HOUSE BILL 627

By: Delegate Kelly
Introduced and read first time: January 31, 2022
Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Maryland Medical Assistance Program – Registered Behavior Technicians – Reimbursement

FOR the purpose of requiring the Maryland Department of Health to provide reimbursement for applied behavior analysis services provided by registered behavior technicians under the Maryland Medical Assistance Program; prohibiting, subject to a certain exception, the Department from requiring as a condition of reimbursement that an individual receive a certain certification to provide applied behavior analysis services as a registered behavior technician to Program recipients; and generally relating to the Maryland Medical Assistance Program and applied behavior analysis services.

BY adding to

Article – Health – General
Section 15–114.2
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

15–114.2.

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

(2) (I) “APPLIED BEHAVIOR ANALYSIS” MEANS THE DESIGN, IMPLEMENTATION, AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS USING

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.
BEHAVIORAL STIMULI AND CONSEQUENCES TO PRODUCESOCIALLY SIGNIFICANT IMPROVEMENTS IN HUMAN BEHAVIOR.

(II) “APPLIED BEHAVIOR ANALYSIS” INCLUDESTHE DIRECT OBSERVATIONS, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF THE RELATIONSBETWEEN ENVIRONMENT AND BEHAVIOR.

(3) “AUTISM SPECTRUM DISORDER” MEANS A GROUP OF DEVELOPMENTAL DISORDERS:

(I) CHARACTERIZED BY PERSISTENT DEFICITS IN SOCIAL COMMUNICATION AND SOCIAL INTERACTION ACROSS MULTIPLE CONTEXTS;

(II) CHARACTERIZED BY RESTRICTED, REPETITIVE PATTERNS OF BEHAVIOR, INTERESTS, OR ACTIVITIES; AND

(III) WHOSE SYMPTOMS CAUSE CLINICALLY SIGNIFICANT IMPAIRMENT IN SOCIAL, OCCUPATIONAL, OR OTHER IMPORTANT AREAS OF CURRENT FUNCTIONING.

(4) “BOARD CERTIFIED BEHAVIOR ANALYST” MEANS A LICENSED PROFESSIONAL WHO:

(I) RENDERS AND PROVIDES DIRECTION FOR APPLIED BEHAVIORAL ANALYSIS SERVICES THAT ARE PROVIDED TO INDIVIDUALS WITH AUTISM SPECTRUM DISORDER; AND

(II) HAS OBTAINED A BEHAVIOR ANALYST CERTIFICATION BOARD CERTIFICATION.

(5) “BOARD CERTIFIED BEHAVIOR ANALYST–DOCTORAL” MEANS A LICENSED PROFESSIONAL WHO:

(I) RENDERS AND PROVIDES DIRECTION FOR APPLIED BEHAVIORAL ANALYSIS TREATMENTS THAT ARE PROVIDED TO INDIVIDUALS WITH AUTISM SPECTRUM DISORDER; AND

(II) HAS OBTAINED A BEHAVIOR ANALYST CERTIFICATION BOARD CERTIFICATION WITH A DOCTORAL–LEVEL CREDENTIAL.

(6) “REGISTERED BEHAVIOR TECHNICIAN” MEANS A PARAPROFESSIONAL WHO DELIVERS APPLIED BEHAVIOR ANALYSIS SERVICES THAT
ARE PROVIDED TO INDIVIDUALS WITH AUTISM SPECTRUM DISORDER UNDER THE SUPERVISION OF:

(I) A LICENSED PSYCHOLOGIST;

(II) A BOARD CERTIFIED BEHAVIOR ANALYST–DOCTORAL; OR

(III) A BOARD CERTIFIED BEHAVIOR ANALYST.

(B) (1) THE DEPARTMENT SHALL PROVIDE REIMBURSEMENT FOR APPLIED BEHAVIOR ANALYSIS SERVICES PROVIDED BY REGISTERED BEHAVIOR TECHNICIANS TO PROGRAM RECIPIENTS WITH AUTISM SPECTRUM DISORDER.

(2) EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE DEPARTMENT MAY NOT REQUIRE AS A CONDITION OF REIMBURSEMENT UNDER THE PROGRAM THAT AN INDIVIDUAL RECEIVE A CERTIFICATION FROM THE BEHAVIOR ANALYST CERTIFICATION BOARD OR OTHER CREDENTIALING ENTITY TO PROVIDE APPLIED BEHAVIOR ANALYSIS SERVICES AS A REGISTERED BEHAVIOR TECHNICIAN.

(3) THE DEPARTMENT MAY REQUIRE AS A CONDITION OF REIMBURSEMENT UNDER THE PROGRAM THAT AN INDIVIDUAL OBTAIN A CURRENT CERTIFICATION ISSUED BY THE BEHAVIOR ANALYST CERTIFICATION BOARD OR OTHER CREDENTIALING ENTITY TO PROVIDE APPLIED BEHAVIOR ANALYSIS SERVICES AS A REGISTERED BEHAVIOR TECHNICIAN WITHIN 90 DAYS AFTER THE INDIVIDUAL BEGINS PROVIDING APPLIED BEHAVIOR ANALYSIS SERVICES TO PROGRAM RECIPIENTS AS A REGISTERED BEHAVIOR TECHNICIAN AND MAINTAIN THE CERTIFICATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.