

UAA Center for Human Development

To: Chairman Higgins and members of the Health and Social Services Committee,
State of Alaska House of Representatives
From: Anne Paley CHD CBC Program Director
Date: March 18, 2014

Re: Support of HB 361, An Act Related to Licensing of Behavior Analysts

Honorable House members:

My name is Anne Paley. My main role at the Center for Human Development is to operate as the Program Director for the Complex Behavior Collaborative. As you are aware, the house is funding the Complex Behavior Collaborative (CBC) to the amount of \$525,000. We are thankful and encouraged. The funding will allow us to continue to work with local agencies to increase our capacity to better support individuals with challenging behaviors.

At the Center for Human Development, CBC, we utilize the principles of Applied Behavior Analysis (ABA) in the work we do with agencies and individual clients. I am personally a beneficiary of the workforce development that allowed me to access advanced graduate-level training and develop my skills as a practitioner. In order to become a Board Certified Behavior Analyst I have taken graduate level courses and completed 1500 clinical hours supervised by a BCBA. This allowed me to take the exam, which I am now awaiting my results.

HB 361 will give us the opportunity to continue developing our cohort of professionals and allow qualified practitioners to perform evidenced based practice in working with individuals who need these services in the State of Alaska. Often we end up recruiting professionals from out of state. This can be effective if that expertise is strategically matched with building our capacity in state. HB 361 will provide the internal support to professionals that have worked hard to increase their skill base and deliver these services and supports within our home communities. The initial focus of many of our BCBA's has been on work with individuals with autism. By increasing the quality of support with individuals with autism, we have also increased our capacity to better support individuals with other diagnosis. We have found this approach to be effective with all of the individuals we have worked with in the CBC.

Thank you for the opportunity to look at licensure. I believe this is a critical piece to continuing to better support a variety of individuals and keep everyone living within their home community.

Sincerely,

Anne H Paley 907 264-6227 anep@alaskachd.org

[Street Address]; [City], [State] [Postal Code]

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Here are my talking points for support of the BCBA licensure

Alaska is training BCBA's but at this time it is difficult to keep them in Alaska due to issues related to billing for the services they provide. Many insurance companies require professionals to be licensed in order to bill for services. For this reason licensure is directly related to retention of our current numbers and provides incentive for additional professionals to enter the field. At this time we do not have enough BCBA's to fill the needs of our state.

As this relates to the autism insurance bill, if the issue of billing for services is not addressed children with autism will not receive the type of services they need at a level sufficient to make improvements.

Licensure will provide a means for BCBA's to bill for services and will have a direct impact on the availability of critical services for children and adults with autism.

There are several other important reasons for the licensure of Board Certified Behavior Analysts (BCBA's).

Families who need this level of service are often desperate. With so few options available they will take what ever they can get even if the service is poor quality.

Rural communities with limited access to professionals are at risk of receiving services from practitioners who are not providing quality, safe, and/or ethical services. Because rural communities tend to be isolated from other professionals that would recognize these issues early, Behavior Analysts working in these communities, and who do not have adequate skills, may continue to provide inadequate or unsafe services. Licensure helps to address these concerns.

Families living in rural communities are often desperate for any type of service and will take whatever is available. This can lead them to accept low quality services, which can create more challenges than what may have existed before services. Licensure provides a foundation of minimum quality across the profession and in all communities.

**LEA ANNE McWHORTER
5243 Sillary Circle
Anchorage, Alaska 99508**

Date: March 15, 2014

To: Representative Higgins, Chair
Health & Social Services Standing Committee

From: Lea Anne McWhorter
Member, Governor's Task Force on Autism
Parent of Autistic Child

Subject: HB 36, Licensing of Behavior Analysts

As a member of the Governor's Task Force on Autism and as a parent of a child who experiences autism, I would like to offer support for passage of HB 361, Licensing of Behavior Analysts.

Research shows that early diagnosis of and intervention training for behavior are key to the successful futures of individuals who experience autism, and the principles of Applied Behavior Analysis are an avenue to provide the successful outcomes desired.

In Alaska, a small number of private providers offer research- and evidenced-based intervention options, using a multi-disciplinary approach, guided by the critical principles of Applied Behavior Analysis and overseen by Board Certified Behavioral Analyst. Such services include interventions that are intensive, involve families as active participants, provide well-trained staff, develop clear objectives, and consistently use data-driven evaluations of progress. They do so while also teaching generalization and maintenance of skills, and assisting with transitions to school or other community-based activities.

HB 361, Licensing of Behavior Analysts, will provide a means for families to be assured that the services they are seeking for their children will be delivered by a provider who is fully trained to implement the intervention methods of ABA. In addition, HB 361 will allow certified and licensed Behavior Analysts to be eligible to receive compensation from health insurance companies who offer coverage for ABA services in the treatment of autism, and thus create an opportunity to increase the number of much-needed ABA providers in Alaska.

I urge you to pass HB 361, Licensing of Behavior Analysts, in order to increase the opportunities for individuals experiencing autism to access the tools that can help lead them to full and productive futures.

Thank you for your consideration.
/s/ Lea Anne McWhorter

March 17, 2014

Ms. Kim Skipper, Chief of Staff

Office of Rep. Dan Saddler

State Capitol, Room 104

Juneau, AK 99801

RE: HB 361 – Licensing of Behavior Analysts

Ms. Skipper,

I am writing in response today regarding my strong support for the proposed HB361 bill to license Board Certified Behavior Analysts. As a mother of two children with autism I have seen the benefits of ABA services with both of my children.

I would like to share my experience over the last year with Blue Cross Blue Shield of Alaska (BCBS) with respects to covering ABA services for my son. It has definitely been a very difficult road. Both the BCBA provider and I tried to work with BCBS to determine what billing codes to use, but they were unable or unwilling to provide this information. Even though BCBS currently pays for this type of service in other states with mandates. During the course of the year I received numerous notices of denied coverage due to the provider not being a licensed provider in the State of Alaska. Other months BCBS would pay the claims, but claims were processed differently. After continually phone calls to the service department to correct the numerous errors I finally became so frustrated I sent a rather abrupt, but to the point email explaining my continued frustration and BCBS in ability to do their jobs correctly. This email spurred BCBS to review every claim for 2013 and all claims where then reprocessed correctly. This processes took months and finally by the end of January 2014 everything was corrected. Had I not had 10 years of insurance experience and the determination to stay on top of this my son might not have gotten this very necessary services.

By passing this bill it will allow many more families to access this very beneficial and necessary services to help their child with autism. It will also allow BCBA's and BCaBA's ease in billing and to receive an appropriate rate of payment based on their qualifications and experience.

I along with the parents listed below are in strong support the passage of bill HB361.

Sincerely,

Lisa Klessens

17205 Alice Loop

Eagle River, AK 99577

Kirstina Santacrose

18412 Stillwater Dr.

Eagle River, AK 99477

Kelly & Glenn Ott

21309 Lowland Ave.

Eagle River, AK 99577

Laura & Billy Barnhill

9632 Nizki Circle

Eagle River, AK 99577

Donna Yarbrow

32964 N. Glenn Hwy

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Beth & Will Hastings

18811 Mills Bay Drive

Eagle River, AK 99577

Chris Saddler

P.O. Box 771416

Eagle River, AK 99577

March 18, 2014

Representative Dan Saddler
State Capitol, Room 104
Juneau, AK 99801

RE: HB 361

Dear Representative Saddler:

On behalf of Premera Blue Cross, I am writing with respect to HB 361, *an act relating to licensing of behavior analysts*. Premera supports HB 361 which would establish a licensure process for behavior analysts.

We believe the approach proposed in the bill to license and regulate behavior analysts is sound and would enhance patient safety for services provided to children diagnosed with autism spectrum disorders.

The licensing process would establish the qualifications to obtain a license which include certification by the Behavior Analyst Certification Board and meeting continuing education requirements. These requirements in addition to the disciplinary standards will serve to ensure that children obtain treatment from credentialed and trained providers. Patient safety is a key priority for Premera as we seek to improve the quality of care and support the delivery of evidence-based medicine.

To align with the new licensure, we respectfully request an amendment to AS 21.42.397(g)(1). We suggest the following modifications to clarify that services are provided by individuals licensed and registered by the state licensing board as meeting the requirements the board sets forth which may include national certification as appropriate. We also suggest a clarification that the provider is practicing within the scope of his or her licensure or clinical specialty areas. To that effect, we suggest the following:

“autism service provider” means an individual who is licensed, certified, or registered by the applicable state licensing board, [OR BY A NATIONALLY RECOGNIZED CERTIFYING ORGANIZATION AND] who provides direct services to an individual with an autism spectrum disorder, and is practicing within the scope of licensure or specialty standards.”

We appreciate your consideration of this input with respect to HB 361 and your work directing the Comprehensive Autism Early Diagnosis and Treatment Task Force. Please feel free to give me a call if you would like to discuss this further.

Sincerely,



Sheela Tallman
Senior Manager, Legislative Policy

cc: John Espinola, M.D.
Ted Conklin, M.D.



Teaching Skills for Success

Rebeka Edge, M.A, BCBA Antonia Shangraw PH.D. BCBA-D Consuelo Davis M.A, BCBA
Jenna Rhodes, BS, BCaBA Maya R. Shales, MS, BCBA Rex Shangraw M.A. BCBA Dale Forman, MS, BCaBA

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3-18-14

To the Alaska Legislation,

I am the owner of Behavior Matters LLC, a behavior analytic company in Eagle River, AK and the parent of 2 children with Autism. I currently have a staff of 24 serving clients in the greater Anchorage area, Mat Su valley, Talkeetna, Kenai, and Juneau. On staff, we have one BCBA-D, four BCBA's, and 2 BCaBA's. We also have four employees that have completed the requirements for certification and three more taking classes toward certification.

We currently bill multiple insurance companies but the only reliable payor is Tricare. Even with the recent insurance mandate, some insurance companies have refused to pay for or authorize services while other insurance companies will pay for service but it usually takes several remits and multiple phone calls or at times will request a refund. ODS is an example of insurance company that authorized services and later requested a refund, thus leaving the family with a large bill.

The licensure of certified behavior analysis will allow us to continue to work with our current families, while providing a professional rate that are more consistent with our training and expertise. It will also allow us to bill a stronger network of behavior analyst within the state to support Alaskans with autism.

Sincerely,

Rebeka Edge, MA, BCBA
CEO Behavior Matters
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UAA Center for Human Development

UNIVERSITY of ALASKA ANCHORAGE

To: Members of the Health and Social Services Committee,
State of Alaska House of Representatives
Date: March 17, 2014
RE: Support of HB 361, An Act Related to Licensing of Behavior Analysts.

Honorable House members:

My name is Dr. Richard A Kiefer-O'Donnell. I serve as the Associate Director of the Center for Human Development. The Center is the federally-mandated, *University Center of Excellence for Disabilities*, charged with serving the entire state of Alaska. We are housed through UAA, but have a statewide mission to support all individuals with disabilities and their families. I would like to add my name in support of HB 361 which would establish a state license for those eligible professionals who wish to meet the needs of individuals with intense behavioral needs, be they with or without disabilities. This bill, should it become law, is a pivot step in a series of workforce development and capacity building activities that actually started in 2007, when The Governor's Council on Disabilities & Special Education, in its report, *Autism Issues and Needs: Findings and Recommendations*, suggested two related Action Items :

1. Enlist Alaska's universities' support and collaboration in developing certification and degree programs for students interested in specializing in autism interventions;
2. Build capacity for all early intervention and childcare programs, and school districts, to adopt evidence-based, non-aversive behavioral interventions, such as positive behavioral support and best practice interventions with proven outcomes; and
3. Remove licensing barriers that prevent out-of-state autism specialists from practicing in Alaska. (http://dhss.alaska.gov/gcdse/Documents/Publications/pdf/2006_autism.pdf)

Starting in late 2008, the State of Alaska, through a partnership made up of variety of state agency, school district, families and the Center for Human Development, implemented an Action Plan into motion, associated with advanced graduate-level training that developed practitioners who were sufficiently skilled and experienced to respond to the needs of individuals with highly challenging behaviors, including children, teens and adults with Autism. Since its inception in the winter of 2009, more than 21 highly skilled professional have completed this 2 ½ year intensive program of study, with another 17 post-Master's level professionals in the pipeline to finish in 18 months.

This bill, a product of the work of the Autism Insurance Task Force, is the last needed step for these skilled practitioners to fully assume their roles. Like the action already taken by 19 states over the last 3 years, you are being asked to consider the passage of this measure. It will establish a cost-efficient and effective system to license these professionals, based in part of sustaining in good status, their national credentials and meeting ongoing CEU-based training requirements. As such, I strongly encourage to vote in support of this bill. Doing so demonstrates continued support of children and youth with intense behavioral needs, and their families.

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**Suzanne Letso, M.A., BCBA
Chief Executive Officer
Alaska Center for Autism
17545 North Eagle River Loop Road
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March 18, 2014

Dear Rep. Higgins, Rep. Keller and Members of the House Health & Social Services Committee:

I am writing to you in support of HB 361, an act relating to the licensing of behavior analysts.

I am a Board Certified Behavior Analyst (BCBA) overseeing autism programs in Connecticut and Alaska. We are currently operating a private, non-profit school for children with autism in Eagle River, and are providing consultative services both in and outside the Greater Anchorage area. I currently employ 6 people who reside in Alaska, one of whom is a BCBA, and two of who are completing their coursework to become BCBA's. In addition, there are five other BCBA's in our organization who are regularly in Alaska supervising Applied Behavior Analytic (ABA) programs in various locations around the state.

Licensure of behavior analysts is critical to the provision of ABA within the state of Alaska. This will facilitate implementation of the autism insurance bill enacted last year. It will also ensure that those providing ABA services are appropriately qualified, and have undergone a background check – including those who are not AK residents. It will enable Alaskan residences that have completed Alaskan-based university coursework to remain in Alaska rather than leaving the state because they cannot utilize their education and experience here. Perhaps most importantly, it will protect consumers of ABA services and will enable children with autism and other disabilities who are currently out of state to someday be able to return home.

For years, both state and federal funds including military funding have been utilized to support ABA programming, as well as families who privately fund ABA services for people with autism in the state. Just in the last few years alone, the Anchorage Public School System has spent several million dollars on behavior analytic services for children with autism. Without licensure this will remain an unregulated "cottage industry" with no consumer protections in place.

This bill will have an immediate and long-term impact on the availability and quality of ABA services for people with autism in the state. But it will likely also benefit others in the state in the future because BCBA's also work with an increasing variety of other populations including, but not limited to our aging population, our prison

population, those with traumatic brain injury, Fetal Alcohol Syndrome, and in manufacturing facilities for example. As the number of BCBA's in AK increase, at least some of these professionals may begin to expand their practice to help some of these other populations as well as people with autism. Which makes it even more critical that licensure of BCBA's be established as soon as possible.

There are already 17 states that have enacted regulatory programs for behavior analysts, including North Dakota which has even fewer BCBA's than Alaska does (as of today, there are only 5 BCBA residing in that state), and a number of other states including Connecticut are in the process of seeking licensure as well.

In terms of the cost of establishing a licensing program, the Behavior Analyst Certification Board can help implement the licensing process. I'm sure Dr. James Carr, the Chief Executive Officer of this nonprofit organization would be happy to speak with the committee leadership and/or this committee regarding this option. Dr. Carr can be reached at carr@bacb.com.

Yours truly,
Suzanne Letso, M.A., BCBA
Chief Executive Officer
Connecticut Center for Child Development/Alaska Center for Autism



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March 17, 2014

Rep. Dan Saddler,

I am writing this letter to support HB 361 – Licensing of Behavior Analysts. I am a Behavior Analyst in private practice in Anchorage. I provide in-home ABA services to children with Autism and other developmental delays. I am a Board Certified Behavior Analyst at the Doctoral level. I am also licensed as a Behavior Analyst in the state of Missouri.

As a practitioner, I believe licensure is extremely important for the state of Alaska. This bill creates a method for licensing Behavior Analysts that aligns with the national certification from the Behavior Analysts Certification Board (BACB) and matches licensing requirements in other states, such as Missouri. Creating a license for Behavior Analysts will allow for better regulation of those providing behavior analytic services so that providers are implementing techniques founded in the science of Behavior Analysis. This license will also allow for more consumers to access Behavior Analytic services that have previously not been covered by insurance companies that require a provider with a state license to provide services.

I believe that HB 361 is necessary to improve Behavior Analytic service availability and quality in the state of Alaska. I am pleased that this bill is being considered and I fully support it.

Sincerely,

Rachel L White, PhD, BCBA-D
President, Good Behavior Beginnings