

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 627 (Delegate Kelly)
Health and Government Operations

Maryland Medical Assistance Program – Registered Behavior Technicians –
Reimbursement

This bill requires the Maryland Department of Health (MDH) to provide reimbursement for applied behavior analysis (ABA) services provided by a “registered behavior technician” (RBT) to Medicaid recipients with autism spectrum disorder (ASD). MDH may not require as a condition of reimbursement that an individual receive a certification from the Behavior Analyst Certification Board (BACB) or another credentialing entity to provide ABA services as a registered behavior technician. However, MDH may require that a registered behavior technician obtain and maintain a current certification within 90 days after the individual begins providing ABA services to Medicaid recipients.

Fiscal Summary

State Effect: MDH can conduct administrative oversight of RBTs to verify certification as permitted under the bill using existing budgeted resources. Revenues are not materially affected.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: “Registered behavior technician” means a paraprofessional who delivers ABA services that are provided to individuals with ASD under the supervision of a licensed psychologist, a board certified behavior analyst-doctoral (BCBA-D), or a board certified behavior analyst (BCBA).

“Board certified behavior analyst” means a licensed professional who renders and provides direction for ABA services that are provided to individuals with ASD and has obtained a BACB certification. “Board certified behavior analyst-doctoral” means a licensed professional who renders and provides direction for ABA treatments that are provided to individuals with ASD and has obtained a BACB certification with a doctoral-level credential.

Current Law: Maryland regulations (COMAR 10.09.28.01) define “applied behavior analysis” as the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences to produce significant improvements in human behavior. ABA includes the direct observations, measurement, and functional analysis of the relations between environment and behavior.

“Registered behavior technician” means a paraprofessional who delivers ABA services that are provided to participants with ASD under the supervision of a licensed psychologist, licensed BCBA-D, or licensed BCBA.

Under State Board of Professional Counselors and Therapists regulations (COMAR 10.58.16.02), “registered behavior technician” means an individual who (1) is credentialed as an RBT by BACB or a successor organization and (2) practices behavior analysis under the close, ongoing supervision of a licensed behavior analyst in accordance with requirements set by BACB.

To qualify for Medicaid ABA services, a participant must (1) be younger than age 21; (2) live in the community; (3) be diagnosed with ASD by a qualified health care professional and referred for ABA services; (4) exhibit maladaptive behavior or developmental skills deficits that significantly interfere with home, school, or community activities; (5) be medically stable and not require 24-hour medical or nursing monitoring or procedures provided in a hospital or an intermediate care facility; (6) have a comprehensive diagnostic evaluation by a qualified health care professional; (7) have a prescription for ABA services; and (8) have a specified completed ABA treatment plan. ABA services are only available to Medicaid enrollees under the Early and Periodic Screening, Diagnosis, and Treatment program.

State Fiscal Effect: MDH currently reimburses for ABA services provided by RBTs certified by BACB. MDH is in the process of reviewing requests by stakeholders to expand RBT certification to include individuals credentialed as a Board Certified Autism Technician by the Behavioral Intervention Certification Council.

The bill permits MDH to require that an RBT obtain and maintain a current certification *within 90 days* after providing ABA services to Medicaid recipients. This will require ongoing administrative oversight of RBTs to confirm they have obtained the required

certification. Any increase in Medicaid expenditures (50% general funds, 50% federal funds) associated with this oversight is assumed to be minimal and absorbable within existing budgeted resources.

Small Business Effect: RBTs who work for small business health care providers may provide ABA services for up to 90 days before obtaining certification.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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