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TxABA Public Policy Group

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Medicaid Funding (of ABA) in Texas

Texas Association for Behavior Analysis Public Policy Group

August 10, 2020

Town Hall

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Special Thanks To

Gordon Bourland

Kate Johnson-Patagoc

Regina Crone

Rany Thommen

Mariel Cremonie-Fernandez

Berenice de la Cruz
Summer Adami
Duy Le
(Left to Right)

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HUGE Thanks to Our Lobbyist

- Courtney Hoffman

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TxABA Public Policy Group

- Formed in 2015 due to need for systematic involvement of behavior analysts in legislative issues relevant to behavior analysis in Texas
- **Mission**

  The mission of the TxABA Public Policy Group (PPG) is to review and act on legislative activity and other issues impacting behavior analysts and consumers in Texas.

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TxABA Public Policy Group

Addressing public policy issues relevant to behavior analysis – issues addressed thus far:

- BCBA Licensure (passed)
- **Medicaid coverage of ABA (passed)**
- Expanding ECI coverage
- Addressing Private Insurance Concerns/Limits to Treatment
- Addressing Public Education Concerns
- Ensuring adults with ASD/IDD have access to appropriate, medically necessary services and opportunities
- Application of Telehealth practices to ABA
- ABA treatment for people with brain injury

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Medicaid

What is Medicaid?

Medicaid provides health coverage to millions of Americans, including eligible low-income adults, children, pregnant women, elderly adults and people with disabilities.

https://www.medicaid.gov/medicaid/index.html

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Medicaid

Who Qualifies?

Low income (unable to afford health care) and/or certain disabilities

US citizenship or qualified non-citizens

NOTE: Poverty alone is not sufficient

How many people receive Medicaid?

63.92 million people enrolled in Medicaid with another 6.79 million enrolled in CHIP (January, 2020); about 21.36% of Americans

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Medicaid

What is the role of the states in Medicaid?

- States administer Medicaid under the rules passed by Congress and monitored by the Centers for Medicare and Medicaid Services (CMS)
- States provide some of the funding for Medicaid in their state
- States can decide some of the specific eligibility criteria and, to some extent, what medical needs will be covered (if not required by federal laws and rules)

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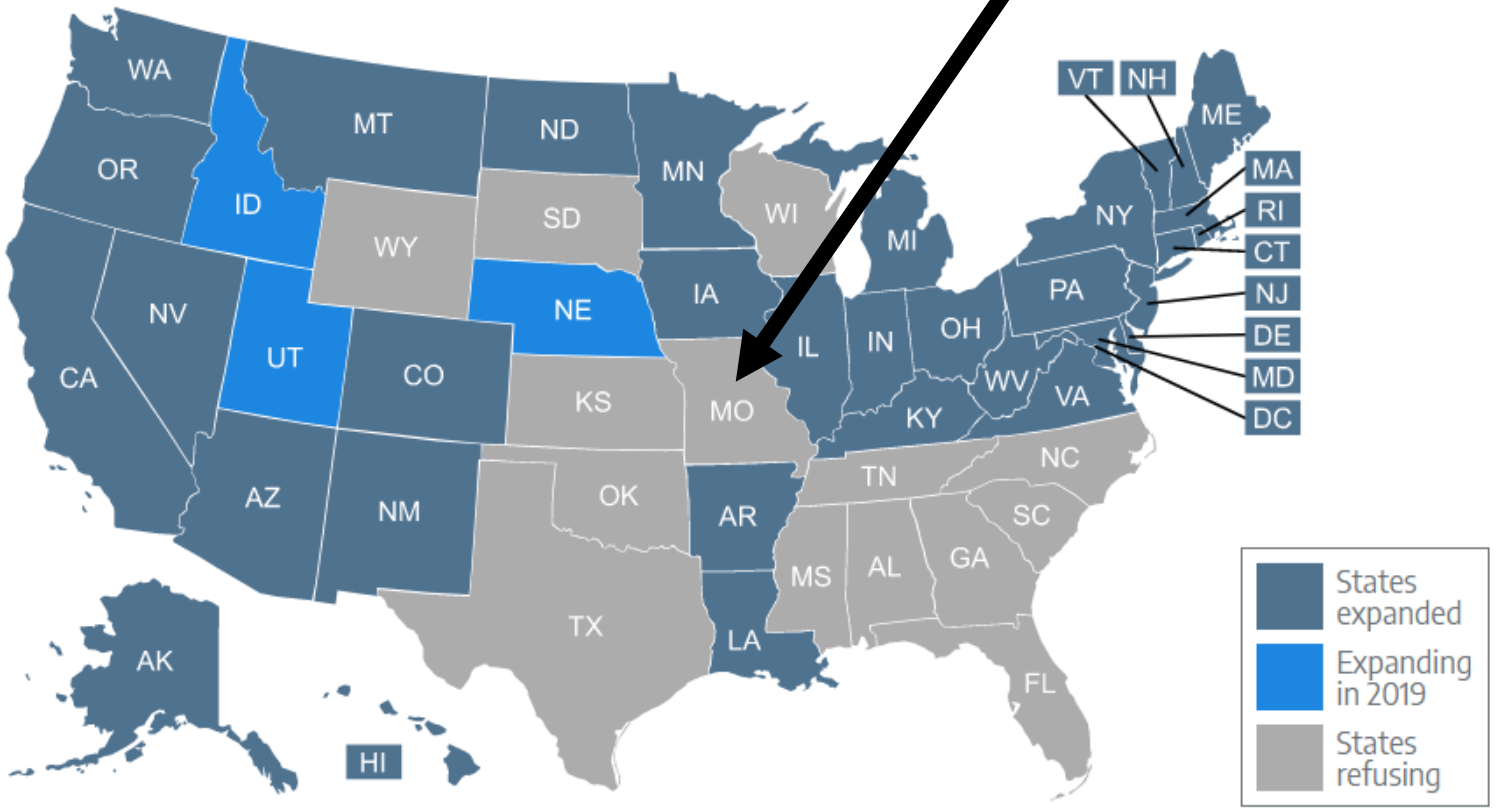
Medicaid - Expansion

Just expanded on 08.04.2020
so now 37 states and DC



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https://www.healthinsurance.org/medicaid/

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Medicaid - Texas

Managed by HHSC (Health and Human Services Commission)

- 3.55 million enrolled in Medicaid and 608,100 in CHIP

  (https://www.medicaid.gov/medicaid/index.html, January, 2020)

- 2.81 million Children are enrolled in Medicaid in Texas

  (https://hhs.texas.gov/about-hhs/records-statistics/data-statistics/healthcare-statistics)

- $45.5 Billion (federal) and $20.7 Billion (state) for Medicaid in Texas FY 2020-21 budget

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Medicaid - Texas

Eligibility in Texas:

- People who are aged, blind, and disabled
- Parents with dependent children are **eligible** with household incomes up to 15% of FPL
- Children are **eligible for Medicaid** or CHIP with household incomes up to 201% of FPL
- Pregnant women having household incomes up to 198% of FPL

(adopted from 01/10/19, www.healthinsurance.org, Texas-medicaid and https://www.medicaid.gov/state-overviews/stateprofile.html?state=texas)

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Medicaid and Autism

- In general, Medicaid covers medical services for people and may cover medically necessary therapy services
- States have some options regarding what therapy services the state wants its Medicaid program to cover
- These points apply to services for people diagnosed with autism**, both adults and children**.

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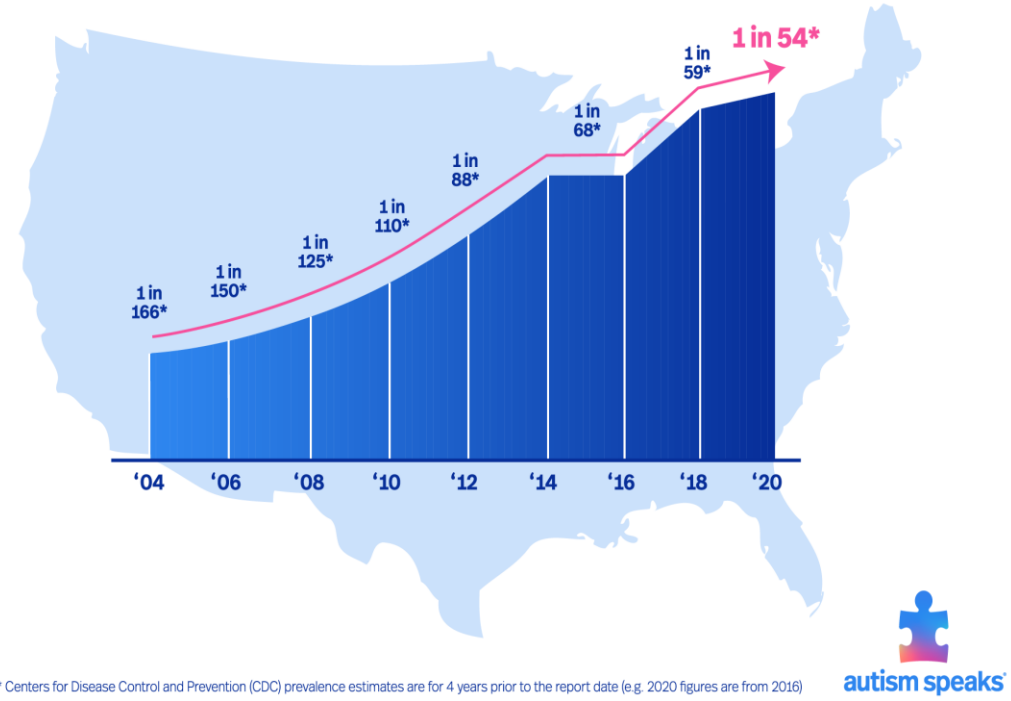
Medicaid and Autism

- This means millions of people nationally
- and a whole lot of children in Texas!



https://www.autismspeaks.org/press-release/cdc-estimate-autism-prevalence-increases-nearly-10-percent-1-54-children-us

https://www.cdc.gov/ncbddd/autism/data.html

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Why is Medicaid Funding of ABA Important?

- Research convincingly shows that **with intensive ABA**, most children make large enough improvements to **move from delayed to normal range on standardized, objective measures of intellectual, communication, and/or adaptive skills**. The rest of the children also make modest gains or small improvements (Howard et al., 2005; 2014).

- 2014 – **CMS letter** indicated that medically necessary treatment for children with an autism diagnosis **was to be covered in all Medicaid** state plans.

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CMS Directive 7/2014

State Plan Authorities

Under the Medicaid state plan, services to address ASD may be covered under several different section 1905(a) benefit categories. Those categories include: section 1905(a)(6) - services of other licensed practitioners; section 1905(a)(13)(c) - preventive services; and section 1905(a)(10) - therapy services. States electing these services may need to update the Medicaid state plan in order to ensure federal financial participation (FFP) is available for expenditures for these services. In addition, for children, as discussed below, states must cover services that could otherwise be covered at state option under these categories consistent with the provisions at 1905(a)(4)(B) for Early and Periodic Screening, Diagnostic and Treatment services (EPSDT). Below is information on these coverage categories for services to address ASD. Under these section 1905(a) benefit categories all other state Medicaid plan requirements such state-wideness and comparability must also be met.

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Why is Medicaid Funding of ABA Important? (More)

- 2017 – legislature passed SB 589, to **license Board Certified Behavior Analysts**. Licensure, along with appropriately implemented Medicaid Managed Care, will provide the mechanism to assure proper utilization.

- ABA therapy is an investment that has proven to achieve **cost savings**. Without effective treatment, a person with autism will likely incur lifetime costs for specialized services of approximately $3.2 million (Ganz, 2007). The short-term cost of ABA therapy can result in a **saving of an average of $2.8 million per person across a 55-year span** (Jacobson, Mulick, & Green, 1998). Data from Texas public schools showed that Texas would **save an average of $208,500 per child across 18 years of education** with ABA (Chasson, Harris, & Neely, 2007).

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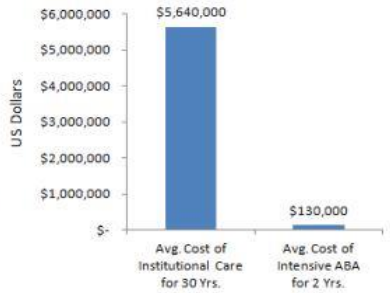
TEXAS NEEDS MEDICAID FUNDING FOR INTENSIVE BEHAVIOR INTERVENTION

The Texas Association for Behavior Analysis Public Policy Group requests that the Texas legislature support the HHSC request for the 2019 session to include intensive behavior intervention (IBI), most commonly known as applied behavior analysis (ABA), in the budget (exceptional item #44). This request emphasizes that in 2014, CMS indicated that medically necessary treatment for children with an Autism diagnosis, including ABA, was to be covered in all Medicaid state plans. ABA is medically necessary treatment for children with an Autism diagnosis and ABA will improve health and functional outcomes, increase access to treatment in the community rather than the hospital, and will result in cost savings. We strongly advocate that IBI/ABA to be included in the budget for the 2019 session.

In 2017, the Texas legislature passed SB 589, to license Behavior Analysts. This accomplishment will protect vulnerable Texans and Medicaid dollars by assuring that IBI/ABA only be provided be appropriately trained licensed professionals. Licensure, along with appropriately implemented Medicaid Managed Care, will provide the mechanism to assure proper utilization of this treatment urgently needed by many Texas children.

- The CDC indicates 1 in 59 children has an autism diagnosis (April 2018).
- CMS, US Surgeon General, CDC, American Academy of Pediatrics, and many others have endorsed ABA treatment as having the strongest scientific evidence as an effective treatment for autism.
- Research convincingly shows that with intensive ABA, most children make large enough improvements to move from the delayed into the normal range on standardized, objective measures of intellectual, communication, and/or adaptive skills. The rest of the children also make modest gains or small improvements (Howard et al. 2005; 2014).

Up-front costs of intensive ABA can seem high due to the 1:1, individualized treatment up to 40 hours per week, with close supervision by Board Certified Behavior Analysts. Without this treatment, however, many of these children will need costly daily care and residential placement. Without effective treatment, a person with autism will likely incur lifetime costs for specialized services of approximately $3.2 million (Ganz, 2007). The short-term cost of ABA therapy can result in a saving of an average of $2.8 million per person across a 55-year span (Jacobson, Mulick, & Green, 1998). Data from Texas public schools showed that Texas would save an average of $208,500 per child across 18 years of education with ABA (Chasson, Harris, & Neely, 2007). Thus, ABA therapy is an investment that has proven to achieve cost savings.



Average Cost Savings with Intensive ABA	
Through 18 yrs. education	$208,500
Through age 55	$2,800,000

The Texas legislature did an excellent job of providing private insurance coverage for ABA treatment because it recognized that ABA is the most effective treatment for individuals with autism. This legislative action increased access to services for children with autism who have commercial health insurance. However, those without commercial insurance rely on Medicaid. This medically-necessary treatment is still not available directly for most Medicaid recipients. It is only available to a limited number of individuals in restricted quantities that have received either a Medicaid waiver benefit or access to the HHSC Children's Autism Program. Direct Medicaid funding will help children with an autism diagnosis lead the most productive lives possible, and will ultimately save the state of Texas millions in tax dollars per child.

States where Medicaid covers ABA: Alaska, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Georgia, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, South Carolina, Utah, Vermont, Virginia, Washington, Wisconsin (source: Autism Speaks 4-30-18).

Please contact TXABA-PPG at: behavioranalysispublicpolicytx@gmail.com

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Medicaid Coverage of ABA in Texas: A History

- Families with children diagnosed with Autism and receiving Medicaid have requested Medicaid of ABA services for a number of years
- The reply was “Medicaid in Texas does **NOT** cover ABA”
- Some families chose to sue for ABA coverage and won

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Medicaid Coverage of ABA in Texas: A History

Legislative efforts

- 2016 – 1st time LAR listed IBI as an exceptional item
- April 2018 – TxABA PPG made recommendations to HHSC on 2020-2021 LAR **– IBI EI #44**
- 2018 interim – TxABA PPG and others met with members of House, Senate, HHSC and other groups to gain support for Medicaid Funding of ABA

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In Support of Medicaid Funding for ABA

A Balanced Child (San Antonio)
ABA Today (Round Rock)
Amarillo ABA (Amarillo)
Association for Professional Behavior Analysts
Aspergers 101 (San Antonio)
Autism Community Network (San Antonio)
Autism Lifeline Links (San Antonio)
Autism Society of Texas
Autism Speaks
Autism Treatment Center (Dallas, Ft. Worth, San Antonio)
Baucom Behavioral and Educational Services (Austin)
Behavior Analysis Advocacy Network
The Behavior Exchange (Plano, Frisco)
Behavior Frontiers (Austin, Dallas, Plano, San Antonio)
Behavior Network (McKinney)
Behavior Therapy and Learning Center (Houston)
Behavior and Language Treatment Center (Lindale)
Behavioral Innovations (Allen, Arlington, Austin, Cedar Park, Fort Worth, Benbrook, Watauga, Irving, Longview, Lubbock, New Braunfels, Rowlett, San Antonio, Tyler, Universal City)
Blue Sprig Pediatrics (Austin, Houston, San Antonio, Sugar Land, Magnolia, Spring, The Woodlands, Dallas, Grapevine, Flower-Mound, McKinney, Mansfield)
Bluebonnet Trails Community Services (Bastrop, Cedar Park, Elgin, Georgetown, Giddings, Gonzales, Hutto, La Grange, Lockhart, Marble Falls, Round Rock, Schulenburg, Seguin, Taylor)
Brent Woodall Foundation for Exceptional Children (Irving)
Collaborative Autism Resources and Education (CARE, LLC)
Central Texas Autism Center (Austin)
Child Study Center Cook Children's (Ft. Worth)
Children's Autism Center (Round Rock)
Coalition of Texans with Disabilities
Cole ABA Solutions (Cole Health) (Houston)
Concept Connections (Ft. Worth, Richardson)
Easter Seals North Texas
Empower Behavioral Health (San Antonio, Schertz, Bryan/College Station)
Endeavor Behavioral Institute (Houston)
Extraordinary Abilities (Katy)
FEAT – Houston
FEAT – North Texas
Heart of Behavior (Denton)
Heart of Texas Region MHMR
Hope for Three (Fort Bend County)
Hope, Healing, and Recovery Therapy (Conroe, Spring, Woodlands)
Including Kids (Humble)
Inspire Behavior Therapy (Cedar Park, Austin)
The Learning Lane (Houston, Spring, The Woodlands)
Lone Star Association for Behavior Analysis (Houston)
Paced Behavior (San Antonio)
Panhandle ABA Resource Association (Amarillo)
PERMIACARE (Midland)
Positive Behavior Supports Corporation
Project Autism (Houston)
Reaching Families Advocacy and Support Group (Austin, Dallas, Fort Worth, Houston)
Respite Care of San Antonio
Shape of Behavior (Austin, Beaumont, Bellaire, Cypress, Dallas, Grapevine, Harlingen, Houston, Kingwood, Katy, League City, McAllen, Round Rock, San Angelo, San Antonio, Spring, Sugar Land, Willowbrook, The Woodlands)
Spectacular Kids (Kingwood, Missouri City)
Spectrum of Hope (Cypress)
Spectrum of Solutions (Midland)
Stable Life Concepts (El Paso, Georgetown, Killeen, San Antonio)
Tangible Difference Learning Center (Houston)
Texana Center (Bay City, Bellville, Brookshire, Columbus, El Campo, Missouri City, Richmond, Rosenberg, Sugar Land, Wharton)
Texas Association for Behavior Analysis Public Policy Group
Texas Occupational Therapy Association, Inc.
Texas Young Autism Project (Houston, Katy)
Therapy and Beyond (Carrollton, Conroe, Dallas, Fort Worth, Colleyville, Houston, Magnolia, The Woodlands)
Treatment and Learning Center (Tyler)
Trumpet Behavioral Health (Cypress, Pearland – Houston area & national)
Tyler Run for Autism (Tyler)
University of Texas San Antonio – Autism Research Center

Updated 08.10.2020
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Medicaid Coverage of ABA in Texas: A History

Legislative efforts

- September 2018 – Testimony provided at HHSC's LAR Budget Committee

PPG Representative

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4.A. Exceptional Item Request Schedule
86th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/4/2018
TIME: 7:29:54AM

Agency code: **529** Agency name:

Health and Human Services Commission

CODE	DESCRIPTION			Excp 2020	Excp 2021
	Item Name:	Provide Intensive Behavioral Intervention for Children with Autism Spectrum Disorder			
	Item Priority:	44			
	IT Component:	No			
	Anticipated Out-year Costs:	Yes			
	Involve Contracts > $50,000:	No			
	Includes Funding for the Following Strategy or Strategies:	01-01-02	Disability-Related Eligibility Group		
		01-01-05	Children Eligibility Group		
OBJECTS OF EXPENSE:					
3001	CLIENT SERVICES			32,550,904	160,084,793
	TOTAL, OBJECT OF EXPENSE			**$32,550,904**	**$160,084,793**
METHOD OF FINANCING:					
555	Federal Funds				
	93.778.000	XIX FMAP		19,419,869	95,714,698
758	GR Match For Medicaid			13,131,035	64,370,095
	TOTAL, METHOD OF FINANCING			**$32,550,904**	**$160,084,793**

DESCRIPTION / JUSTIFICATION:

This item would add IBI as a Medicaid state plan benefit for members under the age of 20. Cost projections are based on the Applied Behavior Analysis (ABA) model, which is the most commonly recognized modality of Intensive Behavioral Intervention (IBI). Cost projections also include a one-time cost of adding a provider type for certain IBI providers. Medical policy would apply evidence-based research to: authorize the service hours and duration appropriate for each client; establish requirements for caregiver involvement; and establish criteria for demonstrating client progress toward treatment goals for continued authorization.

Autism Spectrum Disorder (ASD) is a developmental disorder that affects communication and behavior. Medical behavioral interventions exist to treat deficient adaptive or maladaptive behaviors among individuals with ASD. These services are called IBI and are not currently covered benefits in Texas Medicaid.

EXTERNAL/INTERNAL FACTORS:

Since 2014, the federal Centers for Medicare & Medicaid Services (CMS) have provided guidance regarding state provision of medically necessary services to treat ASD. Additionally in September 2018, the State of Texas will license Board Certified Behavior Analysts (BCBAs) and Board Certified Assistant Behavior Analysts (BCaBAs) for the first time. These providers specialize in the delivery of IBI.

PCLS TRACKING KEY:

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Medicaid Coverage of ABA in Texas: A History

Legislative efforts

- November 2018 - Medicaid Topic Nomination Form submitted

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Medicaid Coverage of ABA in Texas: A History

Legislative efforts

- House "Champion" Rep. Sarah Davis – HB4
- HB 1 including Rider 32 passed on May 26, 2019

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HB1 with Rider 32

32	Intensive Behavioral Intervention. Contingent on the Health and Human Services Commission (HHSC) adding intensive behavioral intervention (IBI) as a Medicaid benefit for persons under age 20* with a diagnosis of Autism Spectrum Disorder, HHSC may expend funds appropriated above in Strategy A.1.5, Children, to reimburse for provision of IBI services. Note: Under age 20= 19.364

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Medicaid Coverage of ABA in Texas: A History

Legislative efforts

- **HB 1 including Rider 32 signed by Governor June 15, 2019**

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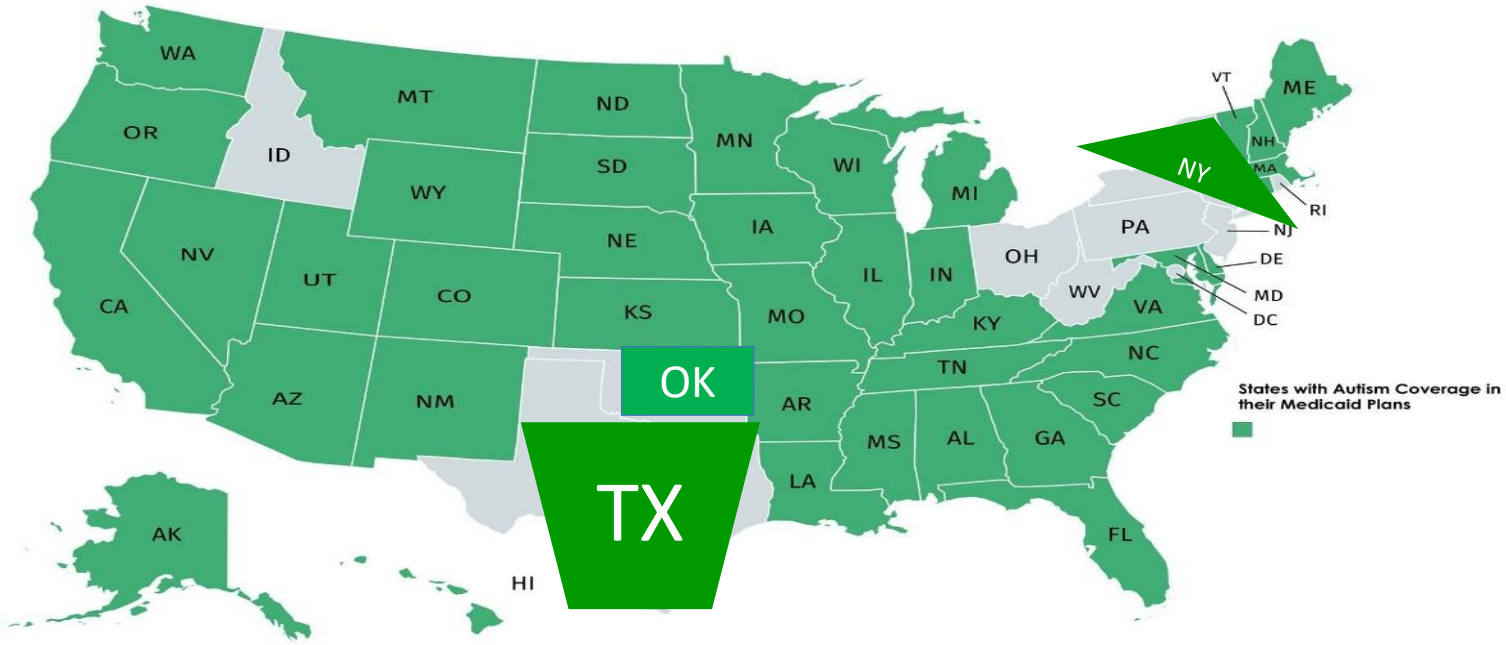
Texas Became the…

43rd



Medicaid coverage for ABA implemented in 47 states+: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming (source: Autism Speaks 8-4-20). All states except Texas, Illinois, and New York.

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Yee Haw! Now What?

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Medicaid Coverage of ABA in Texas

- We continued to work!!!
- Summer and Fall of 2019 – TxABA PPG attended meetings to comment to HHSC on Medicaid funding for ABA
  - Texas Autism Council – 08/09/2019
  - Medicaid Managed Care Steering Committee – 08/13/2019
  - Policy Council for Children & Families – 09/09/2019
- 09/24/2019 – HHSC posted DRAFT Autism Services Medicaid Policy with comments due 10/07/2019

Autism Services

Statement of Benefits

Autism Spectrum Disorder (ASD)

1. Autism spectrum disorder (ASD) is a condition characterized by restricted, repetitive patterns of behavior, interests, or activities and deficits in social communication and social interaction, with onset of symptoms occurring in early childhood.
2. Texas Medicaid acknowledges that research and clinical practices in interventions for ASD are an evolving and dynamic field. As such, documentation to support the medical need for ASD services, including applied behavior analysis (ABA) services, may include intervention techniques with a sound basis in discipline specific peer-reviewed literature when available, interventions with specific applicability to the person's clinical and functional profile (including co-morbid conditions), and an individualized, person-centered treatment plan that aligns with the values and preferences of the person with ASD and family.

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DRAFT Autism Services Medicaid Policy - Positives

- ABA listed in the comprehensive service array along with other therapies
- Reimbursement for interdisciplinary treatment team meetings and list of team members includes licensed behavior analysts (LBAs).
- Definition of ABA and the qualifications of the provider is LBA
- Allows intensive behavioral intervention (IBI), shaping appropriate behavior as well as treating behavior difficulties
- Adopted AMA CPT codes for ABA; tiered service model utilizing both LBAs and Registered Behavior Technicians (RBTs)
- Many provisions are consistent with the BACBs **Professional and Ethical Compliance Code for Behavior Analysts**

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DRAFT Autism Services Medicaid Policy - Concerns

- Difficulties obtaining a Medical diagnosis exist outside of large metropolitan areas around the state
- Difficulties with finding a LBA exist outside of large metropolitan areas around the state
- Difficulties with ensuring an adequate number of Registered Behavior Technicians (RBTs) in rural areas

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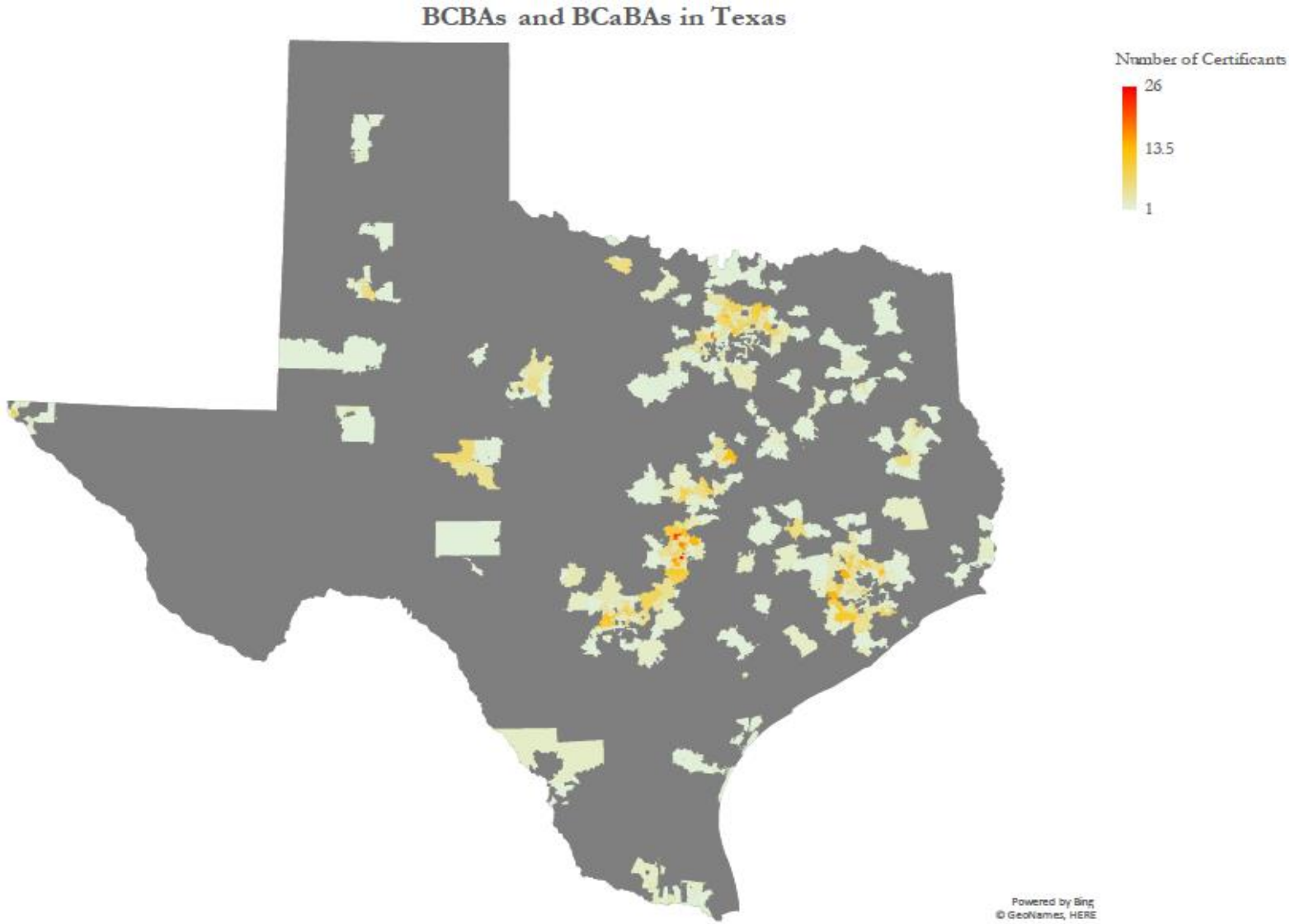
BCBA & BCaBA Distribution in Texas



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DRAFT Autism Services Medicaid Policy – More Concerns

- Concerns over limits to treatment or care based upon arbitrary age ranges
- Concerns about limiting access to care if a family is not able to participate in an "ideal" way (i.e. at least weekly parent training)
- Limited to persons diagnosed with autism
- Limited to people diagnosed with autism younger than 20 years of age

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The Waiting Began…

- HHSC started reviewing public comments
- Rate hearings were scheduled for December 13, 2019; these were subsequently postponed and have still yet to be rescheduled
- MCOs (Managed Care Organizations) do not yet have a method to contract or credential LBAs in the State of Texas

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The Waiting likely will continue…

- Contracting & Credentialing may take 90-180 days and providers **MUST** be contracted and credentialed with the MCO before they can provide ABA therapy
- 13 service regions
- At least 17 MCOs across the state

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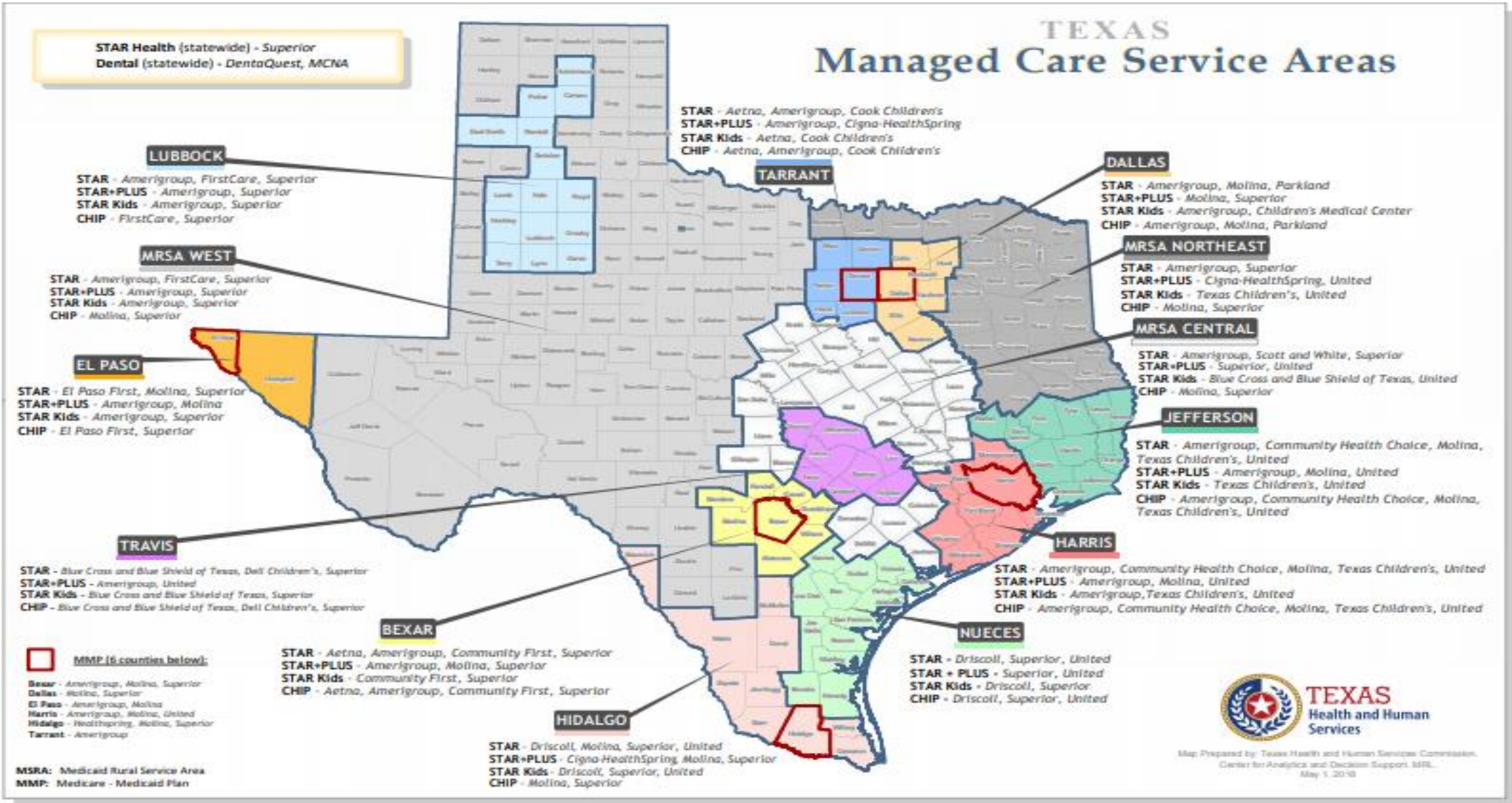

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The Good News!

- Individuals younger than 20 will be able to access ABA through Texas Medicaid
- The same CPT codes as Private Insurance – making it easier for LBAs
- The RBT credential and a tiered service delivery model will be recognized
- HHSC recognizes the importance of a collaborative approach and medical model
- Licensed Behavior Analysts, Licensed Assistant Behavior Analysts and Registered Behavior Technicians are approved service providers

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The Not So Good News…

- HHSC has not stuck to their 2020 timeline for implementation
- Until the final policy is released and rates are set, no LBAs can or should contract with the MCOs
- We are unsure of the contracting process at this time
- Not all providers will accept Medicaid and many may not accept it
- Services are through EPSDT (see 2014 CMS bulletin) and EPSDT is for individuals under age 20
- CHIP, in Texas, is not considered an EPSDT program

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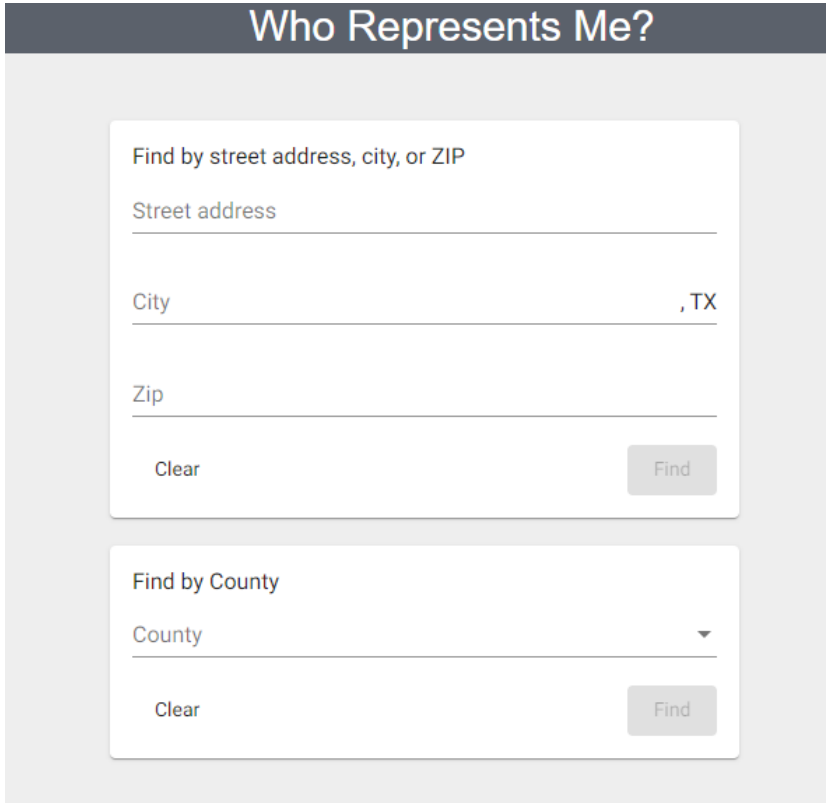
So how can you help???

- Do you know who your state Representative and Senator is?

- Who Represents You?
  - https://wrm.capitol.texas.gov/home
- Look it up and e-mail the PPG who they are so we can help



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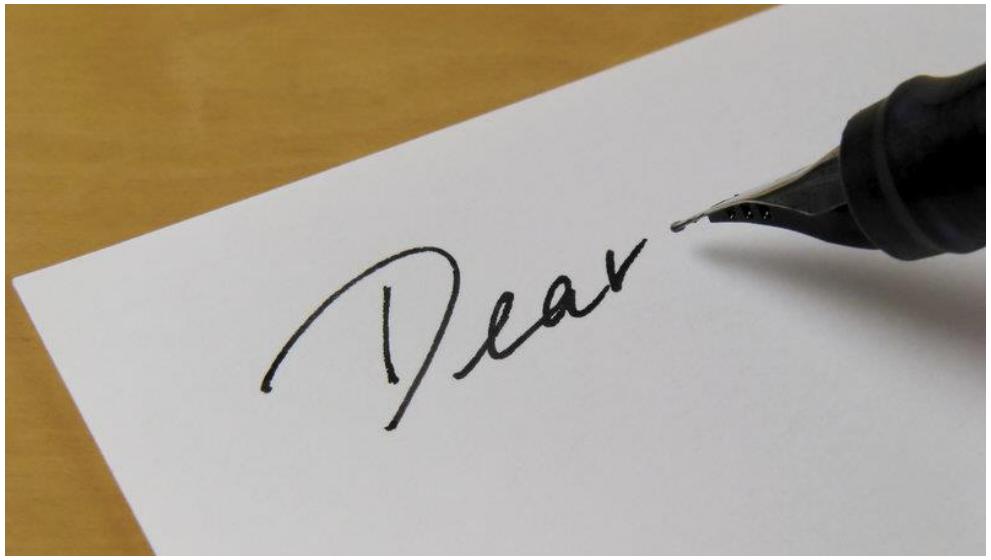
So how can you help?



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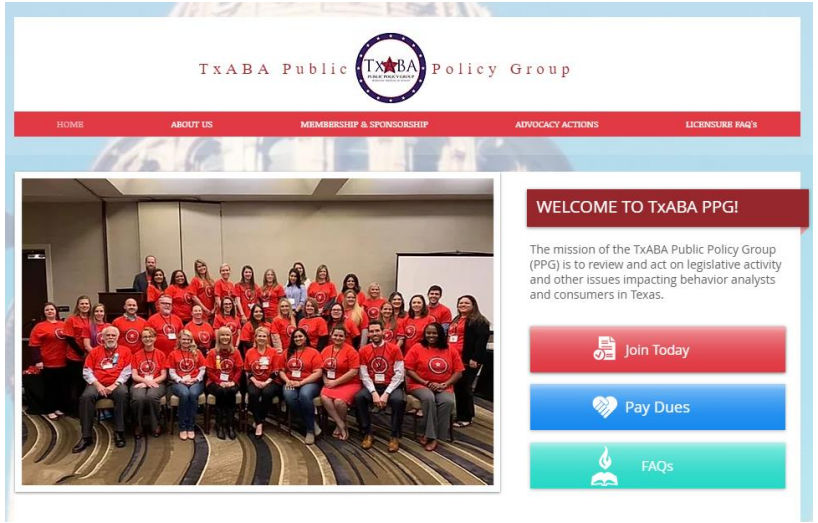
For Future Updates:

- Visit the TxABA PPG's website:

  https://behavioranalysispu.wixsite.com/txabappg

- Follow us on Facebook and Twitter (links available via our website)
- FAQ section for Medicaid is updated as we obtain additional information



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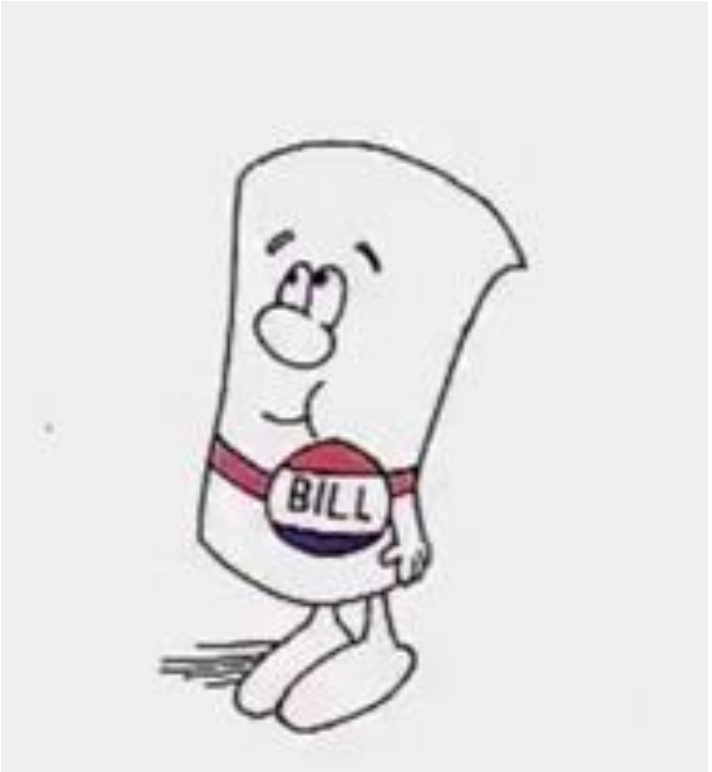
Help us Improve Texas!!!

We're working on concerns in the following areas:

- Adult Services
- Insurance
- Public Education
- Telehealth
- Brain Injury



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How you can help?
Answer - Join or Sponsor the PPG!

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