

**Time:** 02:00 PM

**Location:** 329 Via Videoconference

**Committee:** House Consumer Protection  
& Commerce

**Department:** Education

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

**Title of Bill:** HB 0471 RELATING TO BEHAVIOR ANALYSTS.

**Purpose of Bill:** Makes permanent the regulation of behavior analysts.

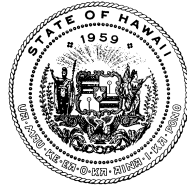
**Department's Position:**

The Hawaii State Department of Education (Department) supports the intent of HB 471 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 (HRS), Chapter 465D.

At this time, the Department would like to respectfully recommend the amendments proposed in SB 616 be passed and adopted in order to modify the exemptions allowed under HRS Chapter 465D. Passing both HB 471 and SB 616 will reinforce the Department's mission to provide quality services to students while maintaining fiscal responsibility during a time of fiscal uncertainty.

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](http://www.hawaiipublicschools.org).



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

**Testimony COMMENTING on HB471  
RELATING TO HEALTH.**

REPRESENTATIVE AARON LING JOHANSON, CHAIR  
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

REPRESENTATIVE LISA KITAGAWA, VICE CHAIR  
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

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

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

3 Thank you for the opportunity to testify.

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**HB-471**

Submitted on: 2/9/2021 12:59:15 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Erteschik	Hawaii Disability Rights Center	Support	No

Comments:

We are in full support.



House Committee on Consumer Protection and Commerce  
Representative Aaron Ling Johanson, Chair  
Representative Lisa Kitagawa, Vice Chair

Wednesday, February 10, 2021

Re: HB 471, Relating to Behavior Analysis

**TESTIMONY IN SUPPORT ON HB 471**

Dear Chair Johanson, Vice Chair Kitagawa, and members of the Committee:

The Hawai'i Association for Behavior Analysis (HABA) ***strongly supports*** HB 471. This bill makes permanent the regulation of behavior analysts under Hawai'i 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.

**I would like to suggest that HB 471 be amended to delete the sunset date of June 30, 2021 of the bill, which makes the regulation of behavior analysis permanent with an effective date of June 29, 2021.**

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

House Committee on Consumer Protection and Commerce  
Representative Aaron Ling Johanson, Chair  
Representative Lisa Kitagawa, Vice Chair

Wednesday, February 10, 2021

Re: HB 471, Relating to Behavior Analysis

**TESTIMONY IN SUPPORT OF HB 471**

Dear Chair Johanson, Vice Chair Kitagawa, and members of the Committee:

I am a behavior analyst and ***I support HB471***. This bill makes permanent the regulation of behavior analysts under Hawai'i Revised Statutes Chapter 465D.

It is incredibly important for us to have qualified practitioners for families seeking help for their keikis. These families are often stressed, deperate, and vulnerable. They do not need unqualified practitioners with empty promises to fix or cure their keiki with programs that are not based on scientific research.

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:

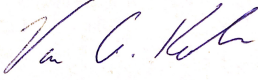
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2. Regulation assures that behavior analysts are licensed professionals providing services that are eligible for insurance reimbursement; and
3. Licensing of behavior analysts does not unreasonably restrict entry into the practice of applied behavior analysis in Hawaii and licensing fees cover the cost to administer the program.

**I would like to support the bill as is.**



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 blue ink, appearing to read "Van A. Kober". The signature is fluid and cursive, with the first name "Van" and the last name "Kober" clearly distinguishable.

Van Anna Kober, BCBA

**HB-471**

Submitted on: 2/10/2021 6:40:36 AM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lara Bollinger	Together For Our Keiki	Support	No

Comments:

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

My name is Lara Bollinger and I represent Together For Our Keiki, which is a non-profit 501c(3) special education advocacy organization. We appreciate the opportunity to testify on HB471, which seeks to make permanent behavior analyst licensure in the state of Hawaii. We are writing today in **STRONG SUPPORT** of HB471, as licensure for behavior analysts ensures an increased level of consumer protection for our most vulnerable keiki and adults.

Mahalo,

Lara Bollinger, JD, BCBA, LBA

Vice President, Together For Our Keiki

[www.fourkeiki.com](http://www.fourkeiki.com)



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
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Corey Rosenlee  
President

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Vice President

Logan Okita  
Secretary-Treasurer

Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON CONSUMER  
PROTECTION & COMMERCE

RE: HB 471 - RELATING TO BEHAVIOR ANALYSTS

THURSDAY, FEBRUARY 11, 2021

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Johanson and Members of the Committee:

The Hawaii State Teachers Association **supports HB 471**, 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**

Submitted on: 2/9/2021 1:24:56 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Roxanne Bristol	Individual	Support	No

Comments:

House Committee on Consumer Protection and Commerce

Representative Aaron Ling Johanson, Chair

Representative Lisa Kitagawa, Vice Chair

Wednesday, February 10, 2021

Re: HB 471, Relating to Behavior Analysis

**TESTIMONY IN SUPPORT ON HB 471**

Dear Chair Johanson, Vice Chair Kitagawa, and members of the Committee:

Thank you for this opportunity to submit testimony on HB 471. 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 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 would like to suggest that HB 471 be amended to delete the sunset date of June 30, 2021 of the bill, which makes the regulation of behavior analysis permanent with an effective date of June 29, 2021.**

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

Mahalo,

Roxanne Bristol, President

Hawai'i Association for Behavior Analysis



**HB-471**

Submitted on: 2/9/2021 1:52:55 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amoy Hugh-Pennie	Individual	Support	No

Comments:

House Committee on Consumer Protection and Commerce

Representative Aaron Ling Johanson, Chair

Representative Lisa Kitagawa, Vice Chair

Wednesday, February 9, 2021

Re: HB 471, Relating to Behavior Analysis

TESTIMONY IN SUPPORT OF HB 471

Dear Chair Johanson, Vice-Chair Kitagawa, 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 Board Certified Behavior Analyst-Doctoral Designation, Hawai'i LBA, Instructor of a Verified Course Sequence to prepare BCaBAs and BCBA's. Additionally, I am a permanent New York State Certified Special Education Teacher and School Administrator. I have been practicing across both fields for 25 years. I have taught at the graduate level in both Special Education Teacher Licensing programs and ABA Certification Courses in the USA and internationally.

This licensure law is important to me as a parent of a child with ADHD and as a professional. The current rate of growth and demand for services exceedingly outweighs the number of qualified professionals who can provide services in the State of Hawai'i and beyond.

As a rapidly growing field with many professionals, paraprofessionals, and others in adjacent fields with some training claiming to understand and be able to implement practices of Applied Behavior Analysis it is of the utmost importance to continue to provide regulations to ensure basic minimal competencies are required for its practice with oversight, supervision, and ongoing education and professional development to ensure the protection of consumers who have a right to effective services by a competent behavior analyst. 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 BACB (Behavior Analyst Certification Board) has and continues to make additional changes to their certification process so that other professionals who have completed experience hours in adjacent and related fields concentrated in ABA (such as Psychologists, Social Workers, or Educators) may also qualify for certification as Behavior Analysts. This will increase future applications for licensure in the state of Hawaii through proper credentialing with the greater professional association (ABAI) Association for Behavior Analysis International allowing for future revisions to the bill without ongoing exemptions for non-certified ABA Professionals as Licensed Behavior Analysts in the state of Hawai'i.

This bill continues to provide a way to ensure consumer protection by ensuring that highly qualified individuals are designated as the providers of ABA services in the State of Hawai'i. Making us 1 of 31 States with Licensing for Behavior Analysts.

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

Dr. Amoy Hugh-Pennie, Ph.D., BCBA-D, LBA



**HB-471**

Submitted on: 2/9/2021 1:58:58 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Deborah Krekel	Individual	Support	No

Comments:

House Committee on Consumer Protection and Commerce

Representative Aaron Ling Johanson, Chair

Representative Lisa Kitagawa, Vice Chair

February 11, 2021

Re: HB 471, Relating to Behavior Analysis

**TESTIMONY IN SUPPORT OF HB 471**

Dear Chair Johanson, Vice Chair Kitagawa, and members of the Committee:

I support HB471 with amendments. This bill makes permanent the regulation of behavior analysts under Hawai'i Revised Statutes Chapter 465D.

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.

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 would like to suggest that HB 471 be amended to delete the sunset date of June 30, 2021 of the bill, which makes the regulation of behavior analysis permanent with an effective date of June 29, 2021.**

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

Mahalo,

Deborah Krekel MSCP, BCBA, LBA

**HB-471**

Submitted on: 2/9/2021 2:08:56 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Naomi Tachera	Individual	Support	No

Comments:

House Committee on Consumer Protection and Commerce

Representative Aaron Ling Johanson, Chair

Representative Lisa Kitagawa, Vice Chair

Tuesday, February 9, 2021

Re: HB 471, Relating to Behavior Analysis

TESTIMONY IN SUPPORT OF HB 471

Dear Chair Johanson, Vice Chair Kitagawa, and members of the Committee:

I am an parent of two children with autism, a licensed special education teacher, a Native Hawaiian born and raised here. I support HB471 with amendments. This bill makes permanent the regulation of behavior analysts under Hawai'i Revised Statutes Chapter 465D.

I have been advocating for Applied Behavior Analysis in legislation since 2016, but even before that when my son was the first in the State of Hawai'i to receive ABA through Medicaid before the insurance law had even passed. Since his diagnosis in 2013 I have sough many solutions to fill the needs in our communities, from going back to college, raising monies for non profits, volunteering, becoming a licensed SPED teacher, as well as pursuing board certification. We need this licensure to be permanent. I can tell you the ABA has no doubt made an incredible positive impact on our lives! Both my children can now communicate functionally, read, write, get hair cuts, go shopping, and so many everyday things others take for granted. ABA has given us all hope and skills for their future.

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.

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

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 would like to suggest that HB 471 be amended to delete the sunset date of June 30, 2021 of the bill, which makes the regulation of behavior analysis permanent with an effective date of June 29, 2021.

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

Mahalo,

Naomi Tachera



**HB-471**

Submitted on: 2/9/2021 2:21:14 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

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

Comments:

**Dear Chair Johanson, Vice Chair Kitagawa, and members of the Committee:**

**I am a behavior analyst and I support HB471 with amendments. This bill makes permanent the regulation of behavior analysts under Hawai'i 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.**

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- 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 would like to suggest that HB 471 be amended to delete the sunset date of June 30, 2021 of the bill, which makes the regulation of behavior analysis permanent with an effective date of June 29, 2021.**

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

**Mahalo,**

Erin Walters, MS, BCBA, LBA



**HB-471**

Submitted on: 2/9/2021 2:46:24 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marchet Fullum	Individual	Support	No

Comments:

I support HB 471 RELATING TO BEHAVIOR ANALYSTS. Thank you for moving forward with this.

**HB-471**

Submitted on: 2/9/2021 2:46:29 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Josliene Miller	Individual	Support	No

Comments:

I support to make this law permanent

**HB-471**

Submitted on: 2/9/2021 2:56:35 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrew Torres	Individual	Support	No

Comments:

**House Committee on Consumer Protection and Commerce**

**Representative Aaron Ling Johanson, Chair**

**Representative Lisa Kitagawa, Vice Chair**

**Wednesday, February 10, 2021**

**Re: HB 471, Relating to Behavior Analysis**

**TESTIMONY IN SUPPORT OF HB 471**

**Dear Chair Johanson, Vice Chair Kitagawa, and members of the Committee:**

**I am a behavior analyst and I support HB471 with amendments. This bill makes permanent the regulation of behavior analysts under Hawai'i Revised Statutes Chapter 465D.**

**As a licensed and certified behavior analyst, this bill is critical to ensure that the populations we serve are being provided ABA services by qualified and regulated practitioners.**

**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.**

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- 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 would like to suggest that HB 471 be amended to delete the sunset date of June 30, 2021 of the bill, which makes the regulation of behavior analysis permanent with an effective date of June 29, 2021.**

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

**Mahalo,**

**Andrew Torres**

**HB-471**

Submitted on: 2/9/2021 3:02:31 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel Miller	Individual	Support	No

Comments:

As a licensed behavior analyst in the state of Hawaii I strongly support making the licensure law for behavior analysts permanent.

**HB-471**

Submitted on: 2/9/2021 3:09:46 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chelsea Gornichec	Individual	Support	No

Comments:

Dear Chair Johanson, Vice Chair Kitagawa, and members of the Committee:

I am a community member I support HB471 with amendments. This bill makes permanent the regulation of behavior analysts under Hawai'i 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.

**I would like to suggest that HB 471 be amended to delete the sunset date of June 30, 2021 of the bill, which makes the regulation of behavior analysis permanent with an effective date of June 29, 2021.**

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

Mahalo,

Chelsea Gornichec



HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

415 South Beretania Street  
Honolulu, HI 96813  
Room 329 via video conference

February 11, 2021  
2:00 pm

**SUPPORT of HB 471**

Honorable Chair Johanson, Vice Chair Kitagawa, and members of the Committee:

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

My name is Kristen Koba-Burdtt 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.

Thank you,



Kristen Koba-Burdtt, BCBA, LBA  
Autism Speaks Volunteer Advocacy Ambassador

**HB-471**

Submitted on: 2/9/2021 3:36:01 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eliza Lipp	Individual	Support	No

Comments:

I strongly support HB 471 to make the licensure law permanent.

**HB-471**

Submitted on: 2/9/2021 3:44:40 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Makena Lau	Individual	Support	No

Comments:

**House Committee on Consumer Protection and Commerce**

**Representative Aaron Ling Johanson, Chair**

**Representative Lisa Kitagawa, Vice Chair**

**Wednesday, February 10, 2021**

**Re: HB 471, Relating to Behavior Analysis**

**TESTIMONY IN SUPPORT OF HB 471**

**Dear Chair Johanson, Vice Chair Kitagawa, and members of the Committee:**

**I am a Board Certified Behavior Analyst and I support HB471. This bill makes permanent the regulation of behavior analysts under Hawai'i Revised Statutes Chapter 465D.**

**I have been practicing as a licensed behavior analyst in the state of Hawaii for the past three years, and practiced as a credentialed BCaBA and RBT for four years prior to becoming a BCBA. Within my experience, I have heard countless stories of parents transitioning from one ABA company to another, trying to find quality**

**services for their children. Their concerns may have been due to lack of following ethical guidelines, effectiveness of interventions put into place, or the licensure of the employees at said company. By making permanent the regulation of behavior analysts in the state of Hawaii, it is my hope that our field can come to expect higher quality services across the board from all ABA companies. This would be accomplished by weeding out any of the people who are currently practicing within our field without the proper credentials or licensure.**

**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 would like to support the bill as is.**

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

**Mahalo,**

**Makena Lau**

**HB-471**

Submitted on: 2/9/2021 4:05:38 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melissa Tamashiro	Individual	Support	No

Comments:

I am in support of the licensure law. As a BCBA working with the DOE, I know that teachers can be stretched so thin. I would be worried that not having the clinical competency to write and implement BIPs and FBAs could cause serious harm to a student. I worry that severe self injury or aggression, without proper clinical support, could be dangerous to the client and staff. Even new BCBA's need support and guidance to work within their competency and often seek mentorship to provide quality services to their clients.

**HB-471**

Submitted on: 2/9/2021 4:10:17 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeffrey Krepps	Individual	Support	No

Comments:

**Re: HB 471, Relating to Behavior Analysis**

Dear Chair Johanson, Vice-Chair Kitagawa, and members of the CPC Committee:

As a community member and someone who has worked with keiki with autism for over twenty years in the State of Hawai'i, I support HB471. I have been a direct service provider, an operational, business and community leader in various roles supporting children with special needs, This bill makes sense. By making permanent the regulation of behavior analysts under HRS 465D we will continue the trend of increasing kokua for those with autism and developmental disabilities.

I have seen firsthand how the application of behavioral analysis has professionalized in our state over the last two decades. The quality and accountability of care for those with autism has greatly improved with the certification and subsequent licensure of behavior analysts. Applied Behavior Analysis (ABA) has helped protect keiki from quackery and abuse. I don't say this lightly. I have seen some truly horrifying applications of behavior modification over the years that would not fly today in no small part due to the regulation of behavior analysis.. Currently, we have protections, not everyone can wave the magic wand and say they are a behavior analyst. Credentials and consumer affairs protect us.

As a result of licensure, several thousand keiki and other individuals have received access to competent and confirmed ABA services. Demand for these services continues to grow. With this demand, 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.

Thanks for the opportunity to testify and your continuing dedication to individuals in need of professional ABA services, including but not limited to those with special education and behavioral needs, especially those with autism and developmental disabilities.

Mahalo for your consideration,

Jeffrey Krepps

Kailua-Kona

Moku o Keawe



**HB-471**

Submitted on: 2/9/2021 9:19:33 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Burdt	Individual	Support	No

Comments:

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

**HB-471**

Submitted on: 2/9/2021 9:52:16 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cheryl Ebisui	Individual	Support	No

Comments:

House Committee on Consumer Protection and Commerce

Representative Aaron Ling Johanson, Chair

Representative Lisa Kitagawa, Vice Chair

Wednesday, February 10, 2021

Re: HB 471, Relating to Behavior Analysis

TESTIMONY IN SUPPORT OF HB 471

Dear Chair Johanson, Vice Chair Kitagawa, and members of the Committee:

I am a Behavior Analyst and I support HB471. This bill makes permanent the regulation of behavior analysts under Hawai'i 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.

I would like to support the bill as is.

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

Mahalo,

Cheryl Ebisui

**HB-471**

Submitted on: 2/10/2021 6:18:22 AM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeanette White	Individual	Support	No

Comments:

**HB-471**

Submitted on: 2/10/2021 6:22:49 AM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mr and Mrs John McComas	Individual	Support	No

Comments:

In support.

Thank you.

**HB-471**

Submitted on: 2/10/2021 6:28:04 AM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr. Amanda Kelly	Individual	Support	No

Comments:

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

Thank you for the opportunity to testify on HB471, which seeks to make permanent licensure of behavior analyst in the state of Hawaii. I am writing today in **STRONG SUPPORT** of this measure, as licensure for behavior analysts ensures an increased level of consumer protection for our most vulnerable keiki and adults.

Mahalo nui,

Amanda N. Kelly, PhD, BCBA-D, LBA

Behavior Analyst License #1 / Teacher License #53512

**HB-471**

Submitted on: 2/10/2021 7:46:53 AM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dallas Star	Individual	Support	No

Comments:

Our children, vulnerable adults, and families in Hawaii who require Applied Behavior Analysis deserve practitioners that are licensed to provide this service. Our state medicaid and department of education pay for these services, in addition to private insurance. This law ensures that taxpayer dollars are going to qualified licensed providers and that medically necessary services are provided by licensed providers.

**HB-471**

Submitted on: 2/10/2021 8:34:56 AM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leslie Allison Schurtz	Individual	Support	No

Comments:

I support in order to make the licensure law permanent



**HB-471**

Submitted on: 2/10/2021 8:35:10 AM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anastasia Keller-Collins	Individual	Support	No

Comments:

Dear Chair Johanson, Vice Chair Kitagawa, and members of the Committee:

***I am a behavior analyst and support HB471.*** This bill makes permanent the regulation of behavior analysts under Hawai'i Revised Statutes Chapter 465D.

To have access to behavior analysis, the number one treatment for autism, should not be replaced with other services or by other individual disciplines, that have not been shown to have the same effectiveness. There is evidence to show the increase in resources over the past two years and gives reason to continue with the same programs and supports.

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 would like to support the bill as is.**

**HB-471**

Submitted on: 2/10/2021 10:48:03 AM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
FRED K YUEN	Individual	Support	No

Comments:

**Dear Chair Johanson, Vice Chair Kitagawa, and members of the Committee:**

**I am a behavior analyst. I support HB471. This bill makes permanent the regulation of behavior analysts under Hawai'i Revised Statutes Chapter 465D.**

**I have been working and supporting individuals with Autism since 1998. I have seen the most significant improvement in services since ABA has been regulated in Hawaii. I have seen providers hold more responsibility and higher standards. This has not decreased the amount of need but actually improved the amount of need by decreasing inappropriate services and decreasing time spent on inappropriate personnel. ABA providers are required to make significant improvements and thus allowing all of our serviced individuals faster growth and independence.**

**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 would like to support the bill as is.**

**I sincerely appreciate the opportunity to testify on this measure and thank you for your continued support of our keiki and families. Please do not allow other interests to convince you that ABA is not working or that ABA licensure isn't enough to keep up with the need for ABA. We have met the challenge of increasing licensed personnel and will only continue to meet the state's need.**

**Mahalo,**

**Fred Yuen, LBA, BCBA, M.S.**

**HB-471**

Submitted on: 2/10/2021 11:01:29 AM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathy Lyn Rocha	Individual	Support	No

Comments:

In support of HB471

Thank you!

**HB-471**

Submitted on: 2/10/2021 1:28:18 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alissa Harris	Individual	Support	No

Comments:

As a licensed behavior analyst, I support this measure to continue the regulation and licensure of behavior analysts within Hawai'i. This measure would continue to ensure the highest level of professional and ethical care is provided to our vulnerable populations. The nature of our services require that individuals are regulated to ensure the high standards of care which characterize our field are upheld.