

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

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

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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Health
Monday, February 1, 2021
1:00 p.m.
Via Videoconference**

**On the following measure:
S.B. 611, RELATING TO BEHAVIOR ANALYSTS**

Chair Keohokalole 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 appreciates the intent of and offers comments on this bill.

The purposes of this bill are to: (1) make permanent the regulation of behavior analysts; and (2) exempt the Behavior Analysts Licensing Program from the auditor evaluation requirement.

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. The

Department takes no position on exempting the Behavior Analysts Licensing Program from the auditor evaluation¹ requirement.

Thank you for the opportunity to testify on this bill.

¹ As the Committee may be aware, the Office of the Auditor submitted its sunset evaluation entitled "[Sunset Evaluation: Regulation of Behavior Analysts](#)" on December 30, 2020, which recommended, among other things, the continued regulation of behavior analysis.



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

Date: 02/01/2021
Time: 01:00 PM
Location: Via Videoconference
Committee: Senate Health

Department: Education

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

Title of Bill: SB 0611 RELATING TO BEHAVIOR ANALYSTS.

Purpose of Bill: Makes permanent the regulation of behavior analysts. Exempts the behavior analysts licensing program from the auditor's sunset evaluation requirement. Effective 6/29/2021.

Department's Position:

The Hawaii State Department of Education (Department) supports the intent of SB 611 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 SB 611 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.

SB-611

Submitted on: 1/31/2021 1:04:10 PM

Testimony for HTH on 2/1/2021 1:00:00 PM

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

Comments:

Dear Chair Keohokalole, Vice-Chair Baker, and Members of the Committee:

I would like to offer testimony in strong support of Senate Bill 611 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 Qualified Special Education Teacher and School Administrator. I have been practicing across both fields for 25 years. I have taught in private and public schools and at the graduate level in University 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.

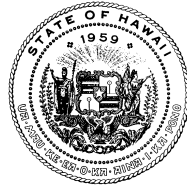
Although this is a difficult situation, exemptions and temporary measures cannot continually be made as this leads to the inappropriate use of and implementation of procedures by unqualified or underqualified individuals. Further, this leads to the shifting of responsibilities to already overburdened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

The BACB, Behavior Analyst Certification Board has recently made additional changes to its credentialing to include Psychologists with a specified amount of fieldwork, education, and training in the area of Applied Behavior Analysis which will additionally allow them to submit their credentials and experience to gain certification eventually removing the need for additional exemptions to ABA licensure in the future. This will further ensure that professionals with similar credentials who work in similar settings, with similar clients have a minimal standard for review of their credentials and experience to gain ABA licensure in the state as well.

For these reasons, I am in strong support of this bill.

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

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



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

**Testimony in SUPPORT of SB611
RELATING TO BEHAVIOR ANALYSTS.**

SENATOR JARRETT KEOHOKALOOLE, CHAIR
SENATE COMMITTEE ON HEALTH

SENATOR ROSALYN H. BAKER, VICE CHAIR
SENATE COMMITTEE ON HEALTH

Hearing Date: February 1, 2021

Room Number: Via Videoconference

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

2 **Department Testimony:** The subject matter of this measure falls within the scope of the
3 Department's Behavioral Health Administration (BHA) 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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Corey Rosenlee
President
Osa Tui Jr.
Vice President
Logan Okita
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON HEALTH

RE: SB 611 - RELATING TO BEHAVIOR ANALYSIS

MONDAY, FEBRUARY 1, 2021

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Keohokalole and Members of the Committee:

The Hawaii State Teachers Association **supports SB 611**, 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.

SB-611

Submitted on: 1/29/2021 6:51:00 PM

Testimony for HTH on 2/1/2021 1:00:00 PM

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

Comments:

We support this bill.

SB-611

Submitted on: 1/30/2021 12:41:58 PM

Testimony for HTH on 2/1/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lara Bollinger	Testifying for 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 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 [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



Senate Committee on Health
Senator Jarrett Keohokalole, Chair
Senator Rosalyn Baker, Vice Chair

Monday, February 1, 2021

Re: SB 611, Relating to Behavior Analysis

Testimony submitted via Capitol Website

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

The Hawai'i Association for Behavior Analysis (HABA) supports SB 611 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.

HABA would like to suggest that SB 611 be amended to delete Section 3 of the bill, which exempts the auditor's evaluation requirement since an audit has already been completed.

We 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

SB-611

Submitted on: 1/30/2021 7:07:14 PM

Testimony for HTH on 2/1/2021 1:00:00 PM

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 SB611.

SB-611

Submitted on: 1/30/2021 8:05:09 PM

Testimony for HTH on 2/1/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert and Deborah Krekel	Individual	Comments	No

Comments:

SENATE COMMITTEE ON [HEALTH](#)

Room 230 & 231, State Capitol
415 South Beretania Street

Honolulu, HI 96813

January 31, 2021

COMMENTS ON SB 611

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

We are parents of a child with autism and concerned community stakeholders. Since 1990 we have lived on Oahu and in 2008 we found our home in Kaneohe (District 24). Our son was diagnosed at the age of three and we began seeking and advocating for applied behavior analysis (ABA) services by highly qualified professionals. For over a decade our son has been receiving ABA services from board certified behavior analysts (BCBAs), and board certified and licensed behavior analysts (LBAs) since the enactment of the behavior analyst licensure law chapter 465D. Over the years we have been fortunate to see first hand how high quality ABA services by licensed and appropriately trained professionals has truly changed the quality of our son's life. He continues to thrive today!

We are forever grateful for the high quality of care provided by this dedicated group of professionals. Sadly there are still far too many children and families fighting for access to applied behavior analysis services by licensed behavior analysts who have the level of expertise necessary for this medically necessary treatment to be effective. With that being said, SB 611 is of utmost importance to our family because it removes the sunset date and makes permanent the behavior analysis licensure law chapter 465D, which ensures the protection of some of Hawai'i's most vulnerable children. Hopefully with the exponential growth of qualified LBAs in the field since 2015, more children and families can access these essential ABA services.

We appreciate the opportunity to testify on this measure and would like to offer the following comments for your consideration.

- The removal of the sunset date to continue to assure consumer protection for recipients of applied behavior analysis services by qualified licensed professionals.
- The auditors report supporting the removal of the sunset date (Please see below)

The following language shows the amended sections of the bill SB 611:

RELATING TO BEHAVIOR ANALYSTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII

SECTION 1. The legislature finds that Act 199, Session Laws of Hawaii 2015, codified as chapter 465D, Hawaii Revised Statutes (Act 199), establishes the licensing standards for behavior analysts, which is set to repeal on June 30, 2021. Act 199 was established to ensure that persons requiring diagnosis and treatment for autism receive the care they need. Since the establishment of Act 199, over three hundred licenses for behavior analysts and over one thousand licenses for registered behavioral technicians have been issued in the State. As a result, thousands of individuals have received access to applied behavior analysis care and services since the implementation of Act 199.

The legislature therefore finds that the practice of behavior analysis and licensure of behavior analysts should continue to be regulated to protect the public's health, safety, and welfare. Additionally, while the licensure of behavior analysts has been a significant step in meeting the needs for treatment of those with autism, the total number of licensees is still insufficient to meet present demands.

Accordingly, the purpose of this Act is to:

(1) Make permanent the regulation of behavior analysts under chapter 465D, Hawaii Revised Statutes, which will ensure the continued treatment of individuals with autism; and

(2) Exempt the requirements of an auditor's evaluation and report pursuant to 26H-5, Hawaii Revised Statutes, for behavior analysts.

SECTION 2. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

"§26H-4 Repeal dates for newly enacted professional and vocational regulatory programs. (a) Any professional or vocational regulatory program enacted after January 1, 1994, and listed in this section shall be repealed as specified in this section. The auditor shall perform an evaluation of the program, pursuant to section 26H-5, prior to its repeal date.

~~[(b) Chapter 465D (behavior analysts) shall be repealed on June 30, 2021.~~

~~[(e)]~~ (b) Chapter 466L (appraisal management companies) shall be repealed on June 30, 2023.

~~[(d)]~~ (c) Chapter 457J (midwives) shall be repealed on June 30, 2025."

SECTION 3. The requirements of section 26H-5, Hawaii Revised Statutes, shall not apply to this Act.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on June 29, 2021.

Please help more children and families the opportunity to improve the quality of their lives and be as happy and successful as any parent would want them to be despite their disability. We appreciate your service to our state and the opportunity to testify on this measure. Thank you very much.

Sincerely,

Mr. & Mrs. Robert Krekel

SB-611

Submitted on: 1/30/2021 8:52:18 PM

Testimony for HTH on 2/1/2021 1:00:00 PM

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

Comments:

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

I would like to offer testimony in **strong support** of Senate Bill 611 relating to Behavioral Analysts.

I am the parent of a child with autism and a concerned community stakeholder. My son was diagnosed at the age of three and I began the journey of advocating for applied behavior analysis (ABA) services by highly qualified professionals. For over a decade my son has been receiving ABA services from board certified behavior analysts (BCBAs), and board certified and licensed behavior analysts (LBAs) since the enactment of the behavior analyst licensure law chapter 465D. Over the years I have been fortunate to see first hand how high quality ABA services by licensed and appropriately trained professionals has truly changed the quality of my son's life. He continues to thrive today!

I am so very grateful for the high quality of care provided by this dedicated group of professionals. Sadly there are still far too many children and families fighting for access to applied behavior analysis services by licensed behavior analysts who have the level of expertise necessary for this medically necessary treatment to be effective. Listed below are additional reasons I am in support of SB 611.

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

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

Sincerely,

Debbi Krekel

SENATE COMMITTEE ON HEALTH

415 South Beretania Street
Honolulu, HI 96813
Via Videoconference

February 1, 2021
1:00 pm

SUPPORT of SB 611

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

Thank you for the opportunity to submit testimony in support of this important bill, SB 611 relating to behavior analysts.

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

I fully support this bill making the regulation of the practice of behavior analysis permanent by removing the sunset. The continuation of the licensure law was supported by the State Auditor's report and ensures the continued consumer protections afforded by this law which is vital for the vulnerable population we serve.

Thank you,



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

SB-611

Submitted on: 1/31/2021 9:44:41 AM

Testimony for HTH on 2/1/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
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.

SB-611

Submitted on: 1/31/2021 10:39:41 AM

Testimony for HTH on 2/1/2021 1:00:00 PM

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

Comments:

Senate Committee on Health

Senator Jarrett Keohokalole, Chair

Senator Rosalyn Baker, Vice Chair

Monday, February 1, 2021

Re: SB 611, Relating to Behavior Analysis

Testimony submitted via Capitol Website

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

Thank you for your time and this opportunity to testify on this measure. I am a behavior analyst, parent and HABA board member. I have been part of this tremendous community of practitioners, families, educators, and community members since 2016. Across my various roles in the field here in Hawaii, I have seen the value and impact of our licensure law. It has allowed us to support families, individuals, and students of behavior analysis to build capacity and improve the lives of others. I am a firm advocate of collaboration in our community to support all practitioners of behavior analysis practicing across various settings. I support SB 611 with amendments as it will continue to support our efforts of building capacity and fostering collaboration to lead to the greatest impact. My goal is to contribute to growing a community of practitioners who are rooted here in Hawaii and understand the special culture of the families and individuals we support.

Furthermore, the permanent regulation of behavior analysts under Hawai'i Revised Statutes Chapter 465D, will ensure we can provide high-quality practitioners, provide a high-quality behavior analytic degree program in a local university, and help to support and meet the growing needs of our field for the incredible community of individuals supporting applied behavior analysis (ABA) services and the individuals who deserve qualified ABA 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.

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 SB 611 be amended to delete Section 3 of the bill, which exempts the auditor's evaluation requirement since an audit has already been completed.

I thank you for your time and the opportunity to testify on this measure. Thank you for your continued support of our community and families.

Best,,

Roxanne Bristol

President, Hawai'i Association for Behavior Analysis

SB-611

Submitted on: 1/31/2021 11:04:29 AM

Testimony for HTH on 2/1/2021 1:00:00 PM

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

Comments:

In support of permanent regulation of behavior analysts

SB-611

Submitted on: 1/31/2021 12:49:55 PM

Testimony for HTH on 2/1/2021 1:00:00 PM

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

Comments:

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

I am in strong support of SB 611 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

SB-611

Submitted on: 1/31/2021 1:04:10 PM

Testimony for HTH on 2/1/2021 1:00:00 PM

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

Comments:

Dear Chair Keohokalole, Vice-Chair Baker, and Members of the Committee:

I would like to offer testimony in strong support of Senate Bill 611 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 Qualified Special Education Teacher and School Administrator. I have been practicing across both fields for 25 years. I have taught in private and public schools and at the graduate level in University 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.

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 expertise may be limited in scope and practice which may lead to further to misuse, abuse, and harm of the consumers of services. More especially when they encounter complex cases requiring a professional who has completed the minimal hours of fieldwork training and professional competencies.

The BACB, Behavior Analyst Certification Board has recently made additional changes to its credentialing to include Psychologists with a specified amount of fieldwork, education, and training in the area of Applied Behavior Analysis which will additionally allow them to submit their credentials and experience to gain certification eventually removing the need for additional exemptions to ABA licensure in the future. This will further ensure that professionals with similar credentials who work in similar settings, with similar clients have a minimal standard for review of their credentials and experience to gain ABA licensure in the state as well.

For these reasons, I am in strong support of this bill.

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

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

LATE

SB-611

Submitted on: 1/31/2021 6:12:12 PM

Testimony for HTH on 2/1/2021 1:00:00 PM

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

Comments:

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

I would like to offer testimony in strong support of Senate Bill 611 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

LATE

SB-611

Submitted on: 1/31/2021 7:26:18 PM

Testimony for HTH on 2/1/2021 1:00:00 PM

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

Comments:

I stand in strong support of SB611, which seeks to make licensure for behavior analysts permanent.

Dr. Amanda Kelly (BA-1)

LATE

SB-611

Submitted on: 1/31/2021 7:45:06 PM

Testimony for HTH on 2/1/2021 1:00:00 PM

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

Comments:

I support this bill as a behavior analyst practicing in the state of Hawaii.

LATE

SB-611

Submitted on: 1/31/2021 8:20:03 PM

Testimony for HTH on 2/1/2021 1:00:00 PM

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

Comments:

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

I would like to offer testimony in strong support of Senate Bill 611 relating to Behavior Analysts.

I am a behavior analyst and this licensure law is important to me because it is crucial to maintaining the intergrity and application of ABA to our families and communities; many who are in dire need.

- 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

SB-611

Submitted on: 2/1/2021 6:47:25 AM

Testimony for HTH on 2/1/2021 1:00:00 PM



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

Comments:

Senate Committee on Health

Senator Jarrett Keohokalole, Chair

Senator Rosalyn Baker, Vice Chair

Monday, February 1, 2021

Re: SB 611, Relating to Behavior Analysis

Testimony submitted via Capitol Website

Dear Chair Keohokalole, Vice Chair Baker, 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 SB 611 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. Licensures ensure consumer protection for our citizens in need.

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 SB 611 be amended to delete Section 3 of the bill, which exempts the auditor's evaluation requirement since an audit has already been completed.

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

Mahalo,

Kyle Machos

Past President

Hawai'i Association for Behavior Analysis