



BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH CARE FINANCING AND POLICY
1100 E. William Street, Suite 101
Carson City, Nevada 89701
(775) 684-3600

ROMAINE GILLILAND
Director

LAURIE SQUARTSOFF
Administrator

NOTICE OF PUBLIC WORKSHOP

Applied Behavioral Analysis

Date of Publication: October 30, 2014

Date and Time of Meeting: November 13, 2014 at 9:00AM

Name of Organization: The State of Nevada, Department of Human Resources,
Division of Health Care Financing and Policy (DHCFP)

Place of Meeting: JW Marriott Las Vegas Resort and Spa
Grand Ballroom A
221 N. Rampart Blvd
Las Vegas, NV 89145

Agenda

1. Presentation and Public Comment Regarding Applied Behavioral Analysis

- a. **The purpose of this workshop is to present to Southern Nevada the draft medical coverage policy, provider qualifications, and reimbursement for Applied Behavior Analysis.**

Applied Behavior Analysis (ABA) is the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

- b. **Public Comment Regarding Applied Behavioral Analysis**

2. Public Comment Regarding any Other Issue

3. Adjournment

Items may be taken out of order. Two or more agenda items may be combined for consideration. Items may be removed from the agenda or discussion of items may be delayed at any time.

This notice will be posted at <http://admin.nv.gov>.

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Notice of this public workshop meeting and draft copies of the changes will be available on or after the date of this notice at the DHCFP Web site at www.dhcfp.nv.us Carson City Central office and Las Vegas DHCFP. The agenda posting of this meeting can be viewed at the follow locations: Nevada State Library; Carson City Library; Churchill County Library; Las Vegas Library; Douglas County Library; Elko County Library; Esmeralda County Library; Lincoln County Library; Lyon County Library; Mineral County Library; Tonopah Public Library; Pershing County Library; Goldfield Public Library; Eureka Branch Library; Humboldt County Library; Lander County Library; Storey County Library; Washoe County Library; and White Pine County Library and may be reviewed during normal business hours.

If requested in writing, a copy of the proposal will be mailed to you. Requests and/or written comments on the proposed changes may be sent to the Division of Health Care Financing and Policy, 1100 E. William Street, Suite 101, Carson City, NV 89701 at least 3 days prior the public workshop.

All persons that have requested in writing to receive the Public Workshop Agenda have been duly notified by mail or e-mail.

Note: We are pleased to make reasonable accommodations for members of the public who are physically challenged and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Division of Health Care Financing and Policy, in writing, at 1100 East William Street, Suite 101, Carson City, or call Rita Mackie at (775) 684-3681, as soon as possible, or e-mail at rmackie@dhcfp.nv.gov



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NOTICE OF PUBLIC WORKSHOP

Applied Behavioral Analysis

Date of Publication: November 3, 2014

Date and Time of Meeting: November 18, 2014 at 1:00PM

Name of Organization: The State of Nevada, Department of Human Resources, Division of Health Care Financing and Policy (DHCFP)

Place of Meeting: The State of Nevada Health Division
4150 Technology Way Suite 303
Carson City, Nevada 89706

Teleconference Number: (888) 363-4735 – Access Code: 1846315

Agenda

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 - a. **The purpose of this workshop is to present to Northern Nevada the draft medical coverage policy, provider qualifications, and reimbursement for Applied Behavior Analysis.**

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 - b. **Public Comment Regarding Applied Behavioral Analysis**
2. **Public Comment Regarding any Other Issue**
3. **Adjournment**

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County Library; Goldfield Public Library; Eureka Branch Library; Humboldt County Library; Lander County Library; Storey County Library; Washoe County Library; and White Pine County Library and may be reviewed during normal business hours.

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XXXX INTRODUCTION

Applied Behavior Analysis (ABA) is the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including the use of direct observation, measurement and functional analysis of the relations between environment and behavior. ABA is a behavior intervention model based on reliable evidence based practices focusing on targeted skills in all areas of development. Division of Health Care Financing and Policy utilizes the Center for Disease Control and Prevention, the American Academy of Pediatrics (AAP), and Behavior Analyst Certification Board "Guidelines Health Plan Coverage of Applied Behavior Analysis Treatment for Autism Spectrum Disorder" as guiding principles for this policy.

All Medicaid policies and requirements (such as prior authorizations, etc.) except for those listed in the Nevada Check up (NCU) Chapter 1000, are the same for NCU.

All Medicaid policies and requirements for Outpatient Physical, Occupational, Speech, and Maintenance Therapy are listed in Chapter 1700 of the Medicaid Services Manual (MSM). Chapter XXXX specifically covers Applied Behavior Analysis services, for other Medicaid services coverage, limitations and provider responsibilities; the specific MSM needs to be referenced.

XXXX AUTHORITY

A comprehensive array of preventive, diagnostic, and treatment services are a mandatory benefit under the Medicaid program for categorically needy individuals under age 21, including children with ASD.

Applied Behavior Analysis (ABA) is an evidence based behavior intervention benefit meeting the provision of the law as defined in the following:

- a. Social Security Act 1905 (a) and (r);
- b. 42 Code of Federal Regulation (CFR), Subpart B, 441.50-441.62;
- c. Nevada Revised Statute (NRS) Chapter 641 describes persons deemed to practice ABA services.
- d. Nevada Medicaid State Plan describes the amount, duration and scope of ABA services provided to the categorically needy in Attachments 3.1 A 4b.

XXXX POLICY

Medicaid will reimburse for Applied Behavior Analysis (ABA) rendered to Medicaid eligible individuals under age 21 in accordance with Early and Periodic Screening, Diagnostic and Treatment (EPSDT) coverage authority. The behavior intervention must be medically necessary (reference MSM 100) to develop, maintain, or restore to the maximum extent practical the functions of an individual with a diagnosis of ASD or other condition for which ABA is recognized as medically necessary. It must be rendered according to the written orders of the Physician, Physician's Assistant or an Advanced Practitioner of Nursing (APN) and be directly related to the active treatment regimen designed by the healthcare professional who is clinically responsible for the treatment plan and approved by the professional who wrote the order.

The services are to be provided in the least restrictive, most normative setting possible and may be delivered in a medical professional clinic/office, within a community environment, or in the recipient's home.

All services must be documented as medically necessary and appropriate and must be prescribed on an individualized Treatment Plan.

XXXX COVERAGE AND LIMITATIONS

XXXX COVERED SERVICES

1. There are two types of ABA treatment delivery models recognized by DHCFP, Focused and Comprehensive. Based upon the Behavior Analyst Certification Board, Inc. (2012) within each of the two delivery models there are key characteristics which must be demonstrated throughout the assessment and treatment. These characteristics include;
 - a. Description of specific baseline behaviors when establishing treatment goals.
 - b. Establishing small units of behavior which builds towards larger changes in functioning in improved health and levels of independence.
 - c. Understanding the current function and behaviors targeted for treatment.
 - d. Use of individualized and detailed behavior analytic treatment.
 - e. Ongoing and frequent direct assessment, analysis and adjustments to the treatment plan by Behavioral Analyst by observations and objective data analysis.
 - f. Use of treatment protocols that are implemented repeatedly, frequently, and consistently across all environments.
 - g. Direct support and training of family members and other
 - h. Supervision and management by licensed provider with expertise and formal training in ABA for treatment of ASD. "Guidelines Health Plan Coverage of Applied Behavior Analysis Treatment for Autism Spectrum Disorder" (2012) http://bacb.com/Downloadfiles/ABA_Guidelines_for_ASD.pdf
2. A Focused Delivery model
 - a. Focused ABA is treatment directly provided to the individual for a limited number of specific behavioral targets.
 - i. The appropriate target behaviors are prioritized. When prioritizing multiple target areas the following behaviors are considered;
 1. behaviors that may threaten the health and safety of themselves or others, and
 2. behavior disorders that may be a barrier to their ability to remain in the least restrictive setting, and or limit the recipients ability to participate in family and community life, and
 3. absence of developmentally appropriate adaptive, social or functional skills.
 - ii. Treatment may be delivered in individual or small group format.

3. Comprehensive Delivery

- a. ABA is treatment provided to the individual for a multiple number of targets across domains of functioning including cognitive, communicative, social and emotional.
 - i. The behavior disorders may include co-occurring disorders such as aggression, self-injury and other dangerous disorders.
 - ii. Treatment hours are increased and decreased as recipient responds to treatment goals.
 - iii. Treatment is intensive and initially provided in a structured therapy setting. As recipient progresses towards treatment goals the setting may be expanded to alternative environments such as group settings.

4. Services covered within the ABA delivery models

- a. Behavioral Screening - A brief systematic process to determine developmental delays and disabilities during regular well-child doctor visits. Screens must be a nationally accepted Developmental Screen. A recommended list of screens may be found at: <http://www.medicalhomeinfo.org/downloads/pdfs/DPIPscreeningtoolgrid.pdf> Refer to Chapter 600 of the Medicaid Services Manual for coverage of developmental screens.
- b. Comprehensive Diagnostic Evaluations- is the further review and diagnosis of the child's behavior and development. Coverage of this service is found within Chapter 600 of the Medicaid Services Manual.
- c. Behavioral Assessment- A Comprehensive assessment is an individualized examination which establishes the presence or absence of developmental delays and/or disabilities and determines the recipient's readiness for change, and identifies the strengths or problem areas that may affect the recipient's treatment. The comprehensive assessment process includes an extensive recipient history which may include: current medical conditions, past medical history, labs and diagnostics, medication history, substance abuse history, legal history, family, educational and social history, and risk assessment. The information collected from this comprehensive assessment shall be used to determine appropriate interventions and treatment planning.
- d. Adaptive Behavioral Treatment intervention-there are three elements: is the systematic use of behavioral teaching techniques and intervention procedures to include intensive direction instruction by the interventionist and family training and support.
 - a. Adaptive Behavioral Family Treatment- the training in behavioral techniques to be incorporated into daily routines of the child and ensure consistency in the intervention approach. The training should be extensive and ongoing and include regular consultation with the qualified professional.

5. The coverage of ABA services require following medical coverage criteria to be met:

- a. The recipient must be 0 to 21 years of age and;
- b. Have an established supporting DSM-IV diagnosis of ASD and;
- c. The individual exhibits excesses and/or deficits of behavior that significantly impedes access to age appropriate home or community activities (examples include, but are not limited to

aggression, self-injury, elopement, and/or social interaction, independent living, play and/or communication skills, etc.) and;

- d. Less intensive behavioral treatment or other therapy has not been sufficient to reduce interfering behaviors to increase pro-social behaviors or to maintain desired behaviors,
 - e. ABA services are rendered in accordance with the individuals treatment plan with realistic and obtainable treatment goals and;
 - f. A reasonable expectation on the part of the treating healthcare professional that the individuals behavior that the recipients behavior will improve with behavior analysis services;
 - g. The treatment plan must be based on evidence-based assessment criteria and the individuals test results and;
 - h. Behavioral Assessments which are previously performed at the Local Education Agency (LEA) must be utilized and not duplicatively billed under DHCFP if current (within six months) and clinically appropriate.
 - i. Services must be prior authorized.
6. Services may be delivered in and individual or group. More than one individual is considered a group setting.
7. Services may be delivered in the natural setting (e.g home and community-based settings, including clinics).

XXXX PRIOR AUTHORIZATION REQUIREMENTS

1. Behavioral Screens do not require authorization.
2. Behavioral Initial assessment and re-assessments do not require prior authorization.
3. Adaptive Behavioral Treatment (individual and group) requires prior authorization from the QIO-like vendor.
4. Adaptive Family Behavioral training (individual and group) requires prior authorization from the QIO-like vendor.
5. Any IEP issued by the school system must accompany a request for ABA services and a coordination of services is expected.
6. Each authorization is for an independent period of time as indicated by the start and end date of the service period. If a provider believes it is medically necessary for services to be rendered beyond the scope (units, time period or both), of the current authorization, the provider is responsible for the submittal of a new prior authorization request.

XXXX NON COVERED SERVICES

1. Services which do not meet Nevada Medicaid medical necessity requirements.
2. Services used to reimburse a parent/guardian for participation in the treatment plan.
3. Services rendered by the parent/guardian.
4. Services that are duplicative services under an Individualized Family Service Plan (IFSP) or an Individualized Educational Program (IEP).

5. Treatment whose purpose is vocationally- or recreationally –based.
6. Care that is provided primarily to assist in the activities of daily living (ADLs) such as bathing, dressing, eating, and maintaining personal hygiene and safety.
7. Services, supplies, or procedures performed in a non-conventional setting including but not limited to: Resorts, Spas, and Camps.
8. Custodial services, including room and board
9. Parenting services without a diagnosis of ASD.
10. Services not authorized by the QIO-like vendor if an authorization is required according to policy
11. Respite services.
12. Child care services.
13. Services for education.
14. Services for vocation training.
15. Safety training.
16. Equine therapy.
17. Hippo therapy.
18. Recreational therapy.
19. Phone consultation services.
20. Care coordination and treatment planning.
21. ABA services cannot be reimbursed at the same time as other rehabilitative mental health services as described within Chapter 400 of the Medicaid Services Manual.

XXXX PROVIDER QUALIFICATIONS

In order to be recognized and reimbursed as an Applied Behavioral Analysis provider by DHCFP, the provider must be one of the following:

- a. Licensure as a Physician by the Nevada State Board of Medical Examiners acting within their scope of practice (Nevada Revised Statute (NRS) 630.630, 630.165, 630.195, Nevada Administrative Code (NAC) 630.080), and 42 CFR §440.50.
- b. A Psychologist licensed under Nevada Revised Statute (NRS) XXX with a specialty of Behavioral Intervention.
- c. A Board Certified Behavior Analyst (BCBA) under Nevada Revised Statute (NRS) xxx
- d. A Board Certified Assistant Behavior Analyst (BCaBA) under Nevada Revised Statute xxx under the direction of a physician, psychologist or BCBA.
- e. Certified Autism Behavior Interventionist (CABI) under Nevada Revised Statute xxx under the direction of a physician, psychologist, BCBA, or BCaBA.
- f. Registered Behavior Technicians under direction of a physician, psychologist or BCBA, or BCaBA.

B. XXXX SUPERVISION STANDARDS

Clinical Supervision as established by NRS xxx, which includes: program development; ongoing assessment and treatment oversight; report writing; demonstration with the individual; observation; interventionist and parent/guardian training/education, and oversight of transition and discharge plans. All supervision must be overseen by a Licensed Psychologist or a BCBA who has experience in the treatment of autism, although the actual supervision may be provided by a BCaBA at their direction. The amount of supervision must be responsive to individual needs and within the general standards of care and may temporarily increase to meet the individual needs at a specific period in treatment.

XXXX PROVIDER RESPONSIBILITY

- a. The provider will allow, upon request of proper representatives of the DHCFP, access to all records which pertain to Medicaid recipients for regular review, audit or utilization review.
- b. Once an approved prior authorization request has been received, providers are required to notify the recipient in a timely manner of the approved service units and service period dates.
- c. Ensure services are consistent with applicable professional standards and guidelines relating to the practice of ABA as well as state Medicaid laws and regulations and state licensure laws and regulations.
- d. Ensure caseload size is within the professional standards and guidelines relating to the practice of ABA.

XXXX PARENT/GUARDIAN RESPONSIBILITY

The Parent/Guardian when applicable must:

- a. Be present during all provider trainings and supervisory visits that occur during home-based services.
- b. Participate in discussions during supervisory visits and trainings.
- c. Participate in training by demonstrating taught skills to support generalization of skills to the home and community environment.
- d. Participate in treatment hours.
- e. Keep scheduled appointments; and
- f. Inform provider within 24 hours if the appointment needs to be rescheduled.

XXXX TREATMENT PLAN

All ABA services must be provided under a treatment plan developed and approved by a licensed psychologist or BCBA, supported by a BCaBA where applicable. The Licensed Psychologist or BCBA trains the BCaBA and CABI to implement assessment and intervention protocols with the individual. The licensed psychologist or BCBA also provides training and instruction to the parent/guardian and

caregiver as necessary to support the implementation of the ABA treatment plan. The Licensed Psychologist or BCBA is responsible for all aspects of clinical direction, supervision, and case management.

ABA services shall be rendered in accordance with the individual's treatment plan that is reviewed no less than every six months by a licensed psychologist or BCBA. All treatment plans are based on documentation of medical necessity for specific treatment goals to address specific behavioral targets based on the appropriate treatment model. The treatment plan shall include:

- a. Goals derived from the functional assessment and/or skill assessment that occur prior to initiating of treatment, and relating to the core deficit derived from the assessment;
- b. Specific and measurable objectives to address each skill deficit and behavioral excess goal:
 - i. Delineate the baseline levels of target behaviors;
 - ii. Identify short, intermediate, and long-term goals and objectives that are behaviorally defined;
 - iii. Criteria that will be used to measure achievement of behavioral objectives;
 - iv. Target dates for when each goal will be mastered.
- c. Interventions consistent with ABA techniques;
- d. Specific treatment, intervention including amount, scope, duration and anticipated provider(s) of the services;
- e. Training and supervision to enable the BCaBAs and CABIs to implement assessment and treatment protocols;
- f. Care coordination involving the parents/guardian, community, school, and behavior health and/or medical providers who are concurrently providing services. Care coordination must include parent/guardian's documented consent.
- g. Parent/guardian training, support and participation.
- h. Parent responsibility to be physically present and observing during intervention process occurring in the home.
- i. Discharge criteria to include requirements of discharge, anticipated discharge date, next level of care, and coordination of other services.

Xxx Discharge Criteria

Need to add

References:

Behavior Analyst Certification Board. Guidelines Health Plan Coverage of Applied Behavior Analysis Treatment for Autism Spectrum Disorder. (2012) http://bacb.com/Downloadfiles/ABA_Guidelines_for_ASD.pdf

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Provider Type	Service	Code Description	Code	Required Modifier	Age <21 Rates	Physician	BCBA	Psychologists (specialty) rates	BCABA (specialty) rates	CABI (specialty) rates	RBT (specialty) rates
ASSESSMENTS											
85	INDIVIDUAL	Behavior Identification Assessment, Face to Face	0359T			X	X	X			
20	INDIVIDUAL	Observational Follow Up Assessment, administered. By one technician, Face to Face first 30 minutes of technician time	0360T			X	X	X	X	X	X
85	INDIVIDUAL	Obs. F/U Assessment. each additional 30 min	0361T			X	X	X	X	X	X
20	INDIVIDUAL	Exposure Behavioral Follow Up Assessment, administered by licensed physician or other qualified licensed health care professional with assistance of one or more technician, Face to Face- first 30 min of tech(s) time	0362T			X	X	X	X	X	X
85	INDIVIDUAL	Exp. F/U Assessment. Each additional 30 min	0363T			X	X	X	X	X	X
ADAPTIVE BEHAVIOR											
85	INDIVIDUAL	Adaptive Behavior Treatment, administered. By technician, Face to Face w/ one patient	0364T			X	X	X	X	X	X
85	INDIVIDUAL	Adapt. Behavior. Treatment, each additional 30 min	0365T			X	X	X	X	X	X
85	INDIVIDUAL	Adaptive Behavior Treatment, administered by LP w/ one individual, Face to Face	0368T			X	X	X	X	X	X
85	INDIVIDUAL	Adapt Behavior Treatment each additional 30 minutes	0369T			X	X	X	X	X	X
20	INDIVIDUAL	Exposure Adaptive Behavior Treatment with protocol modification, requiring two or more technicians face to face	0373T			X	X	X	X	X	X
85	INDIVIDUAL	Exposure Adaptive Behavior Treatment each additional 30 minutes	0374T			X	X	X	X	X	X

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Provider Type	Service	Code Description	Code	Required Modifier	Age <21 Rates	Physician	BCBA	Psychologists (specialty) rates	BCABA (specialty) rates	CABI (specialty) rates	RBT (specialty) rates
85							X	X	X	X	X
20	GROUP	Group adaptive behavior treatment, administered by technician , face to face with two or more individuals	0366T			X					
85							X	X	X	X	X
20	GROUP	Group Adaptive Behavior Treatment, each additional 30 min	0367T			X					
85							X	X	X	X	X
20	GROUP	Group adaptive social skills treatment, administered by physician or other licensed qualified health care professional face to face with two or more individuals	0372T			X					
85							X	X	X	X	X
20	FAMILY	Family Adaptive behavior treatment guidance administered by physician or other licensed qualified healthcare professional	S5110			X					
85							X	X	X	X	X
20	FAMILY-GROUP	Group Family Adaptive Behavior Treatment guidance administered by physician or other licensed qualified healthcare professional	S5110	HQ		X					

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Psychologist (NRS 641.170)

PhD
Specialize in Behavior Intervention

Licensed Board Certified Behavior Analyst (BCBA) (NRS 641.170)

Master degree
Certified by the Behavior Analyst Certification Board

Licensed Board Certified Assistant Behavior Analyst (BCaBA) (NRS 641.170)

Bachelors degree
Certified by the Behavior Analyst Certification Board
Supervised by a Psychologist or BCBA "under the direction of"

Certified Autism Behavior Interventionist (CABI)

High school grad or equiv
40 hrs of training
Supervised by Psyc., BCBA, BCaBA "under direction of"

National Behavior Analyst Certification Board (BACB)
Certification for BCBA, BCaBA, CABI



Registered Behavior Technician (RBT)

High School grad or equiv.
40 hours of training
Supervised by Psyc., BCBA, BCaBA

Autism Treatment Assistant Program



Behavior Interventionist

9 hr workshop ongoing 4-6 hrs a month
Supervised by BCBA

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