

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 1340
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 1340 entitled:

"A BILL FOR AN ACT RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Increase the number of competent personnel available to support public school students by expanding the exemption from the behavior analyst licensing requirements for teachers working in collaboration with a licensed behavior analyst or licensed psychologist; and
- (2) Remove the exemption from the behavior analyst licensing requirements for direct support workers and allow a registered behavior technician who is under the direction of a licensed psychologist to implement applied behavioral analysis services.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Department of Education, State Council on Developmental Disabilities, Hawaii State Teachers Association, and Special Education Advisory Council. Your Committee received comments on this measure from



the Hawai'i Association for Behavior Analysis, Hawaii Disability Rights Center, and Together For Our Keiki.

Your Committee finds that the Department of Education is finding it increasingly difficult to attract and retain qualified licensed behavior analysts for the public school system. A large portion of the applied behavioral analysis services provided must be contracted through a statewide contract at a high cost. A cost-effective option to meet this shortage of behavior analysts would be to utilize qualified and competent personnel who may be able to implement, but not design, applied behavioral analysis services in direct collaboration with a licensed behavior analyst or a licensed psychologist. This measure makes this solution possible, as appropriate interventions are part of a classroom teacher's duties and scope of practice.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1340, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1340, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* <i>SB 1340</i>	Committee Referral: <i>HHS, CPN</i>	Date: <i>2/13/23</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SHIMABUKURO, Maile S.L.				✓
AWA, Brenton	✓			
TOTAL	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes