

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 Health, Human Services, & Homelessness
Tuesday, February 2, 2021
9:30 a.m.
Via Videoconference**

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

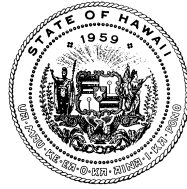
Chair Yamane and Members of the Committee:

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.

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 to protect 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 HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony COMMENTING on HB471
RELATING TO HEALTH.

REPRESENTATIVE RYAN I. YAMANE, CHAIR
HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS

REPRESENTATIVE ADRIAN K. TAM, VICE CHAIR
HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS

Hearing Date: February 2, 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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STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/02/2021

Time: 09:30 AM

Location: Via Videoconference

Committee: House Health, Human Services,
& Homelessness

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.

HB-471

Submitted on: 1/29/2021 6:50:24 PM

Testimony for HHH on 2/2/2021 9:30:00 AM

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

Comments:

We support this bill.

HB-471

Submitted on: 1/30/2021 12:47:42 PM

Testimony for HHH on 2/2/2021 9:30:00 AM

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

Comments:

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

I am writing on behalf of [Together For Our Keiki](#), a non-profit, educational advocacy organization based in Hawai'i. We are writing today in **STRONG SUPPORT OF HB471**, which seeks to make behavior analyst licensure permanent. Since licensure took effect in 2016, several hundred analysts have been issued licenses. As noted in the [Auditor's Report](#), "Licensing does not unreasonably restrict entry into the practice of applied behavior analysis" and "behavior analyst licensing requirements protect the public health and should be maintained" (12/2020).

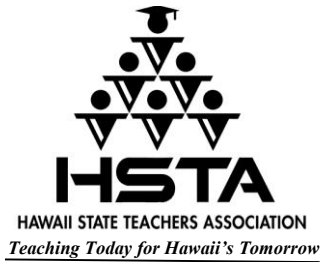
We appreciate the opportunity to testify on this measure.

Mahalo nui loa,

Lara Bollinger, JD, BCBA, LBA

Vice President & Co-Founder

Together For Our Keiki



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 HOUSE COMMITTEE ON HEALTH, HUMAN
SERVICES & HOMELESSNESS

RE: HB 471 - RELATING TO BEHAVIOR ANALYSTS

TUESDAY, FEBRUARY 2, 2021

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Yamane 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.



House Committee on Health, Human Services and Homelessness
Representative Ryan I. Yamane, Chair
Representative Adrian K. Tam, Vice Chair

Tuesday, February 2, 2021

Re: HB 471, Relating to Behavior Analysis

Testimony submitted via Capitol Website

Dear Chair Yamane, Vice Chair Tam, 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 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;
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 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 be 'Roxanne Bristol', written in a cursive style.

Roxanne Bristol, President
Hawai'i Association for Behavior Analysis

SENATE COMMITTEE ON HEALTH

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

February 2, 2021
9:30 am

SUPPORT of HB 611

Honorable Chair Yamane, Vice Chair Tam, 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: 2/1/2021 8:58:35 AM

Testimony for HHH on 2/2/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
BOD	Horizons Academy	Support	No

Comments:

Dear Chair Yamane, Vice Chair Tam, and members of the Committee:

We at Horizons Academy, would like to offer testimony in strong support of House Bill 471 relating to Behavior Analysts.

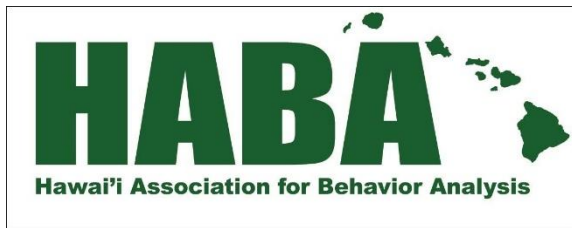
We are a non-profit academy that assists the both children and adults on the island of Maui through ABA services. We work closely with the DOE, DOH and private sector to ensure high quality and medically entitled care is provided to our student and participants. Continued licensure of our Behavior Analysts is critical in order to provide this level of care. Regulation of behavior analysts is needed to ensure this remains in effect and allows our services to reach the most vulnerable within our community.

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

On behalf of Horizons Academy,

**Shanda
Strickland
OD Vice President**

B



House Committee on Health, Human Services and Homelessness
Representative Ryan I. Yamane, Chair
Representative Adrian K. Tam, Vice Chair

Tuesday, February 2, 2021
Re: HB 471, Relating to Behavior Analysis
Testimony submitted via Capitol Website

Dear Chair Yamane, Vice Chair Tam, and members of the Committee:

I am an Assistant Behavior Analyst (BCaBA) and behavior analysis student, I support HB471 with amendments. This bill makes permanent the regulation of behavior analysts under Hawai'i Revised Statutes Chapter 465D.

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.

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,

Alexandra Sagastume, Marketing Chair
Hawai'i Association for Behavior Analysis

HB-471

Submitted on: 1/30/2021 7:16:21 PM

Testimony for HHH on 2/2/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Elento	Individual	Support	No

Comments:

Aloha. When most students are readying to graduate, my 17-year-old began receiving Applied Behavior Analysis services at school.

I think of all the years the DOE spent money before chapter 465D, but my child was still not included due to inappropriate behaviors and language difficulties. ABA by trained and experienced LBA's has marked a path of progress for my child and his education.

I support making permanent the regulation of behavior analysts under chapter 465D, HRS. Thank you for the opportunity to provide testimony in support of HB471.

HB-471

Submitted on: 1/31/2021 9:46:21 AM

Testimony for HHH on 2/2/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dallas Hernandez	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: 1/31/2021 11:07:27 AM

Testimony for HHH on 2/2/2021 9:30:00 AM

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

Comments:

Im in support of removing the sunset date and making this law permanent.

HB-471

Submitted on: 1/31/2021 1:12:59 PM

Testimony for HHH on 2/2/2021 9:30:00 AM

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

Comments:

House Committee on Health, Human Services and Homlessness

Representative Ryan I. Yamane, Chair

Representative Adrian K. Tam, Vice Chair

Tuesday, February 2, 2021

Re: HB 471, Relating to Behavior Analysis

Testimony submitted via Capitol Website

Dear Chair Yamane, Vice Chair Tam, and members of the Committee:

I appreciate the opportunity to testify on this measure. My position is in support of HB 471 with amendments. This bill is important to me because I am a behavior analyst 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.

In addition, I have unfortunately seen how these same services delivered by inappropriately trained, unlicensed professionals can lead to harm. This measure is of utmost importance because it makes permanent the behavior analysis licensure law chapter 465D, which ensures consumer protection of our keiki and allows them

continued access to applied behavior analysis services from **only** highly qualified licensed professionals.

Furthermore, 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 nui loa,

Debbi Krekel MSCP, BCBA, LBA

HABA Legislative Chair

Hawai'i Association for Behavior Analysis

HB-471

Submitted on: 1/31/2021 1:36:37 PM

Testimony for HHH on 2/2/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Amoy Hugh-Pennie	Individual	Support	No

Comments:

Dear Chair Yamane, Vice-Chair Tam, 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 BCBAAs. 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.

Although this is a difficult situation, exemptions and temporary measures cannot continually be made as this leads to the inappropriate use of and implementation of procedures by unqualified or underqualified individuals. Further, this leads to the shifting of responsibilities to already overburdened professionals of other related or adjacent fields as experts when their limited expertise may be surface level which inevitably leads to misuse, abuse, and harm of the consumers of services. More especially when they encounter more complex cases requiring a professional who has completed at least the minimal hours of fieldwork training and professional competencies.

The BACB (Behavior Analyst Certification Board) has recently made 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, NYSTCE

HB-471

Submitted on: 1/31/2021 2:14:58 PM

Testimony for HHH on 2/2/2021 9:30:00 AM

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

Comments:

I support this bill, as Applied Behavior Analysis is the chosen treatment acknowledged by the American Medical Association.

HB-471

Submitted on: 1/31/2021 6:19:03 PM

Testimony for HHH on 2/2/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Naomi Tachera	Individual	Support	No

Comments:

Dear Chair Yamane, Vice Chair Tam, 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 parent of children with autism, a licensed special education teacher, pursuing board certification, and a native Hawaiian member of the community. This licensure law is important to me because not only has it impacted my children's lives in a positive way, it has led me to become a licensed special education teacher where I found the desperate need for licensed behavior in Hawai'i. I have been involved since the enactment of the licensure law and autism insurance coverage law in 2015, my oldest son was the first in the State to receive ABA through Medicaid. I have the unique perspective of a parent, a licensed special education teacher, as well as someone pursuing board certification. The continued licensure of behavioral analysts provides much-needed access to services for my keiki and other Hawaii residents. Continued regulation ensures that behavior analysts are licensed professionals providing services that are eligible for public and private insurance reimbursement. Right now with the State in a budget shortfall due to COVID, the DOE will be able to claim millions of dollars of reimbursement for ABA services delivered and overseen by Licensed Board Certified Behavior Analyst through the Medicaid School-Based Claiming.

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

Naomi Tachera

HB-471

Submitted on: 1/31/2021 7:34:50 PM

Testimony for HHH on 2/2/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amanda Kelly	Individual	Support	No

Comments:

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

I am writing in STRONG SUPPORT OF SB611, which seeks to make behavior analyst licensure permanent. Since licensure took effect in 2016, several hundred analysts have been issued licenses.

As noted in the [Sunset Evaluation \(12/2020\)](#):

- Behavior analyst licensing requirements protect the public health and should be maintained
- Regulation assures that behavior analysts are licensed professionals providing services that are eligible for insurance reimbursement, and
- Licensing does not unreasonably restrict entry into the practice of applied behavior analysis in Hawai'i as licensing fees cover the cost to administer the program

I appreciate the opportunity to testify on this measure.

Mahalo nui loa,

Amanda N Kelly, PhD, BCBA-D, LBA

HB-471

Submitted on: 1/31/2021 7:49:39 PM

Testimony for HHH on 2/2/2021 9:30:00 AM

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

Comments:

I support this bill as a practicing behavior analyst in the state of Hawaii. This bill protects individuals requiring behavior analytic services in ensuring that qualified professionals are making treatment decisions that are evidence-based.

HB-471

Submitted on: 1/31/2021 8:23:02 PM

Testimony for HHH on 2/2/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shanda Strickland	Individual	Support	No

Comments:

Dear Chair Yamane, Vice Chair Tam, 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 and this licensure law is important to me because it is crucial to oversight and application of ABA services to our families community within Hawai'i.

- 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.**

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

Shanda Strickland

HB-471

Submitted on: 1/31/2021 9:45:02 PM

Testimony for HHH on 2/2/2021 9:30:00 AM

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

Comments:

Aloha e Chair Yamane, Vice Chair Tam, and Members of the Committee,

I am writing today in **strong support of House Bill 471** relating to Behavior Analysts.

As a Registered Behavior Technician (RBT) and student of behavior analysis, living on the island of Maui, this licensure law is important to me because it seeks to make permanent the licensure of behavior analysts.

Since 2016, when the licensure law was enacted, more than 480 behavior analysts have been issued licenses and over 1400 registered behavior technicians have been credentialed in the State of Hawai'i, resulting in thousands of keiki and other individuals receiving high quality applied behavior analytic services.

Of utmost importance is the continued regulation of the licensure of behavior analysts, in order to maintain the protection of the consumers receiving services.

Thank you for the opportunity to testify in **strong support of House Bill 471**.

Mahalo,

Deborah Ho'ohuli

HB-471

Submitted on: 2/1/2021 12:51:49 AM

Testimony for HHH on 2/2/2021 9:30:00 AM

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

Comments:

House Committee on Health, Human Services and Homelessness

Representative Ryan I. Yamane, Chair

Representative Adrian K. Tam, Vice Chair

Tuesday, February 2, 2021

Re: HB 471, Relating to Behavior Analysis

Testimony submitted via Capitol Website

Dear Chair Yamane, Vice Chair Tam, 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 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;
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 sincerely appreciate the opportunity to testify on this measure and thank you for your continued support for the growth of our field and the individuals and families we serve.

Best,

Roxanne Bristol

President, Hawai'i Association for Behavior Analysis

HB-471

Submitted on: 2/1/2021 6:46:25 AM

Testimony for HHH on 2/2/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eliza Lipp	Individual	Support	No

Comments:

I strongly Support this bill as it will remove the sunset date and make our law permanent. This is the House version of the Senate bill above.

HB-471

Submitted on: 2/1/2021 6:59:07 AM

Testimony for HHH on 2/2/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kyle Machos	Individual	Support	No

Comments:

House Committee on Health, Human Services and Homlessness

Representative Ryan I. Yamane, Chair

Representative Adrian K. Tam, Vice Chair

Tuesday, February 2, 2021

Re: HB 471, Relating to Behavior Analysis

Testimony submitted via Capitol Website

Dear Chair Yamane, Vice Chair Tam, and members of the Committee:

My name is Kyle Machos and I am a Licensed Behavior Analyst in the state of Hawaii. I strongly support HB471 with amendments. This bill makes permanent the regulation of behavior analysts under Hawai'i Revised Statutes Chapter 465D.

It is imperative to the medical needs of our keiki and all individuals receiving services in our state to make permanent the regulation of Behavior Analysts in Hawaii. The population with needs specific to Applied Behavior Analysis continues to grow along with the number of Behavior Analysts in our state. Licensure is gravely needed to ensure consumer protection for our citizens in need. This Licensure has proven to be effective in increasing numbers of Behavior Analysts to provide services and in protecting our consumers.

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.
- 4.

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.

Thank you for your time, the opportunity to testify on this important measure, and thank you for your continued support of our keiki and families

Mahalo,

Kyle Machos,

Past President

Hawai'i Association for Behavior Analysis

HB-471

Submitted on: 2/1/2021 7:34:03 AM

Testimony for HHH on 2/2/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Krepps	Individual	Support	No

Comments:

Re: HB 471, Relating to Behavior Analysis

Dear Chair Yamane, Vice-Chair Tam, and members of the Committee:

As a community member and someone who has worked with keiki with autism, the developmentally disabled, and special education students 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 and adults with special needs. Given my breadth of experience, this bill makes sense. By making permanent the regulation of behavior analysts under HRS 465D, Hawai'i 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 and developmental disabilities has greatly improved with the certification and subsequent licensure of behavior analysts. Applied Behavior Analysis (ABA) has helped protect keiki and vulnerable populations 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 and codes of ethics. Not everyone can wave the magic wand and say they are a behavior analyst. Credentials and licensure 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 applications, 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,

Jeffrey Krepps

Kailua-Kona, HI

HB-471

Submitted on: 2/1/2021 8:37:28 AM

Testimony for HHH on 2/2/2021 9:30:00 AM

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

Comments:

I support the regulation of the practice of behavior analysis and making the licensure law permanent.

HB-471

Submitted on: 2/1/2021 9:27:49 AM

Testimony for HHH on 2/2/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Hampton	Individual	Support	No

Comments:

I strongly support HB471. ABA treatment for children with Autism and within the special education setting must be held to a high standard. Licensure ensures providers maintain professionalism and high ethical standards. Applied Behavior Analysis is a science that works, and it must be implemented by individuals trained and held to high clinical standards. This bill protects our Keiki and our community.

LATE

HB-471

Submitted on: 2/1/2021 1:00:05 PM
Testimony for HHH on 2/2/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Ninci	Individual	Support	No

Comments:

Dear Chair Yamane, Vice Chair Tam, 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 licensed behavior analyst in the state. This licensure law is important to me because 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.**

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

Jennifer Ninci, PhD, BCBA-D, LBA

LATE

HB-471

Submitted on: 2/1/2021 3:26:27 PM

Testimony for HHH on 2/2/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeanette White	Individual	Support	No

Comments:

Good morning Committee Chair, Vice Chair, and Members of the Committee,

I am in strong support of HB 471 and look forward to future progress that can be made by my child having access to continued quality services provided by properly qualified and licensed providers.

Thank you for your time,

Jeanette White