



# Nevada Commission on Autism Spectrum Disorders

## **Board Members**

*Trisha Lozano, MEd,  
Madam Chair*

*Antonina Capurro,  
DMD, MPH, MBA,  
Co-Chair*

*Lenise Kryk, MEd,  
BCBA, LBA*

*Korri Ward,  
Parent*

*Julie Ostrovsky,  
Parent*

*Ritzie Gratrix,  
School District Rep*

*Walter Howells  
Parent*

January 13, 2021

The Honorable Governor Steve Sisolak  
State Capitol  
101 N. Carson Street Carson City, Nevada 89701

Dear Governor,

As chairperson of the Nevada Commission on Autism Spectrum Disorders, I am honored to update you on the activities of the Commission as required by NRS 427A.8801.

First and foremost, the Commissioners express their gratitude for your dedicated support during your time as governor. Your leadership has had a great impact on the lives of children, adults, and families affected by autism.

In April 2020, a partially appointed Commission began meeting twice a month. As of November 2020, all members had been appointed. The Commission meetings have included reviewing data from the Autism Treatment Assistance Program (ATAP), Medicaid, Rural Regional Center (RRC), school districts, and commission workgroups.

## **ACTIVITIES OF THE COMMISSION**

### **Promoting Effective Medicaid Rate**

In August 2020, the Commission submitted a letter to Nevada's Department of Health and Human Services (DHHS) Division of Health Care Financing and Policy (DHCFP) opposing the 6% rate reduction for Applied Behavior Analysis (ABA) services. Due to the rate reduction, some of Nevada's providers are unable to continue to serve their Medicaid clients. The loss of Medicaid providers is far reaching, impacting not just families but also reducing options for juvenile justice. This Commission will continue to monitor the number of active Medicaid ABA providers and children diagnosed with autism spectrum disorders (ASD).

The Commission understands that during this unprecedented global pandemic our legislators have challenging decisions to make. While the 6% Medicaid reduction was legislatively mandated, the Commission is calling for your future support to ensure Medicaid reimbursement rates are sufficient to maintain the interest of Nevada's providers and to ensure individuals with ASD can access ABA services. Please review the attached copy of our letter to DHCFP.



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## Establishing Workgroups

In July of 2020, the Commission established both the Funding and Insurance Workgroup and the Workforce Development Workgroup. Lenise Kryk was appointed as chair of the Funding and Insurance Workgroup. The current objectives of the Funding and Insurance Workgroup are to gather data regarding adult resources, ATAP services, and access to ABA through Medicaid. Dr. Antonina Capurro was appointed as chair of the Workforce Development Workgroup. The objective for the Workforce Development Workgroup is to gather data from across the state to determine the quantity and quality of Nevada’s workforce providers across the lifespan of individuals with autism.

## NEEDS OF PERSONS WITH ASD AND THEIR FAMILIES

### Adults

Adults with ASD in Nevada are being excluded from their health insurance benefit for ABA based solely on their age. In addition, Medicaid and ATAP do not fund ABA for individuals beyond the age of 21 or 19, respectively. NRS 689A.0435 allows private health insurance to limit autism treatment to students in high school or people under the age of 18 years old. Yet according to the 2008 Report of the Autism Task Force, “it is vitally important to understand that the methods of ABA are remarkably successful with older children and adults with ASD.” (p.90) Furthermore in 2008, the Mental Health Parity and Addiction Equity Act (MHPAEA) was released, which provides equity in treatment for mental health diagnoses. In 2017 the NRS was adjusted to define autism spectrum disorder as a condition that meets the diagnostic criteria as published in the Diagnostic and Statistical Manual of Mental Disorders. To ensure access to evidence-based treatment whenever it is needed, the Commission is advocating that ABA be funded through private health insurance throughout an individual’s lifespan.

### Autism Treatment Assistance Program: Children Served as of November 2020

Age Group	Number Served
< 3 years Old	20
3-5 Years	296
6-8 years	234
9-11 years	180
12-18 years	207
>19 years	5
<b>Total Served</b>	<b>915</b>

- At the time of this report, two-hundred and thirty-eight (238) children remain on a waitlist for ATAP services; average age of seven (7).



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- There were eighty (80) new applications for ATAP Services in the month of November, awaiting one-hundred and thirty-three (133) days on average for ATAP services.
  - For those newly served there is a seventy-three (73) day average waiting period for ATAP Services.
  - Thirty-six (36) children under 3 years are on the waiting list and one-hundred and thirteen (113) children are age 3-7 on the waiting list.

The Commission has reviewed current ATAP policies and processes. ATAP is currently serving five (5) individuals over the age of 19. This age of transition to adulthood and employment requires the generalization of skills. The Commission supports the diversification of ATAP funding to expand to serving individuals across their lifespan. The Commission recommends that this change would require advanced training regarding working with adults with challenging behaviors, for ABA providers. The Commission would like to see ATAP develop strategies to gather data regarding utilization of services and status of previous clients.

Families and children with autism continue to rely on ATAP. A total of 915 children are being served by ATAP. During the pandemic ATAP's Board Certified Behavior Analyst's (BCBA) are able to utilize videoconferencing to reduce cross family contact. Furthermore, the ATAP parent training program has been especially helpful to families during school closures. At this time 133 children are waiting for ATAP services. Continuing to provide treatment while protecting the families, BCBA's and the Registered Behavior Technicians (RBT) is essential at this time.

## **Nevada Early Intervention Services (NEIS)**

During fiscal year 2020 NEIS diagnosed 233 children with autism, an increase of 47 children from last reporting.

## **Nevada Department of Education (NDE):**

### **Students with Autism to Teacher Ratio**

<b>School Year 2019-2020</b>	
<b>Number of Pupils with Diagnosed Disability Autism</b>	9075
<b>Number of Nevada teachers with an active Autism endorsement</b>	1263

(See attached NDE report)



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## Department of Health & Human Services, Aging & Disability Services - Regional Centers: Individuals with Autism Disorder November 2020

Age Group	Statewide	DRC	SRC	RRC
0-17	820	617	139	64
19-20	257	185	45	27
21-24	280	194	56	30
25+	427	299	83	45
All Aged	1784	1295	323	166
<b>All Eligible Individuals</b>	7395	5055	1486	854
<b>% of Eligible Individuals with ASD</b>	24%	26%	22%	19%

## Nevada Board of Applied Behavior Analysis: Applied Behavior Analyst (ABA) Providers

As of 12/31/2020	
Licensed Behavior Analyst (LBA)	320
Licensed Assistant Behavior Analyst (LaBA)	36
Registered Behavior Technician (RBT)	1051

## Department of Health and Human Services Medicaid: Nevada Providers Enrolled in Medicaid

As of 12/31/2020	
Licensed Behavior Analyst	193
Psychologist	7
Licensed Assistant Behavior Analyst	21
Registered Behavior Technician	861
Groups	69

The Commission supports increasing the workforce of developmental specialists, teachers with autism endorsements, BCBAs, and RBTs to serve this large influx of children with autism.

### Medicaid

#### Hours of Registered Behavior Technician Services Funded by Medicaid

Medicaid presented data to the Commission which demonstrates that for the first two quarters of 2020 clients received an average of 4.7 hours per week of direct services delivered by an RBT. In 2019, the data indicated a slightly lower average of 4.5 hours per week. As a comparison, 25-40 hours per week is typically recommended based on age and



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needs. Children with Medicaid coverage need access to a level of care that meets evidenced based standards.

## Impact of Rate Reduction on Clients with Medicaid

Low rates of reimbursement continue to limit access to evidenced based treatment for children with autism through Medicaid. In 2015, the rate for a RBT was increased to the current rate of \$31.30. In February 2019, Nevada was the fourth lowest reimbursing state with the mean rate across the nation being \$48.29, ranging from \$30 to \$76.08. The proposed 6% reduction would move the rate to \$29.42, the lowest in the nation. After the proposed reduction of 6% in August, a survey was completed by providers throughout Nevada. Of the providers currently enrolled in Medicaid, 55% stated that they would not continue serving Medicaid clients or had already begun reducing their caseload of clients that have Medicaid as their primary insurance. Providers that are not currently enrolled in Medicaid stated unanimously they would not become a Medicaid provider. The concern regarding Medicaid for every provider that submitted the questionnaire was the reimbursement rates for ABA. In addition to the rate concern, one provider stated that the process of authorizations and credentialing staff was a challenge. Nevada needs to reimburse at reasonable rates in order for providers to consider being enrolled and serving children with Medicaid. The Commission is advocating for competitive Medicaid rates, streamlined approval of Medicaid providers and rapid reimbursement to avoid a further reduction in the Medicaid provider workforce.

We value the support and guidance we receive from your Chief of Staff, the ADSD staff members, and state agencies. Furthermore, the Commission is proud to recognize and applaud our State Legislators for their ongoing support of the Regional Centers, Department of Education, Medicaid, and the Autism Treatment Assistance Program. We look forward to working with those who will be continuing their state service and welcoming those who will be beginning their terms of service.

Under your leadership the Commission is honored to continue to research and recommend effective and efficient services which promote optimal outcomes and assist all Nevadans with ASD in achieving their full potential.

With determination and gratitude,

A handwritten signature in cursive script, reading 'Trisha Lozano', is positioned above the typed name.

Trisha Lozano, Madam Chair

Attachment(s):

Report form Nevada Department of Education

Letter to Department of Health and Human Services Division