

Chapter 867

(Senate Bill 898)

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

(2023 Replacement Volume and 2025 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 BEHAVIORAL STIMULI AND CONSEQUENCES TO PRODUCE SOCIALLY SIGNIFICANT IMPROVEMENTS IN HUMAN BEHAVIOR.

(II) “APPLIED BEHAVIOR ANALYSIS” INCLUDES THE DIRECT OBSERVATIONS, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF THE RELATIONS BETWEEN 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) “BEHAVIOR TECHNICIAN” MEANS AN INDIVIDUAL WHO:

(I) DELIVERS APPLIED BEHAVIOR ANALYSIS SERVICES THAT ARE PROVIDED TO INDIVIDUALS WITH AUTISM SPECTRUM DISORDER UNDER THE SUPERVISION OF:

1. A LICENSED PSYCHOLOGIST;

2. A BOARD CERTIFIED BEHAVIOR ANALYST–DOCTORAL;

OR

3. A BOARD CERTIFIED BEHAVIOR ANALYST; AND

(II) MEETS THE REQUIREMENTS FOR PROVIDING BEHAVIOR ANALYSIS SERVICES UNDER THE PROGRAM ESTABLISHED BY THE DEPARTMENT IN REGULATION.

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

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

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

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

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

(II) **HAS OBTAINED A BOARD CERTIFIED BEHAVIOR ANALYST-DOCTORAL CERTIFICATION.**

~~(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~~ A CREDENTIALING ENTITY RECOGNIZED BY THE DEPARTMENT 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~~ A CREDENTIALING ENTITY RECOGNIZED BY THE DEPARTMENT TO PROVIDE APPLIED BEHAVIOR ANALYSIS SERVICES AS A ~~REGISTERED~~ BEHAVIOR TECHNICIAN WITHIN 150 DAYS AFTER THE INDIVIDUAL BEGINS PROVIDING APPLIED BEHAVIOR ANALYSIS SERVICES TO PROGRAM RECIPIENTS AS A ~~REGISTERED~~ BEHAVIOR TECHNICIAN AND MAINTAIN THE CERTIFICATION.**

(C) **THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or

application to any individual who provides applied behavior analysis services before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) If, on or before June 30, 2027, the U.S. Department of Health and Human Services advises or notifies the Maryland Department of Health by written policy, audit finding, or other guidance that Section 1 of this Act is inconsistent with § 1902(a)(27) of the federal Social Security Act, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

(b) The Maryland Department of Health shall notify the Department of Legislative Services within 5 days after receiving the advisement or notice from the U.S. Department of Health and Human Services described under subsection (a) of this section.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 31, 2026.