

SENATE BILL 469

J1

11r2380
CF HB 598

By: **Senator Washington**

Introduced and read first time: January 20, 2021

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2021

CHAPTER _____

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 that a certain provision of this Act does not prohibit
8 the Department from establishing certain standards for the involvement of a parent
9 or caregiver; requiring, on or before a certain date, the Department to adopt certain
10 regulations in consultation with stakeholders; providing for the application of this
11 Act; defining certain terms; and generally relating to the Maryland Medical
12 Assistance Program and reimbursement of applied behavior analysis services.

13 BY adding to
14 Article – Health – General
15 Section 15–149
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2020 Supplement)

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

20 **Article – Health – General**

21 **15–149.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) (I) "APPLIED BEHAVIOR ANALYSIS" MEANS THE DESIGN,
4 IMPLEMENTATION, AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS USING
5 BEHAVIORAL STIMULI AND CONSEQUENCES TO PRODUCE SIGNIFICANT
6 IMPROVEMENTS IN HUMAN BEHAVIOR.

7 (II) "APPLIED BEHAVIOR ANALYSIS" INCLUDES THE DIRECT
8 OBSERVATIONS, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF THE RELATIONS
9 BETWEEN ENVIRONMENT AND BEHAVIOR.

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

17 (B) THIS SECTION APPLIES TO EPSDT SERVICES AVAILABLE TO PROGRAM
18 RECIPIENTS.

19 (C) (1) ~~THE~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
20 DEPARTMENT MAY NOT CONDITION REIMBURSEMENT OF APPLIED BEHAVIOR
21 ANALYSIS SERVICES PROVIDED TO A PROGRAM RECIPIENT ON THE PRESENCE OR
22 AVAILABILITY OF THE PARENT OR CAREGIVER OF THE PROGRAM RECIPIENT IN THE
23 SETTING WHERE THE APPLIED BEHAVIOR ANALYSIS SERVICES ARE PROVIDED TO
24 THE PROGRAM RECIPIENT.

25 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT THE
26 PROGRAM FROM ESTABLISHING REASONABLE STANDARDS FOR THE INVOLVEMENT
27 OF A PARENT OR CAREGIVER, INCLUDING REQUIRING NOTIFICATION FROM THE
28 PARENT OR CAREGIVER OF THE DECISION OF THE PARENT OR CAREGIVER NOT TO
29 BE PRESENT OR AVAILABLE WHEN THE PROGRAM PROVIDES APPLIED BEHAVIOR
30 ANALYSIS SERVICES TO A PROGRAM RECIPIENT.

31 (D) ON OR BEFORE DECEMBER 1, 2021, THE DEPARTMENT, IN
32 CONSULTATION WITH STAKEHOLDERS, SHALL ADOPT REGULATIONS TO IMPLEMENT
33 THE PROVISIONS OF THIS SECTION.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 ~~October~~ June 1, 2021.