

HOUSE BILL 598

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11r0517
CF SB 469

By: **Delegate Kelly**

Introduced and read first time: January 20, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Applied Behavior Analysis Services –**
3 **Reimbursement**

4 FOR the purpose of prohibiting the Maryland Department of Health from conditioning
5 reimbursement of applied behavior analysis services provided to Maryland Medical
6 Assistance Program recipients on the presence or availability of certain individuals
7 in a certain setting; providing for the application of this Act; defining certain terms;
8 and generally relating to the Maryland Medical Assistance Program and
9 reimbursement of applied behavior analysis services.

10 BY adding to

11 Article – Health – General

12 Section 15–149

13 Annotated Code of Maryland

14 (2019 Replacement Volume and 2020 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Health – General**

18 **15–149.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 **(2) (i) “APPLIED BEHAVIOR ANALYSIS” MEANS THE DESIGN,**
22 **IMPLEMENTATION, AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS USING**
23 **BEHAVIORAL STIMULI AND CONSEQUENCES TO PRODUCE SIGNIFICANT**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 IMPROVEMENTS IN HUMAN BEHAVIOR.

2 (II) "APPLIED BEHAVIOR ANALYSIS" INCLUDES THE DIRECT
3 OBSERVATIONS, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF THE RELATIONS
4 BETWEEN ENVIRONMENT AND BEHAVIOR.

5 (3) "EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT
6 (EPSDT)" MEANS THE PROVISION, TO INDIVIDUALS UNDER THE AGE OF 21 YEARS,
7 OF PREVENTIVE HEALTH CARE UNDER 42 C.F.R. PART 441, SUBPART B, AS
8 AMENDED, AND OTHER HEALTH CARE SERVICES, DIAGNOSTIC SERVICES, AND
9 TREATMENT SERVICES THAT ARE NECESSARY TO CORRECT OR AMELIORATE
10 DEFECTS, PHYSICAL AND MENTAL ILLNESSES, AND CONDITIONS DISCOVERED BY
11 THOSE SCREENING SERVICES.

12 (B) THIS SECTION APPLIES TO EPSDT SERVICES AVAILABLE TO PROGRAM
13 RECIPIENTS.

14 (C) THE DEPARTMENT MAY NOT CONDITION REIMBURSEMENT OF APPLIED
15 BEHAVIOR ANALYSIS SERVICES PROVIDED TO A PROGRAM RECIPIENT ON THE
16 PRESENCE OR AVAILABILITY OF THE PARENT OR CAREGIVER OF THE PROGRAM
17 RECIPIENT IN THE SETTING WHERE THE APPLIED BEHAVIOR ANALYSIS SERVICES
18 ARE PROVIDED TO THE PROGRAM RECIPIENT.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2021.