



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

February 23, 2022

The Honorable Shane E. Pendergrass
Chair, House Health and Government Operations Committee
241 House Office Building
Annapolis, MD 21401

RE: HB 627 – Maryland Medical Assistance Program – Registered Behavior Technicians – Reimbursement

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of information for House Bill (HB) 627 – Maryland Medical Assistance Program – Registered Behavior Technicians – Reimbursement.

HB 627 defines a Registered Behavior Technician (RBT) as a paraprofessional who delivers applied behavior analysis (ABA) services to individuals with autism spectrum disorder (ASD). RBTs are subject to the supervision of either a licensed psychologist, a board-certified behavior analyst–doctoral (BCBA-D), or a board-certified behavior analyst (BCBA).

If passed, HB 627 will limit the providers eligible to serve as an RBT to those certified by Behavior Analyst Credentialing Board (BACB). Additionally, HB 627 requires Maryland Medicaid to reimburse RBTs for ABA services they have provided, and limits MDH to requiring proof of certification and maintenance from BACB or other credentialing entity to within 90 days after the RBT first provides services to a Medicaid beneficiary.

MDH currently reimburses for ABA services provided to Medicaid participants by RBTs certified by the BACB (see COMAR 10.09.28.04). MDH is also in the process of reviewing requests by stakeholders to expand certification requirements to also allow behavior technicians credentialed by a different body, Board Certified Autism Technicians (BCATs). As drafted, it is unclear whether HB 627 will permit this expansion. The definitions section strictly defines a board-certified behavior analyst as an individual certified by BCAB. However, Section (B)(3) indicates that BCAB or “other credentialing entity” will be permitted. Permitting RBTs credentialed by BCAB or BCAT will not have a fiscal impact on MDH.

Given existing regulations, MDH urges reconsideration of codifying certification requirements in statute. As written, HB 627 will limit the MDH’s ability to make expansions to ABA services and provider requirements based on stakeholder feedback outside of the legislative cycle.

MDH further notes that permitting a rolling 90-day period for any new RBT to become certified will have an indeterminate fiscal impact on MDH due to costs associated with ongoing administrative oversight. MDH notes that another option will be to allow for a grace period. Once the grace period sunsets on a given date, any provider not certified by that date will be disenrolled.

If you have any questions, please contact Heather Shek, Director of Governmental Affairs, at heather.shek@maryland.gov or (443) 695-4218.

Sincerely,

A handwritten signature in cursive script, reading "Dennis R. Schrader".

Dennis R. Schrader
Secretary