

HB

361

<TARGET><BILL>HB 361</BILL><SUBJECT>HB
361</SUBJECT><COMM>HHSS28</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 26, 2014

FURTHER REFERRALS: Finance

Date of Committee Action: 3/18/14

The HEALTH AND SOCIAL SERVICES Committee considered:

HB 361

HOUSE BILL NO. 361

"An Act relating to licensing of behavior analysts."

HB 361-LICENSING OF BEHAVIOR ANALYSTS

Recommends it be replaced with HCS or CS for _____ (_____)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 DHS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*FN# is assigned by Chief Clerk's Office				
*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	CED	✓		
	DHS		✓	

<u>PREVIOUS FISCAL NOTES</u>				
FN#	List by Dept(s):	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Pevitt			X	
	Reinbold			X	
	Tarr	X			
Chair:	Keller			X	
Chair:					

ALASKA STATE LEGISLATURE

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REPRESENTATIVE DAN SADDLER

SPONSOR STATEMENT

House Bill 361

"An Act relating to licensing of behavior analysts."

Autism is a significant and growing problem in Alaska. Statistics show that one in 110 Alaska children – about 1 percent – are born with this developmental disability, characterized by a diminished ability to communicate, social isolation, and other symptoms.

While not curable, autism is treatable. Scientific, peer-reviewed studies have shown that early intensive treatment in the form of Applied Behavioral Analysis offers the best opportunity to help people with autism improve their ability to function productively in society.

Applied Behavior Analysis is recognized as the basis for the most effective form of treatment for autism by the U.S. Surgeon General, The National Institute of Child Health, and the American Academy of Pediatrics. You can best understand ABA as behavior modification therapy: It seeks to encourage appropriate behavior by assessing and managing the relationship between the environment and the desired behavior.

Forty years of research shows that nearly half of people with autism who receive intensive early intervention and treatment do not require lifelong services and support -- and half can achieve normal functioning after two to three years. This can mean lifetime savings of \$200,000 to \$1.1 million for a person through the age of 55.

One of the most important elements in successful autism treatment is having it provided by well-trained behavioral therapists – those who hold the nationally recognized credential of Board-Certified Behavioral Analyst, or BCBA.

To qualify as a BCBA, applicants must have a minimum of a master's degree, plus extensive training and experience requirements of up to 1,500 hours of supervised practice in the field, 225 hours of graduate-level classroom work, or a year's experience teaching ABA at the university level. They must also pass the challenging BCBA certification examination. The Board-Certified Assistant Behavioral Analyst, or BCaBA credential, requires slightly lower standards.

The state already supports the training of BCBAs through a grant to the Center for Human Development, at the University of Alaska Anchorage. There are about 20 to 30 BCBAs and BCaBAs in Alaska today, although not all of them are currently working in the field.

Under current state law, Alaskans with BCBAAs cannot bill health insurance companies or Medicaid for their services at a rate that reflects their high degree of training and professional skill because they are not formally licensed.

HB 361 addresses this situation by providing for those holding the BCBA or BCaBA credentials in Alaska to be licensed by the Division of Professional Licensing, in the Alaska Department of Commerce, Community and Economic Development. Fourteen other states currently provide licensing and regulate behavior analysts. This approach has the strong support of Alaska BCBAAs and of national autism advocacy groups.

By ensuring licensing and higher standards of practice for BCBAAs and BCaBAAs, HB 361 will:

- encourage more people to provide autism services in Alaska
- offer higher reimbursement rates for professional providers
- provide better outcomes for Alaska children with autism
- save the state money by avoiding the need for costly institutional care, and
- improve the quality of life for hundreds of Alaskans and their families.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 361
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB361-DCCED-CBPL-03-14-14
Title: LICENSING OF BEHAVIOR ANALYSTS
Sponsor: SADDLER
Requester: House Health & Social Services

Department: Department of Commerce, Community and
Economic Development
Appropriation: Corporations, Business and Professional
Licensing
Allocation: Corporations, Business and Professional
Licensing
OMB Component Number: 2360

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	46.6		1.7	1.7	1.7	1.7	1.7	1.7
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	46.6	0.0	1.7	1.7	1.7	1.7	1.7	1.7

Fund Source (Operating Only)

1156 Rcpt Svcs	46.6		1.7	1.7	1.7	1.7	1.7
Total	46.6	0.0	1.7	1.7	1.7	1.7	1.7

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues	46.6		1.7	1.7	1.7	1.7	1.7
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **Yes**
If yes, by what date are the regulations to be adopted, amended or repealed? **07/01/15**

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: <u>Don Habeger, Director</u>	Phone: <u>(907)465-2536</u>
Division: <u>Corporations, Business and Professional Licensing</u>	Date: <u>03/14/2014 05:15 PM</u>
Approved By: <u>Jeanne Mungle, Director</u>	Date: <u>03/14/14</u>
Agency: <u>Administrative Services</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB361

Analysis

HB361 requires licensure of behavioral analysts. It establishes the scope of practice for licensees, licensure requirements and exemptions, unlawful acts, and transitional language for program implementation. This bill establishes required licensure for individuals engaging in the practice of behavioral analysis. This will add a new professional licensing program to the 39 existing within the Division of Corporations, Business and Professional Licensing ("division").

The addition of this program requires startup expenses to configure the professional licensing database, develop and implement regulations, purchase supplies, and establish program procedures. Licensing fees for each program are set per AS 08.01.065, so the revenue collected equals the occupation's regulatory costs.

Costs for establishing and maintaining the new license program are based on existing programs of similar size and consist of the following:

Services: \$35.2 one-time information technology costs to incorporate the new licensing program into the professional licensing database; \$11.0 legal support services related to new program implementation; \$0.4 for advertising public notices of regulations, printing, postage and mailing costs; \$0.7 for fingerprinting beginning in the second year; \$0.5 legal support services beginning in the second year; \$0.1 hearing and mediation services beginning in the second year.

Regulations are required so that the department may implement the program and set fees under AS 08.01.065.

In addition to the above costs the program would incur direct expenses for licensing examiners, investigators, regulations specialist, and supervisory management through positive timekeeping. They would also incur indirect expenses for administrative support, such as accounting, payroll, risk management, ADA chargeback, and building leases. Although increased authorization is not needed for these costs, this program's share of the division's total indirect costs will be considered as part of the program's total costs during the biennial review of licensing fees.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
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Mall Stop 3101

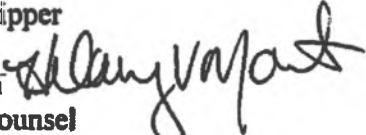
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 11, 2014

SUBJECT: HB 361 Sectional Summary (Work Order No. 28-LS1474A)

TO: Representative Dan Saddler
Attn: Kim Skipper

FROM: Hilary Martin 
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill -- the bill itself is the best statement of its contents.

Section 1. Adds behavior analysts to the list of professions covered by AS 08.01.

Section 2. Adds behavior analysts to the list of professions that must use an appropriate professional designation.

Section 3. Adds a new chapter regulating behavior analysts.

Sec. 08.15.010. Prohibits practicing behavior analysis without a license.

Sec. 08.15.020. Sets out qualifications for a license as a behavior analyst and assistant behavior analyst, including passing the Board Certified Behavior Analyst Examination, certification by the Behavior Analyst Certification Board, and passing a background check.

Sec. 08.15.030. Allows the department to issue a temporary license for 30 days or less in a calendar year.

Sec. 08.15.040. Allows for renewal of a license upon proof of continued certification by the Behavior Analyst Certification Board, Inc.

Sec. 08.15.050. Lists the grounds for suspension, revocation, or refusal to issue a license.

Sec. 08.15.060. Lists the disciplinary sanctions the department may impose on a licensee.

Sec. 08.15.070. Lists exemptions from the licensing requirements of the chapter.

Representative Dan Saddler

March 11, 2014

Page 2

Sec. 08.15.080. Requires the department to adopt regulations to implement the chapter, including regulations on continuing education requirements and standards for licensure by credentials.

Sec. 08.15.090. Sets out the definitions for the chapter.

Section 4. Adds behavior analysts and assistant behavior analysts to the definition of "health care provider" which grants immunity for providing free health care services.

Section 5. Adds behavior analysts and assistant behavior analysts to the list of people who are required to report child abuse or neglect.

Section 6. Makes the licensing requirements of the bill applicable immediately to persons who have never practiced behavior analysis in the state before the effective date of the Act, and two years after the effective date of the Act to persons who have practiced behavior analysis in the state for at least three of the five years immediately preceding the effective date of the Act, and are certified by the Behavior Analyst Certification Board, Inc.

HVM:Ind
14-113.Ind

**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

Suzanne Letso, M.A., BCBA
Chief Executive Officer
Alaska Center for Autism
17545 North Eagle River Loop Road
Eagle River, AK 99577

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 whom 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 residents 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



Good Behavior Beginnings, LLC

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goodbehaviorbeginnings@gmail.com
www.goodbehaviorbeginnings.com
Skype: rachelwhitecba

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



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.

907.264.6259
richardk@alaskachd.org

Annette Blanas LCSW, BCBA
annette@gci.net
(907) 748-0496

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.

February 17, 2014



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

RE: Comments to Comprehensive Autism Early Diagnosis and Treatment Task Force Meeting

On behalf of Premera Blue Cross Blue Shield of Alaska, thank you for the opportunity to provide comments in response to questions that arose at the last taskforce meeting on January 10 during which Dr. Ted Conklin and I both participated. This section is organized by the topic and our response.

Coding Procedures for Autism Services

We understand the coding concerns regarding Applied Behavioral Analysis (ABA) services, and challenges subsequently exist for insurers in identifying these services when they are billed. Providers are coding ABA services differently since there are no specific codes for ABA.

We support the task force making recommendations to help address coding/billing concerns regarding autism services by supporting the efforts of the American Medical Association (AMA). We understand an AMA subgroup is currently working on CPT codes for autism services to be issued in 2015.

We do not support recommendations that the Alaska Department of Health and Social Services should establish billing codes for ABA services in the state. This could lead to conflicting procedures and administrative issues when national guidelines are currently being developed.

* **Licensing of Providers** }

We support recommendations to establish a licensure process for Board Certified Behavior Analysts (BCBAs). We recommend that Alaska create a state licensing board that allows the state to license and regulate BCBAs. }

Mandating Autism Coverage by Self-funded Plans

We understand there is interest in recommending a mandate for self-funded plans in Alaska to provide autism coverage. The State of Alaska has no jurisdiction over self-funded health plans as these plans are not subject to state insurance laws and instead are governed by federal Employee Retirement Income and Security Act (ERISA). Since state legislation was enacted requiring certain insurance plans to cover autism benefits,

self-funded plans in Alaska may voluntarily adopt this benefit. However, since the state does not have jurisdiction, such a mandate would be preempted by ERISA, and we oppose the task force making such recommendation.

The Alaska Legislature has jurisdiction over the Alaska state employee plan, and we support and urge the task force to require coverage for autism services under this plan.

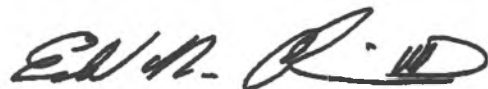
Defining Standard Services for Autism Treatment

We do not support defining standards of services for autism treatment. We believe the task force is not staffed with the appropriate clinical professionals to conduct a thorough assessment of the medical literature to make credible recommendations about treatment standards. The evidence for autism related therapies is complex, of varied quality and still developing. Such practice and treatment recommendations should be left to such organizations as credible professional societies and academic mental health departments with staff qualified to conduct a comprehensive review of the medical literature. Clinical trials in the professional medical literature have not yet provided consistent and unequivocal evidence for the effectiveness of treatments for autism.

In addition, we do not believe the state should be making determinations regarding the standards of care which are more appropriately decided by the medical profession. Furthermore, standards of service should not be codified in state regulations because standards of treatment for most conditions generally change continuously over time as new evidence emerges.

Thank you for the opportunity to provide comments. We look forward to continuing to work with you. Please let us know if you would like to discuss our comments further.

Sincerely,



Ted Conklin, M.D. Medical Director, on behalf of,

John Espinola, M.D. Premera Vice President of Quality and Medical Management

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 361
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB361-DHSS-HCMS-03-17-14
Title: LICENSING OF BEHAVIOR ANALYSTS
Sponsor: SADDLER
Requester: House Health & Social Services Committee

Department: Department of Health and Social Services
Appropriation: Medicaid Services
Allocation: Health Care Medicaid Services
OMB Component Number: 2077

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 01/01/16

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Margaret Brodie, Director	Phone: (907)334-2520
Division: Health Care Services	Date: 03/17/2014 12:00 PM
Approved By: Sarah Woods, Deputy Director, Finance & Management Services	Date: 03/17/14
Agency: Health & Social Services	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB361

Analysis

Passage of HB361 version "A" would trigger a series of events, the timing of which is difficult to estimate, therefore also making it difficult to accurately project the timing of potential resulting costs for the Health Care Medicaid Services component.

The Department of Commerce and Economic Development would be required to draft and implement regulations for behavior analyst licensure. Thereupon, DHSS may draft and submit to the Centers for Medicare and Medicaid Services (CMS) an amendment to the Alaska State Plan, incorporating provision of behavior analysis into Alaska Medicaid services provided. If CMS approval were granted, DHSS would promulgate regulations identifying target groups for behavior analysis services and service parameters and limits, and establishing a fee structure. Qualified individuals could seek State of Alaska licensure to provide behavior analysis, and enroll as Medicaid services providers. Only then might Health Care Medicaid Services component begin to incur costs under the new provisions.

If CMS were to determine that the service of behavior analysis falls under the scope of Early Periodic Screening, Diagnosis, and Treatment services (EPSDT), a currently approved/mandatory children's service within Alaska Medicaid, then the financial impact to Health Care Medicaid Services could be significant.

Nationally, behavior analysis is utilized to serve persons diagnosed with autism. The prevalence of autism spectrum disorders has increased dramatically in recent years, both nationally and in Alaska. The State of Alaska recognizes the increased incidence and the significant impact that early evaluation and diagnosis can have on children with such disorders. Children receiving early diagnoses and interventions have significantly improved outcomes over the course of their lives. According to the National Survey of Children's Health, 2011-2012, national prevalence of autism in children age 6-17 was then 3.23% in boys, and 0.70% in girls. The 2010 Alaska census reported 207,840 children in the state between ages 0-19. Based on these statistics, we might assume a potential population of 3,356 males and 727 females ages 0-19 with a diagnosis of autism. During the period of FY2011-2013, Health Care Medicaid Services paid for various service claims for a combined total of 1,838 persons under the age 21 with a diagnosis of autism.

DHSS cannot estimate with certainty the number of potential children diagnosed with autism, who would also be Medicaid eligible and might be determined to require behavior analysis services, were they to receive a mental health assessment to identify their potential level of service need. Combining the uncertainty of potential need for services with the uncertainty of the potential start of Medicaid-covered behavior analysis treatment, DHSS is not able to define the costs of HB 361, although it's clear there would be associated costs if DHSS sought approval for a State Plan amendment to include behavior analysis.



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

12836 Old Glenn Hwy Eagle River, AK 99577 (907) 726-5330 office; (907) 726-5266 fax behaviormatters@gmail.com

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
12836 Old Glenn Hwy
Eagle River, AK 99577
907-726-5330 office
907-726-5366 office fax
855-726-5366 personal fax



ABOUT THE BACB

- Established in 1998 as a 501(c)(3) nonprofit corporation
- Certifies professional behavior analysts
- Operates independent of state agencies and professional membership organizations
- Has certified over 15,000 behavior analysts in over 50 countries
- Requires a related academic degree, behavior-analytic coursework, supervised experience, passage of a psychometrically sound examination, compliance with disciplinary standards, continuing education, and ongoing supervision (RBT and BCaBA credentials)
- Has approved over 400 behavior-analytic course sequences at more than 240 universities internationally
- Has received accreditation of its certification programs by the National Commission for Certifying Agencies

BACB CREDENTIALS

- **Technician Level**
Registered Behavior Technician™ (RBT™)
- **Bachelor's Level**
Board Certified Assistant Behavior Analyst® (BCaBA®)
- **Master's Level**
Board Certified Behavior Analyst® (BCBA®)
- **Doctoral Level**
Board Certified Behavior Analyst–Doctoral™ (BCBA-D™)

APPLIED BEHAVIOR ANALYSIS

- A science based on the use of learning principles to improve socially important behavior
- ABA practice focuses on assessing the environmental influences on behavior, assessment-based intervention, and data-based decision making
- ABA has been used to address the behavioral needs of consumers in multiple areas, including general and special education, organizational behavior management, gerontology, and many more
- ABA is the leading evidence-based treatment approach for autism and other developmental disabilities

REIMBURSEMENT AND LICENSURE

- Behavior analysts have been practicing independently, without oversight from other professions, for decades
- Funding streams include Medicaid waivers and health-insurance plans, among others
- BACB certificants are identified as qualified providers of ABA services in the majority of the recently passed autism health-insurance laws
- BACB standards are the basis of all existing behavior analyst licensure/certification laws in the United States

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 Yarbro

32964 N. Glenn Hwy

Sutton, AK 99674

Beth & Will Hastings

18811 Mills Bay Drive

Eagle River, AK 99577

Chris Saddler

P.O. Box 771416

Eagle River, AK 99577

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 annep@alaskachd.org

PHONE

FAX

WEB

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

[Your Phone]

[Your Fax]

[Web Address]