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# A BILL FOR AN ACT

RELATED TO THE PRACTICE OF BEHAVIOR ANALYSIS.

**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) A licensed psychologist and any supervisee of the  
8 licensed psychologist; provided that applied behavior  
9 analysis services performed are within the boundaries  
10 of the licensed psychologist's education, training,  
11 and competence; provided further that neither the  
12 licensed psychologist nor any supervisee of the  
13 licensed psychologist purports to be a licensed  
14 behavior analyst; and provided further that master's  
15 level practitioners and postdoctoral fellows may  
16 provide training and supervision to direct support  
17 workers, paraprofessionals, caregivers, parents and



1 guardians in a manner and to the extent determined by  
2 the supervising licensed psychologist.

3 For purposes of this paragraph, "supervisee"  
4 means a master's level practitioner, postdoctoral  
5 fellow, direct support worker, paraprofessional,  
6 caregiver, parent, or guardian who provides applied  
7 behavior analysis services;

8 (2) A licensed general or special education [classroom]  
9 teacher or an individual who is working as a general  
10 or special education [classroom] teacher and is  
11 enrolled in a state-approved teacher [preparation]  
12 education program working towards licensure who  
13 implements, but does not design or monitor applied  
14 behavior analysis [services] plans, in a school  
15 setting in direct collaboration with a licensed  
16 behavior analyst or a licensed psychologist [~~en-er~~  
17 ~~before July 1, 2019~~];

18 (3) An individual who implements or designs applied  
19 behavior analysis services and possesses board  
20 certification as an assistant behavior analyst by the  
21 Behavior Analyst Certification Board and who practices



1 in accordance with the most recent supervisory and  
2 ethical requirements adopted by the Behavior Analyst  
3 Certification Board under the direction of a licensed  
4 behavior analyst;

5 (4) An individual who directly implements applied behavior  
6 analysis services and:

7 (A) Is credentialed as a registered behavior  
8 technician by the Behavior Analyst Certification  
9 Board, and is under the direction of a licensed  
10 behavior analyst or licensed psychologist; or

11 (B) Is a direct support worker who directly  
12 implements an applied behavior analysis program  
13 under the supervision of a licensed behavior  
14 analyst or licensed psychologist on or before  
15 January 1, 2020;

16 provided that for purposes of this paragraph, "direct  
17 support worker" means a paraprofessional who directly  
18 implements intervention or assessment plans under  
19 supervision and does not design intervention or  
20 assessment plans;



- 1 (5) A family member, legal guardian, or caregiver  
2 implementing an applied behavior analysis plan and who  
3 acts under the direction of a licensed behavior  
4 analyst or Hawaii-licensed psychologist; provided that  
5 for the purposes of this paragraph, "caregiver" means  
6 an individual who provides habilitative services in an  
7 adult foster home, developmental disabilities  
8 domiciliary home, adult residential care home,  
9 expanded adult residential care home, special  
10 treatment facility, or therapeutic living program  
11 pursuant to the medicaid home and community-based  
12 services waiver program authorized by section 1915(c)  
13 of the Social Security Act;
- 14 (6) An individual who designs or implements applied  
15 behavior analysis services to participants in the  
16 medicaid home and community-based service waiver  
17 program pursuant to section 1915(c) of the Social  
18 Security Act on or before January 1, 2024;
- 19 (7) An individual who engages in the practice of applied  
20 behavior analysis with nonhuman or nonpatient clients  
21 or consumers including but not limited to applied



- 1 animal behaviorists and practitioners of  
2 organizational behavior management;
- 3 (8) A matriculated graduate student or postdoctoral fellow  
4 whose activities are part of a defined applied  
5 behavior analysis program of study, practicum, or  
6 intensive practicum; provided that the student's or  
7 fellow's activities or practice is directly supervised  
8 by a licensed behavior analyst, licensed psychologist,  
9 or an instructor from a nationally recognized training  
10 organization or in a Behavior Analyst Certification  
11 Board-approved course sequence; or
- 12 (9) An individual pursuing experience in applied behavior  
13 analysis consistent with the Behavior Analyst  
14 Certification Board's experience requirements;  
15 provided that the experience is supervised by a  
16 licensed behavior analyst."

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

19 SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Practice of Behavior Analysis; Exemptions

**Description:**

Exempts certain teachers working in collaboration with a licensed behavior analyst or licensed psychologist from behavior analyst licensing requirements. Clarifies that the licensure exemption for registered behavior technicians applies to those working under the direction of a licensed behavior analyst or licensed psychologist. (SB341 HD1)

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

