

DAVID Y. IGE
GOVERNOR
SHAN S. TSUTSUI
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN
DIRECTOR
JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

**PRESENTATION OF THE PROFESSIONAL AND
VOCATIONAL LICENSING DIVISION**

TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2015

Monday, March 23, 2015
2:45 p.m.

TESTIMONY ON SENATE BILL NO. 40, S.D. 3, H.D. 1, RELATING TO LICENSING.

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Celia Suzuki, Licensing Administrator for the Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs ("Department"). The Department appreciates the opportunity to submit comments on Senate Bill No. 40, S.D. 3, H.D. 1, Relating to Licensing.

The purpose of Senate Bill No. 40, S.D. 3, H.D. 1 is to establish the Behavior Analyst Program within the Department of Commerce and Consumer Affairs, as well as to establish licensing requirements for behavior analysts. Funds shall also be appropriated for the implementation of the new regulatory program.

The Department recognizes and appreciates the intent to regulate behavior analysts concurrently with the requirements of Senate Bill No. 791, S.D. 1, Relating to Autism Spectrum Disorders, which would mandate insurance coverage for the diagnosis and treatment of autism. However, the H.D. 1 now includes the licensing of assistant behavior analysts, but the practice of assistant behavior analysts is not clearly defined in this measure. Although both of the terms “licensed behavior analyst” (page 3, line 21 to page 4, line 5) and “practice of behavior analysis” (page 4, line 6-21) are defined in this measure, the Department is concerned that it would not be able to implement the bill’s licensing requirements with respect to the specific practice of assistant behavior analysis without further definition. The measure, as it is currently written, does not define assistant behavior analysts and does not mention assistant behavior analysts in a majority of the sections in the bill. The Department respectfully requests that assistant behavior analysts be removed from the measure.

The Department also notes that the S.D. 1 version of this measure was amended by the Senate Committee on Consumer Protection and Commerce to remove the term “licensed assistant behavior analyst.”ⁱ As such, it is not clear whether licensure of assistant behavior analysts is necessary to fulfill the purposes of this measure and that of Senate Bill No. 791, S.D. 1, so the Department suggests removing assistant behavior analysts from the measure to allow for effective implementation of the behavior analyst program with only behavior analysts.

ⁱ See Standing Committee Report No. 524 from the Senate Committee on Commerce and Consumer Protection for S.B. No. 40, S.D. 2, February 20, 2015.

Testimony on Senate Bill No. 40, S.D. 3, H.D. 1
March 23, 2015
Page 3

Thank you for the opportunity to provide comments on Senate Bill
No. 40, S.D. 3, H.D. 1.



DAVID Y. IGE
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**STATE OF HAWAII
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P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
www.hawaii.gov/dcca

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DIRECTOR
JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

**PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE**

**TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE**

**TWENTY-EIGHTH STATE LEGISLATURE
REGULAR SESSION, 2015**

**MONDAY, MARCH 23, 2015
2:45 P.M.**

**TESTIMONY ON
SENATE BILL NO. 40 S.D.3 H.D.1
RELATING TO LICENSING**

**TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND TO THE HONORABLE JUSTIN H. WOODSON, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:**

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on Senate Bill No. 40 S.D.3 H.D.1, Relating to Licensing. My name is Daria Loy-Goto, Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). RICO offers the following comments on the bill, with a suggested amendment.

Senate Bill No. 40 S.D.3 H.D.1 establishes requirements for the regulation of behavior analysts and assistant behavior analysts by the Department. The bill also

sets forth conduct that would give rise to disciplinary action, exempts the regulation from sunrise review, and provides for a defective effective date.

RICO defers to the Department's Professional and Vocational Licensing Division on the licensing-related procedures in the bill, but has the following enforcement-related concerns about the inclusion of assistant behavior analysts:

1. Senate Bill No. 40 S.D.3 H.D.1 does not define the conduct that would constitute assistant behavioral analysis. As a result, RICO would have difficulty in determining whether any particular conduct would be subject to licensure.
2. The bill, at page 6 lines 4-7, fails to authorize the Director to grant permission to a person to practice as an assistant behavior analyst or to use the title "licensed assistant behavior analyst".
3. Senate Bill No. 40 S.D.3 H.D.1 does not authorize the Director to discipline a licensed assistant behavior analyst. (See page 6, lines 12-15.) Without such authority, RICO would not be able to pursue violations of the new Chapter against assistant behavior analysts.
4. The bill does not provide any requirements for licensure of an assistant behavior analyst, and does not give the Director the authority to refuse to license an assistant behavior for failure to satisfy licensing requirements. (See page 10, line 15 to page 11, line 8 and page 6, lines 16-20, respectively.)

5. Finally, Senate Bill No. 40 S.D.3 H.D.1 does not provide any requirement that an assistant behavior analyst practice under the supervision of a licensed behavior analyst. RICO is concerned with this lack of oversight.

RICO is aware that this bill is intended to establish a licensing program for behavior analysts concurrent with mandated insurance coverage for the diagnosis and treatment of autism disorders as provided in Senate Bill No. 791 S.D.1 H.D.1. However, as mentioned above, the bill as currently drafted does not contain the provisions necessary to adequately enforce the new Chapter with regard to assistant behavior analysts. As a result, RICO respectfully suggests that licensure of assistant behavior analysts be deleted from the bill. RICO believes that this amendment would still further the bill's purpose, without creating enforcement problems.

Thank you for the opportunity to testify on Senate Bill No. 40 S.D.3 H.D.1. I will be happy to answer any questions that the members of the Committee may have.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 23, 2015

The Honorable Angus McKelvey, Chair
House Committee on Consumer Protection and Commerce
Twenty-Eighth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative McKelvey and Members of the Committee:

SUBJECT: SB 40 SD3 HD1 – Relating to Licensing

The State Council on Developmental Disabilities (DD) **SUPPORTS THE INTENT OF SB 40 SD3 HD1**. The purpose of this bill is to establish the behavior analyst program within the Department of Commerce and Consumer Affairs, establish licensing requirements for behavior analysts and assistant behavior analysts, and to appropriate funds for the implementation of the behavior analyst program.

The passage of this bill would address the need to develop an infrastructure that supports licensed providers, specifically behavior analysts and assistant behavior analysts. These groups of providers are recognized in providing treatment for individuals with autism spectrum disorders. Currently, there is no system or process in place. We understand that the process for other national recognized providers is a long and rigorous process, one that could take up to five years.

With SB 791 SD1– Relating to Autism Spectrum Disorders moving through the House to provide mandated insurance coverage for the diagnosis and treatment of autism, it is imperative that a licensing process begin this year. We appreciate the Legislature’s proactive approach to establish a behavior analyst program that includes licensing for behavior analysts and assistant behavior analysts.

Thank you for the opportunity to submit **supportive testimony for SB 40 SD3 HD1**.

Sincerely,

Waynette K.Y. Cabral, M.S.W.
Executive Administrator

Rosie Rowe
Chair



AUTISM SPEAKS®
It's time to listen.

March 22, 2015

House Committee on Consumer Protection and Commerce
Rep. Angus L.K. McKelvey, Chair
Rep. Justin H. Woodson, Vice Chair

State Capitol
415 South Beretania St
Honolulu, HI 96813

Re: In Support of SB40, SD3, HD1

Relating to Licensing. Establishing the behavior analyst program within the department of commerce and consumer affairs. Establishes licensing requirements for behavior analysts. Appropriates funds for the implementation of the behavior analyst program.

Dear Chair McKelvey, Vice Chair Woodson, and Members of the Committee:

I am Lorri Unumb, Vice President for State Government Affairs at Autism Speaks, the parent of a child with autism, and a consumer of Applied Behavior Analysis services for my child. Autism Speaks is the world's leading autism science and advocacy organization, dedicated to funding research into the causes, prevention, treatments and a cure for autism; increasing awareness of autism spectrum disorders; and advocating for the needs of individuals with autism and their families. Autism Speaks is pleased to submit testimony in strong support of SB40, SD3, HD1.

Autism Speaks has worked to pass autism insurance legislation in 39 (soon to be 40) states. In most of those states, insurance companies reimburse practitioners of Applied Behavior Analysis (ABA) on the basis of their national board certification, without the need for state licensure. As such, we know that licensure is not a prerequisite to insurance reimbursement for ABA services. Nevertheless, we support the professionalization of the ABA field and support the ability of states to protect consumers of ABA services, who are typically (though not always) individuals with autism. Many consumers of ABA services are children; some ABA consumers are non-verbal; as such, it is appropriate for the state to take an interest in regulating the providers who work with these individuals.

The professionals who design and oversee an ABA program for an individual with autism are called “behavior analysts.” Behavior analysts can be certified by a non-profit national entity, the Behavior Analyst Certification Board (BACB), which itself is credentialed by the National Commission on Certifying Agencies. The requirements to become a Board Certified Behavior Analyst (BCBA) are stringent, and they appropriately form the basis for state licensure of behavior analysts in the 19 (soon to be 20) states that now license behavior analysts.

The creation of a state license for behavior analysts under SB40 supports the provider scheme set forth in the autism insurance bill that is currently pending in the Hawaii legislature (SB791), as well as in the current coverage memorandum that outlines ABA benefits for the state’s Medicaid population. Further, the creation of licensure for behavior analysts complements the coverage being defined in SB1095 regarding habilitative services.

Autism Speaks would like to address one statement in the preamble to SB 40 SD3 HD1:

“Furthermore, health insurance plans in Hawaii will not provide reimbursement for services provided by behavior analysts unless those individuals are licensed in the State.”

Although Autism Speaks cannot state with certainty what “health insurance plans in Hawaii” will or will not do, it is noteworthy that Autism Speaks has yet to work in a state in which licensure, generally, is a prerequisite to health insurance coverage. Many insurance company representatives believe that licensure is a prerequisite, but that has turned out not to be the case. In fact, twenty four (24) states that require insurance coverage for ABA do not require licensure of behavior analysts and instead reimburse on the basis of the BCBA credential. Indeed, paragraph (m) of SB791 suggests that reimbursement could be made to BCBA’s for a period of one year should a license for behavior analysts not exist at the time insurance coverage becomes mandatory. Therefore, failure to enact licensure requirements for behavior analysts in Hawaii should not preclude the enactment of legislation that would allow for insurance coverage of ABA provided by non-licensed BCBA’s.

During the debate on SB 40, certain provider organizations have suggested that non-licensed BCBA’s should be required to work under the supervision of a licensed psychologist. Autism Speaks strongly opposes this suggestion and believes that BACB certification is sufficient to practice independently.

Licensure of behavior analysts is good public policy; we encourage the committee to pass SB40, SD3, HD1; and we look forward to working with you on smooth and timely implementation.

Respectfully submitted,



Lorri Shealy Unumb
Vice President, State Government Affairs
Autism Speaks

1 East 33rd Street
New York, NY
803-582-9905

Lorri.unumb@autismspeaks.org



S E A C
Special Education Advisory Council

919 Ala Moana Blvd., Room 101

Honolulu, HI 96814

Phone: 586-8126 Fax: 586-8129

email: spin@doh.hawaii.gov

March 23, 2015

**Special Education
Advisory Council**

Ms. Ivalee Sinclair, *Chair*
Ms. Martha Guinan, *Vice
Chair*

Ms. Brendelyn Ancheta
Dr. Tammy Bopp
Dr. Robert Campbell
Ms. Deborah Cheeseman
Ms. Annette Cooper
Ms. Shari Dela Cuadra-Larsen,
liaison to the Superintendent
Ms. Gabriele Finn
Ms. Jenny Gong
Ms. Natalie Haggerty
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Ms. Stacey Oshio
Ms. Zaidarene Place
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Ms. Kau'i Rezentes
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Ms. Lani Solomona
Dr. Todd Takahashi
Dr. Daniel Ulrich
Dr. Amy Wiech
Ms. Jasmine Williams
Ms. Susan Wood

Amanda Kaahanui, Staff
Susan Rocco, Staff

Representative Angus L.K. McKelvey, Chair
Committee on Consumer Protection & Commerce
State Capitol
Honolulu, HI 96813

RE: SB 40, SD 3, HD 1 - Relating to Licensing

Dear Chair McKelvey and Members of the Committee,

The Special Education Advisory Council (SEAC), Hawaii's State Advisory Panel under the Individuals with Disabilities Education Act (IDEA), **strongly supports** SB 40, SD 3, HD 1 that establishes a behavior analyst program within the Department of Commerce and Consumer Affairs.

Students with Autism Spectrum Disorders make up about 7% of the public school special education population. Research has shown that applied behavioral analysis provides the best support in treating the symptoms of autism, including difficulties communicating and socializing. SB 40, SD 3, HD 1 will help to facilitate the availability of qualified providers to children and young adults with disabilities and create the licensure required for insurance coverage of autism treatment services.

Thank you for the opportunity to provide testimony on this important legislation. If you have questions or concerns, I would be happy to address them.

Respectfully,

Ivalee Sinclair, Chair



3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

Hawaii State Capitol

415 South Beretania Street

Dear Chair McKelvey, Vice Chair Woodson, and members of the committee,

Thank you for this opportunity to submit testimony on behalf of SB40, which calls for licensure of behavior analysts. My name is [Amanda N. Kelly, PhD, BCBA-D](#) and I am the current President of the [Hawai'i Association for Behavior Analysis \(HABA\)](#). HABA is a professional organization that seeks to assist in the development and advancement of the field of behavior analysis within the state of Hawai'i through research, education, and dissemination of information. HABA represents Board Certified Behavior Analysts/-Doctoral (BCBA/BCBA-D) and Board Certified assistant Behavior Analysts (BcABA) in Hawai'i. Behavior analysis practitioners are currently credentialed in the form of an international certificate program administered through the [Behavior Analyst Certification Board \(BACB\)](#). However, there is growing interest in licensure for behavior analysis practitioners at the state level. Reasons for moving in this direction include protecting the rights of behavior analysts to practice their discipline and increased consumer protection (APBA, 2009). On behalf of HABA, we are grateful for your consideration of this bill. We wish to submit testimony in strong support of SB40.

- 1) [19 States currently regulate the practice of behavior analysis](#)¹
 - i. [18 states license](#)²: Alabama, Alaska, Arizona, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, North Dakota, Nevada, New York, Oklahoma, Oregon, Rhode Island, Tennessee, Virginia, Wisconsin.
 - ii. 1 state provides certification at the state level: Ohio (although Ohio is currently seeking licensure)
 - iii. 16 states are currently pursuing licensure for behavior analysts (including Hawai'i)

- 2) [The Licensing of Behavior Analysts: Protecting the Profession and the Public](#)³ (Hassert, Kelly, Pritchard, Cautilli, 2008): Applied behavior analysis is a hybrid tradition with roots in many mental health disciplines. Even with these diverse origins, the professional practice of behavior analysis remains distinct and identifiable. Increased demand for behavior analytic services, especially as regards autism, and increased practitioner numbers has combined with a shift from a growing to maturing market (see Porter, 1980), in which educated consumers are less willing to accept uneven service quality, resulting in the public calling for the licensing of behavior analysis. The consumer's goal through licensing is to ensure stable, practically priced, and reliable source of distinctly behavior analytic providers and services. The behavior analyst goal is to build a quality image (Patton, 1959), while marketing key functions (Staudt, Taylor, & Bowersox, 1976) both of which licensing helps to achieve.

- 3) [The Case for Licensure of Applied Behavior Analysis \(ABA\)](#)⁴ (Dorsey, Weinberg, Zane, Guidi, 2009): One potential downside of the increased recognition of the practice of ABA is an influx of individuals seeking to prosper from this opportunity who may have little or no training or experience in ABA – placing both the consumers of their services and the field at large at risk. Some consumers may not be able to discriminate between adequately and inadequately trained providers, and they may trust providers who insist that they are “just as well trained” and have “many years of experience” in ABA.

Thank you again for your consideration of this bill and for the opportunity to submit our testimony in **strong support of SB40 and licensure of behavior analysts.**

Malama our keiki,

Amanda Kelly, Ph.D., BCBA-D
2015 HABA President

1 <http://www.apbahome.net/APBALicensure.php>

2 <http://www.apbahome.net/pdf/State%20Regulation%20of%20BA%20062314%20V2.png>

3 <http://files.eric.ed.gov/fulltext/EJ829086.pdf>

4 http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2854065/pdf/i1998-1929-2-1_-53.pdf

3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

Hawaii State Capitol

415 South Beretania Street

Members of the Committee on Consumer Protection and Commerce:

My name is Sara Sato and I was born and raised in Honolulu, Hawai'i. I am a Board Certified Behavior Analyst (BCBA) and hold a Master's Degree in Special Education with an Autism and Severe Disabilities Specialization from the University of Hawai'i at Manoa. I have been working with children with autism for the past 16 years. Thank you for the opportunity to submit testimony today in support of SB40: Relating to Licensing Behavior Analysts.

The practice of Applied Behavior Analysis (ABA) focuses on making socially significant behavior change to individuals. ABA practitioners systematically apply evidence based procedures based on the principles of Behavior and Learning, frequently monitor progress by collecting data and graphing, make changes based on the information gathered, and promote the generalization of the skills learned. These procedures are extremely effective at teaching individuals to develop positive repertoires and eliminate behavior that is inappropriate.

I support licensure of Behavior Analysts in Hawai'i. As a BCBA, I have seen significant results produced as a result of the competent application of ABA. Additionally, as Behavior Analysts we follow a strict code of ethics that hold us to a high standard of professionalism. I am proud of the work that I do and stand behind our practice. Adding licensure would put our practice at an even higher standard which will ensure the consumer is receiving the best quality services they deserve.

Thank you again for the opportunity to voice my support for this important bill.

Sincerely,

Sara Sato, M.Ed., BCBA
Legislative Co-Chair
Hawaii Association for Behavior Analysis

3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

Hawaii State Capitol

415 South Beretania Street

My name is Liane Chu, M.S., BCBA. Thank you so much for the opportunity to testify in **STRONG SUPPORT of SB 40**. We look forward to the increased consumer protection that will be afforded with the successful passage of this bill.

Thank you so much for addressing this important issue.

Liane Chu, M.S., BCBA

3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

Hawaii State Capitol

415 South Beretania Street

I am a Board Certified Behavior Analyst and a Licensed Mental Health Counselor. Thank you for allowing me the opportunity to testify in STRONG SUPPORT of SB40.

I look forward to the increased consumer protection and the delivery of quality and empirically based ABA services that will be afforded with the successful passage of this bill.

Thank you so much for addressing this important issue.

Sincerely,

Karen Kimball, MS, BCBA, LMHC

3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

Hawaii State Capitol

415 South Beretania Street

My name is Kevin Bardsley-Marcial, MAED. I am currently pursuing my BCBA certification. Thank you so much for the opportunity to testify in STRONG SUPPORT of SB40. We look forward to the increased consumer protection that will be afforded with the successful passage of this bill. Thank you so much addressing this important issue.

Thank you,

Kevin Bardsley-Marcial, MAED

BAYADA Habilitation | Quality Assurance Manager, Plumeria Habilitation (PHB)
615 Piikoi Street, Suite 602 | Honolulu, HI 96814
Office 808-597-1711 | Mobile 808-429-2185 | Fax 808-597-1713 |

3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

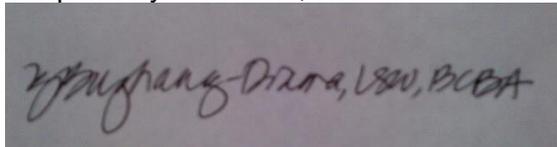
Hawaii State Capitol

415 South Beretania Street

To Whom It May Concern:

My name is Grace Bunghanoy-Diama. I am a licensed Social Worker and a Board Certified Behavior Analyst (BCBA). I am writing in support of SB40. The purpose of this bill is to establish the behavior analysis program within the Department of Commerce and Consumer Affairs, and establish licensing requirements for behavior analysts and assistant behavior analysts. The passage of this bill will allow many more individuals with disabilities to receive quality services. It will also increase consumer protection for individuals receiving applied behavior analysis (ABA) services in Hawaii.

Respectfully submitted,

A rectangular box containing a handwritten signature in black ink. The signature reads "Grace Bunghanoy-Diama, LSW, BCBA".

Grace Bunghanoy-Diama, LSW, BCBA
Manager of Behavioral Operations, BAYADA Behavioral Health
gbunghanoy-diama@bayada.com

3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

Hawaii State Capitol

415 South Beretania Street

My name is Fred Yuen. I am a Board Certified Behavior Analyst (BCBA) and have a Master's degree in Applied Behavioral Analysis and Autism. I am in support of SB40 and the licensure of behavior analysts in Hawaii for consumer protection.

Fred Yuen

3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

Hawaii State Capitol

415 South Beretania Street

Aloha,

My name is Stephen J McGrail and I have been practicing pharmacy in the state of Hawaii for over 20 years. Unfortunately I see the problems that arise when patients are unable to obtain their medications on a daily basis. I have seen insurance companies limit patients access to health care in many ways: by restricting medications on a formulary or limiting which medical providers that a person can see for treatment. I stand with many other pharmacists on Maui that support Autism Insurance Reform, and support Senate Bill 40 for BCBA Licensure as written.

Thank you,

Stephen J McGrail R.Ph

3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

Hawaii State Capitol

415 South Beretania Street

Dear Chair McKelvey, Vice Chair Woodson, and members of the committee,

I am a Board Certified Behavior Analyst and I **support SB40 for BCBA Licensure.**

For the past 25 years I have worked in a variety of settings to create programs that support people with learning, intellectual and developmental disabilities. It has been my life's work to create programs that provide the highest quality and levels of independence for people and their families. Behavior Analysis is a treatment intervention that has the ability to really change the lives of people with autism and their families. Having someone with the right credentials, training, ethics and treatment interventions is imperative to ensure the proper safeguards are in place to protect our children.

Please support SB40 for the children and their families that we all support!

Thanks you,

Anastasia Keller-Collins, MED, BCBA, CTRS

3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

Hawaii State Capitol

415 South Beretania Street

Dear Chair McKelvey, Vice Chair Woodson, and members of the committee,

I support SB40 and the licensing of behavior analysts in Hawaii to increase consumer protection.

Thank you,

Eliza Lipp, LCSW

BAYADA Habilitation-Maui



3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

Hawaii State Capitol

415 South Beretania Street

Dear Chair McKelvey, Vice Chair Woodson, and members of the committee,

My name is Kristen Koba-Burdtt and I am Board Certified Behavior Analyst (BCBA) living on Maui. Thank you for the opportunity to submit testimony in **support of SB40 and the licensure of behavior analysts.**

Establishing licensure of behavior analysts will help to strengthen the profession here in the islands. Additionally, licensure and regulation at the state level will help to ensure consumers receive treatment from qualified professionals.

Mahalo for your support,

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

Kristen Koba-Burdtt, M.S., BCBA
Vice-President, Hawaii Association for Behavior Analysis (HABA)
Behavioral Services Manager, BAYADA Habilitation—Maui
kkoba-burdtt@BAYADA.com



3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey , Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

Hawaii State Capitol

415 South Beretania Street

Dear Committee Chair, Vice Chair and Members of the Committee:

My name is Lara Bollinger and I am a Board Certified Behavior Analyst and the Treasurer of the Hawaii Association for Behavior Analysis. I'm writing to you today to lend my **support** to Senate Bill 40 HD1 which would require licensure for Behavior Analysts in the state of Hawaii. I am in support of this bill to provide for increased consumer protection by ensuring that those providing behavior analysis services are competent to do so. I support the licensing of Board Certified Behavior Analysts at the Master's and Doctoral level (BCBA, BCBA-D), as well as allowing Board Certified assistant Behavior Analysts (BCaBA) and Registered Behavior Technicians (RBT) to practice under the supervision of a Licensed Behavior Analyst. I do not believe that BCaBA's or RBT's should be licensed as they are unable to act alone and must be supervised by a BCBA or BCBA-D.

Thank you for your time,

Lara Bollinger, M.S.Ed., BCBA

Treasurer, Hawaii Association for Behavior Analysis

Hawai'i Association for Behavior Analysis (HABA)

350 Ward Avenue

Ste 106-221

Honolulu, HI 96814

www.hawaiiaba.org



3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

Hawaii State Capitol

415 South Beretania Street

Dear Chair McKelvey, Vice Chair Woodson and members of the committee,

My name is Johanna Taylor and I am a Board Certified Behavior Analyst (BCBA) residing on the Big Island. I hold a PhD in Early Intervention with an emphasis on individuals with autism and related disorders.

I **strongly support SB40-SD3** for licensure of behavior analysts. Please consider this bill, which strengthens protection for individuals receiving applied behavior analysis (ABA) services in the state of Hawaii.

Mahalo for the opportunity to submit testimony,

Johanna P. Taylor, PhD., BCBA
Neighbor Island Representative
Hawaii Association for Behavior Analysis
info@hawaiiaba.org



An Independent Licensee of the Blue Cross and Blue Shield Association

March 23, 2015

The Honorable Angus L.K. McKelvey, Chair
The Honorable Justin H. Woodson, Vice Chair
House Committee on Consumer Protection and Commerce

Re: SB 40, SD3, HD1 – Relating to Licensing

Dear Chair McKelvey, Vice Chair Woodson and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 40, SD3, HD1, which establishes licensure requirements for Behavior Analysts. HMSA supports the intent of this Bill, but we have concerns with and comments on this draft.

HMSA is aware of related legislation such as SB 791, SD1, that seeks to mandate insurance coverage for autism spectrum disorder services. Should such legislation ultimately be enacted, it is critical that the Behavior Analysts and Assistant Behavior Analysts that provide applied behavioral analysis services be fully licensed.

We do have concerns with the Bill as drafted. While the Bill seems to require licensure of Assistant Behavior Analysts, it lacks elements of a licensing statute to implement that license, as is found in SB40, SD1:

- A definition of “licensed assistant behavior analyst;”
- Powers and duty of the Director to grant permission to practice and use the title of “assistant behavior analyst;” and
- A listing of conditions under which an applicant for assistant behavior analyst may be licensed.

In addition, the Bill includes an exemption from licensure board-certified Assistant Behavior Analysts and credentialed registered Behavior Technicians. This exemption seems contrary to the intent of the Bill to license Assistant Behavior Analysts.

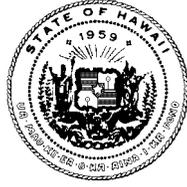
Given the specialized nature of services that are necessary for children with autism spectrum disorder services, it is imperative that those providers be of the highest quality. A licensure requirement will help to ensure those service providers to whom we will entrust those children, meet those professional standards.

Thank you for the opportunity to testify comment on SB 40, SD3, HD1.

Sincerely,

Mark K. Oto
Director, Government Relations

DAVID Y. IGE
GOVERNOR



RACHAEL WONG, DrPH
DIRECTOR

PANKAJ BHANOT
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339
Honolulu, Hawaii 96809-0339



March 22, 2015

TO: The Honorable Angus L.K. McKelvey, Chair
House Committee on Consumer Protection & Commerce

FROM: Rachael Wong, DrPH, Director

SUBJECT: **S.B. 40 SD3 HD1- RELATING TO LICENSING**

Hearing: Monday, March 23, 2015; 2:45 p.m.
Conference Room 325, State Capitol

PURPOSE: The purpose of this bill is to establish the behavior analysis program within the Department of Commerce and Consumer Affairs. Requires the licensing of behavior analysts for the practice of behavior analysis. Appropriates funds to implement the Behavior Analyst Program.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure to establish a licensing program for behavior analysts.

Federal requirements provide that providers be licensed in their profession in order to bill Medicaid. Having a licensing program for behavior analysts will help to ensure quality of services and provide for a more stable workforce to provide needed services for the targeted population.

We defer to the Department of Commerce and Consumer Affairs regarding establishment of the licensing program requirements.

Thank you for the opportunity to testify on this measure.



COMMUNITY CHILDREN'S COUNCIL OF HAWAII
1177 Alakea Street · B-100 · Honolulu · HI · 96813
TEL: (808) 586-5363 · TOLL FREE: 1-800-437-8641 · FAX: (808) 586-5366

LATE

March 22, 2015

Representative Angus McKelvey
Chair House Committee on Consumer Protection and Commerce – Hawaii State Capitol

RE: SB 40, SD3 HD1- RELATING TO LICENSING

Dear Chair McKelvey, Vice-Chair Woodson, and Members of the Committee,

The 17 Community Children's Councils (CCCs) of Hawaii **strongly supports SB 40, SD3 HD1** which establishes the behavior analysis program within the department of commerce and consumer affairs. It further establishes licensing requirements for behavior analysts and assistant behavior analysts.

Behavior analysts are educated in Applied Behavior Analysis which is a well-developed discipline with established standards for evidence-based practice. The following outlines the various levels who may work with a child. (www.bacb.com)

Board Certified Behavior Analyst® (BCBA®)/Board Certified Assistant Behavior Analyst® (BCaBA®):

The BCBA conducts descriptive and systematic behavioral assessments, including functional analyses, and provides behavior analytic interpretations of the results. The BCBA designs and supervises behavior analytic interventions. The BCBA is able to effectively develop and implement appropriate assessment and intervention methods for use in unfamiliar situations and for a range of cases. The BCBA seeks the consultation of more experienced practitioners when necessary. The BCBA teaches others to carry out ethical and effective behavior analytic interventions based on published research and designs and delivers instruction in behavior analysis. BCBA's supervise the work of Board Certified Assistant Behavior Analysts and others who implement behavior analytic interventions.

Registered Behavior Technician™ (RBT™):

The RBT is a paraprofessional who practices under the close, ongoing supervision of a BCBA or BCaBA ("designated RBT supervisor"). The RBT is primarily responsible for the direct implementation of skill-acquisition and behavior-reduction plans developed by the supervisor. The RBT may also collect data and conduct certain types of assessments (e.g., stimulus preference assessments). The RBT does not design intervention or assessment plans. It is the responsibility of the designated RBT supervisor to determine which tasks an RBT may perform as a function of his or her training, experience, and competence. The designated RBT supervisor is ultimately responsible for the work performed by the RBT.

These two levels are essential as the BCBA/BCaBA would work hand in hand with the RBT (direct service provider). Recognizing this license in Hawaii will allow many more children and adults with disabilities to receive much needed services which ultimately will improve their quality of life and decrease long-term costs for the State.

The CCCs are community-based bodies comprised of parents, professionals in both public and private agencies and other interested persons who are concerned with specialized services provided to Hawaii's students. Membership is diverse, voluntary and advisory in nature. The CCCs are in rural and urban communities organized around the Complexes in the Department of Education.

We respectfully request your consideration of SB 40, SD3. Should you have any questions or need additional information, please contact the Community Children's Council Office (CCCO) at 586-5363. Thank you for considering our testimony,

Tom Smith, Co-Chair
(Original signatures are on file with the CCCO)

Jessica Wong-Sumida, Co-Chair

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2015 2:53 PM
To: CPCtestimony
Cc: starsister2000@yahoo.com
Subject: Submitted testimony for SB40 on Mar 23, 2015 14:45PM



SB40

Submitted on: 3/22/2015

Testimony for CPC on Mar 23, 2015 14:45PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bonnie Koba	Individual	Comments Only	No

Comments: As concerned Maui citizen, I support the licensure of behavior analysts in Hawaii, for increased consumer protection.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2015 2:49 PM
To: CPCtestimony
Cc: bburdt3@gmail.com
Subject: Submitted testimony for SB40 on Mar 23, 2015 14:45PM



SB40

Submitted on: 3/22/2015

Testimony for CPC on Mar 23, 2015 14:45PM in Conference Room 325

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

Comments: I am a concerned citizen in Maui County and I support the licensure of behavior analysts in Hawaii, for increased consumer protection.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LATE

3/23/15

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Angus L.K. McKelvey, Chair

Representative Justin H. Woodson, Vice Chair

Conference Room 325

Hawaii State Capitol

415 South Beretania Street

My name is Derek A. Pratt, MA. I am currently pursuing my Board Certified Behavior Analysis certification. Thank you so much for the opportunity to testify in STRONG SUPPORT of SB40. We look forward to the increased consumer protection that will be afforded with the successful passage of this bill. Thank you so much for addressing this important issue.

Sincerely,

Derek A. Pratt, MA