

JAN 20 2017

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# A BILL FOR AN ACT

RELATING TO BEHAVIOR ANALYSIS SERVICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 465D-7, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) This chapter is not intended to restrict the practice  
4 of other licensed or credentialed practitioners practicing  
5 within their own recognized scopes of practice and shall not  
6 apply to:

7           (1) An individual working within the scope of practice or  
8 duties of another licensed profession that overlaps  
9 with the practice of behavior analysis; provided that  
10 the person does not purport to be a behavior analyst;

11           (2) An individual who implements or designs applied  
12 behavior analysis services and possesses a board  
13 certification [~~as an assistant behavior analyst by the~~  
14 ~~Behavior Analyst Certification Board and~~] accredited  
15 by a nationally recognized accrediting body who  
16 practices in accordance with the most recent  
17 supervisory and ethical requirements adopted by [the



1 ~~Behavior Analyst Certification Board]~~ a certifying  
2 entity under the direction of a behavior analyst or  
3 other professional licensed in this State[+] and  
4 acting within the scope and competency of that  
5 license; provided that for the purposes of this  
6 paragraph, "certifying entity" means the National  
7 Commission for Certifying Agencies, American National  
8 Standards Institute, or Institute for Credentialing  
9 Excellence;

10 (3) An individual who directly implements applied behavior  
11 analysis services under the supervision of a licensed  
12 professional acting within the scope and competency of  
13 that license and:

14 (A) Is credentialed [~~as a registered behavior~~  
15 ~~technician]~~ by the Behavior Analyst Certification  
16 Board, Behavioral Intervention Certification  
17 Council, or Qualified Applied Behavior Analysis  
18 credentialing board and is under the direction of  
19 a [~~behavior analyst]~~ professional licensed in  
20 this State[+]



1           ~~(B) Is a direct support worker who provides autism~~  
 2           ~~treatment services pursuant to an individualized~~  
 3           ~~education plan on or before January 1, 2019;~~  
 4           ~~[or]~~ and acting within the scope of that  
 5           licensure; or

6           ~~[(C)]~~ (B) Is a direct support worker who provides  
 7           medicaid home and community-based services  
 8           pursuant to section 1915(c) of the Social  
 9           Security Act on or before January 1, 2019;  
 10          provided that for purposes of this paragraph, "direct  
 11          support worker" means a teacher or paraprofessional  
 12          who directly implements intervention or assessment  
 13          plans under supervision and does not design  
 14          intervention or assessment plans;

15          (4) A family member or legal guardian implementing an  
 16          applied behavior analysis plan and who acts under the  
 17          direction of a behavior analyst licensed in this  
 18          State;

19          (5) An individual who engages in the practice of behavior  
 20          analysis with nonhuman or nonpatient clients or  
 21          consumers including but not limited to applied animal



1 behaviorists and practitioners of organizational  
2 behavior management;

3 (6) A matriculated graduate student or postdoctoral fellow  
4 whose activities are part of a defined behavior  
5 analysis program of study, practicum, or intensive  
6 practicum; provided that the student's or fellow's  
7 activities or practice is directly supervised by a  
8 behavior analyst licensed in this State or an  
9 instructor in a Behavior Analyst Certification Board-  
10 approved course sequence; or

11 (7) An individual pursuing experience in behavior analysis  
12 consistent with the Behavior Analyst Certification  
13 Board's experience requirements; provided that the  
14 experience is supervised by a behavior analyst  
15 licensed in this State."

16 SECTION 2. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect on July 1, 2017.

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INTRODUCED BY: John M. [Signature]



# S.B. NO. 751

**Report Title:**

Behavior Analysis Services; Licensure; Certification

**Description:**

Expands treatment capacity of behavior analysis services by allowing individuals with certain certification and under supervision conditions to implement behavior analysis services.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

