



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Honored WITH Award by the New York State Association for Behavior Analysis

CHARLES J. FUSCHILLO JR. November 12, 2013

Recognized for “Excellence in Legislative Leadership”

Senator Charles J. Fuschillo, Jr. (R-Merrick) was recently honored by the New York State Association for Behavior Analysis (NYSABA) for his leadership and advocacy for the field of behavior analysis and its consumers in New York State.

“I am incredibly honored to have received NYSABA’s award for ‘Excellence in Legislative Leadership,’ and will continue to work diligently to improve the lives of those with autism and their families,” said Senator Fuschillo. “New York’s autism insurance reform law was authored to prevent families from having to spend tens of thousands of dollars out of pocket on treatments and therapies for their loved ones with autism. Unfortunately, regulations were implemented contrary to the law’s intent which prevent many families from receiving these benefits. I was proud to sponsor legislation that passed both the Senate and Assembly to ensure that individuals with autism receive insurance coverage for the care they need, as the original law intended.”

This past June, the Senate and the Assembly passed legislation he sponsored (S.4862B) to ensure individuals with autism are able to receive insurance coverage for applied behavioral analysis (ABA) therapy as intended under New York State’s autism insurance reform law by establishing a state license for behavior analysts to allow behavior analysts who are already certified by the national Behavior Analyst Certification Board to immediately be licensed upon filing an application with the state and paying a licensing fee. This would greatly expand the places where individuals with autism could access the care they need and have it covered by insurance, as the law intended.

The legislation was in response to regulations implemented by the New York State Department of Financial Services which have dramatically limited the number of ABA

practitioners where individuals with autism can receive therapy which is covered by insurance.

Under New York's autism insurance reform law, which Senator Fuschillo authored, insurance companies must provide coverage for the screening, diagnosis, and treatment of autism spectrum disorders, including applied behavioral analysis (ABA), one of the most widely used autism therapies. Additionally, insurance companies cannot terminate coverage or refuse to renew, adjust, amend, issue, or execute a policy solely because the individual has been diagnosed with or received treatment for autism spectrum disorders. The law was designed to help families who were spending tens of thousands of dollars out of pocket each year on treatments and therapies for their loved ones with autism that many insurance companies refused to cover.

The law directed the New York State Department of Financial Services (DFS), in consultation with the Departments of Health and Education, to promulgate rules and regulations as to what qualifications a provider must have in order to qualify for coverage, but clearly specified that certification by the national Behavior Analyst Certification Board would be sufficient to receive coverage for ABA services. Instead, DFS implemented regulations requiring ABA practitioners to be licensed in order to qualify for insurance reimbursement, even though no such license exists in New York State.

As a result, only behavior analysts who have another type of state license, such as a physician or psychologist, and performs ABA therapy within the normal scope of their duties can currently qualify for insurance reimbursement. This significantly limits the number of available providers where families can go to receive insurance-covered ABA therapy and forces many to still pay for this therapy out of pocket, contrary to the law's intent.

"We would like to thank Senator Fuschillo for his commitment to the citizens of our state, and particularly the most vulnerable among us. When there were problems with the implementation of the law to expand insurance coverage of critical treatment, including Applied Behavior Analysis (ABA) for individuals with Autism, he worked diligently to ensure that they were addressed with his sponsorship of the Act to Amend the Education Law with Respect to Applied Behavior Analysis. The licensure of Behavior Analysts will allow for the full and proper implementation of the autism insurance law in addition to ensuring that Board Certified Behavior Analysts will move to or remain in New York after completing one of the many training programs for behavior analysts in our state. This will further improve access to quality care for individuals with autism and other consumers of ABA," said Dr. Deborah A. Napolitano, President of the New York State Association for Behavior Analysis.

The legislation was passed by the Senate and Assembly on June 17th and awaits the Governor's approval.

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