A BILL FOR AN ACT

RELATED TO THE PRACTICE OF BEHAVIOR ANALYSIS.

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

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

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

1. A licensed psychologist and any supervisee of the licensed psychologist; provided that applied behavior analysis services performed are within the boundaries of the licensed psychologist's education, training, and competence; provided further that neither the licensed psychologist nor any supervisee of the licensed psychologist purports to be a licensed behavior analyst; and provided further that master's level practitioners and postdoctoral fellows may provide training and supervision to direct support workers, paraprofessionals, caregivers, parents and
guardians in a manner and to the extent determined by
the supervising licensed psychologist.

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

(2) A licensed classroom teacher or an individual who is
working as a classroom teacher and is enrolled in a
teacher preparation program working towards licensure
who implements but does not design applied behavior
analysis services in a school setting in direct
collaboration with a licensed behavior analyst or a
licensed psychologist [on or before July 1, 2019];

(3) An individual who implements or designs applied
behavior analysis services and possesses board
certification as an assistant behavior analyst by the
Behavior Analyst Certification Board and who practices
in accordance with the most recent supervisory and
ethical requirements adopted by the Behavior Analyst
Certification Board under the direction of a licensed behavior analyst;

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

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

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

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

(5) A family member, legal guardian, or caregiver implementing an applied behavior analysis plan and who acts under the direction of a licensed behavior
analyst or Hawaii-licensed psychologist; provided that
for the purposes of this paragraph, "caregiver" means
an individual who provides habilitative services in an
adult foster home, developmental disabilities
domiciliary home, adult residential care home,
expanded adult residential care home, special
treatment facility, or therapeutic living program
pursuant to the medicaid home and community-based
services waiver program authorized by section 1915(c)
of the Social Security Act;

(6) An individual who designs or implements applied
behavior analysis services to participants in the
medicaid home and community-based service waiver
program pursuant to section 1915(c) of the Social
Security Act on or before January 1, 2024;

(7) An individual who engages in the practice of applied
behavior analysis with nonhuman or nonpatient clients
or consumers including but not limited to applied
animal behaviorists and practitioners of
organizational behavior management;
(8) A matriculated graduate student or postdoctoral fellow whose activities are part of a defined applied behavior analysis program of study, practicum, or intensive practicum; provided that the student's or fellow's activities or practice is directly supervised by a licensed behavior analyst, licensed psychologist, or an instructor from a nationally recognized training organization or in a Behavior Analyst Certification Board-approved course sequence; or

(9) An individual pursuing experience in applied behavior analysis consistent with the Behavior Analyst Certification Board's experience requirements; provided that the experience is supervised by a licensed behavior analyst."

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

SECTION 3. This Act shall take effect upon its approval.
Report Title:  
Practice of Behavior Analysis; Exemptions

Description:  
Makes exemptions from the behavior analyst licensing requirements permanent for certain teachers working in collaboration with, and direct support workers working under the supervision of, a licensed behavior analyst or licensed psychologist.

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