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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. The legislature finds that licensure for the  
2 practice of behavior analysis in Hawaii is needed for the  
3 public's health, safety, and welfare. Act 199, Session Laws of  
4 Hawaii 2015, codified as chapter 465D, Hawaii Revised Statutes,  
5 established standards for the licensing of behavior analysts to  
6 address the present and critical need to ensure that persons  
7 requiring diagnosis and treatment for autism receive the care  
8 they need. Act 199 recognized that behavior analysts and the  
9 practice of behavior analysis should be subject to regulation  
10 and control to protect the public from unqualified practitioners  
11 and from unprofessional conduct. The legislature finds that  
12 licensure of behavior analysts is necessary for both client  
13 protection and access to services.

14           While ensuring the provision of quality services by  
15 properly trained providers is of the utmost importance, the  
16 State's current credentialed workforce is inadequate to meet  
17 present needs. Thus, policies that ensure that a qualified  
18 workforce can continue to provide necessary behavior



1 interventions while simultaneously facilitating efforts to build  
2 an adequate workforce of credentialed paraprofessionals and  
3 licensed professionals to implement behavior plans are  
4 imperative.

5 The purpose of this Act is to ensure that behavioral  
6 services continue to be available for clients who depend on them  
7 while facilitating the long-term development of an adequate  
8 professional and paraprofessional workforce.

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

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

15 (1) An individual working within the scope of practice or  
16 duties of another licensed profession that overlaps  
17 with the practice of behavior analysis; provided that  
18 the person does not purport to be a behavior analyst;

19 (2) An individual who implements or designs applied  
20 behavior analysis services and possesses board  
21 certification as an assistant behavior analyst by the



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

6 (3) An individual who directly implements applied behavior  
7 analysis services [~~is~~] and

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

12 (B) Is a direct support worker who provides autism  
13 treatment services pursuant to an individualized  
14 education plan on or before January 1, 2019;

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

20 (4) A family member or legal guardian implementing an  
21 applied behavior analysis plan [~~within the home~~] and



- 1           who acts under the direction of a behavior analyst  
2           licensed in this State;
- 3           (5) An individual who engages in the practice of behavior  
4           analysis with nonhuman or nonpatient clients or  
5           consumers including but not limited to applied animal  
6           behaviorists and practitioners of organizational  
7           behavior management;
- 8           (6) A matriculated graduate student or postdoctoral fellow  
9           whose activities are part of a defined behavior  
10          analysis program of study, practicum, or intensive  
11          practicum; provided that the student's or fellow's  
12          activities or practice is directly supervised by a  
13          behavior analyst licensed in this State or an  
14          instructor in a Behavior Analyst Certification Board-  
15          approved course sequence; or
- 16          (7) An individual pursuing experience in behavior analysis  
17          consistent with the Behavior Analyst Certification  
18          Board's experience requirements; provided that the  
19          experience is supervised by a behavior analyst  
20          licensed in this State."



1 SECTION 3. The department of education shall submit a  
2 report to the legislature prior to the convening of the regular  
3 sessions of 2017 and 2018 on its plans and progress in  
4 implementing measures to comply with the licensure and  
5 certification requirements of chapter 465D, Hawaii Revised  
6 Statutes.

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

9 SECTION 5. This Act shall take effect on July 1, 2016.



**Report Title:**

Licensed Behavior Analyst; Practitioner; Direct Support Worker;  
Psychologist; Healthcare Professional

**Description:**

Exempts a licensed or credentialed practitioner practicing within the practitioner's own recognized scope of practice from licensure and certification requirements. Temporarily exempts from the licensing requirements for the practice of behavior analysis, direct support workers who provide autism treatment services pursuant to an Individualized Education Plan. Requires the Department of Education to report to the Legislature on implementing measures to comply with the licensure and certification requirements. (CD1)

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

