

February 8, 2022

2022 New York State Legislative Joint Health Budget Hearing

Testimony Provided by Julie Hart
Director, State Government Affairs,
Autism Speaks

On behalf of Autism Speaks, thank you for the opportunity to submit written testimony regarding the health proposals in the Executive Budget.

Autism Speaks is dedicated to promoting solutions, across the spectrum and throughout the lifespan, for the needs of people with autism and their families. We do this through advocacy and support; increasing understanding and acceptance of people with autism; and advancing research into causes and better interventions for autism spectrum disorder and related conditions.

To date, Autism Speaks has helped more than 22 million people and their families, invested more than \$220 million in scientific grants for autism research, and successfully advocated for additional insurance coverage for individuals with autism in all 50 states.



AUTISM PREVALENCE

Autism, or autism spectrum disorder (ASD), refers to a broad range of conditions characterized by challenges with social skills, repetitive behaviors, speech and nonverbal communication. According to the Centers for Disease Control, autism affects an estimated 1 in 44 children or about 2.3% of children in the United States.

Coverage for Applied Behavior Analysis

Applied Behavior Analysis (ABA) is an evidence-based treatment that can improve the quality of life of people with autism. The therapy is tailored to the needs of each person with the goal of building skills and reducing dangerous or harmful behaviors. Treatment plans can be intensive and could require up to 40 hours of therapy each week. In July 2014, the Centers for Medicare and Medicaid Services (CMS) issued a [memo](https://www.medicare.gov/Federal-Policy-Guidance/Downloads/CIB-07-07-14.pdf)¹ clarifying the inclusion of coverage of medically necessary care for children diagnosed with autism spectrum disorder (ASD) as part of its Early Periodic Screening, Diagnostic and Treatment (EPSDT) requirement.

¹ <https://www.medicare.gov/Federal-Policy-Guidance/Downloads/CIB-07-07-14.pdf>

We are grateful that in September 2021 the NYS DOH included Medicaid coverage of ABA services for children in the State's September 2021 Medicaid update. Unfortunately, the current reimbursement rates fall far below nearly every state in the nation.

Recommendations:

- **Increase Medicaid ABA reimbursement rates.** We are pleased to see the state's financial plan includes \$37 million for ABA reimbursement to align the Medicaid reimbursement to the Child Health Plus reimbursement rate of \$76 per hour. We urge NYS to immediately implement the increased ABA Medicaid reimbursement rates as New York's Medicaid program will not have an adequate network of providers and children in New York will not have equitable access to ABA services without swift action. We are also incredibly grateful to the NYS Legislature for promptly considering A.299-B Gottfried and S.1578-B Rivera which will codify ABA as a covered Medicaid service under the NYS Social Services Law.
- **Clarify role of Behavior Technicians in ABA treatment.** ABA is routinely delivered by a multidisciplinary team including the Licensed Behavior Analyst (LBA), sometimes including a Certified Behavior Analyst Assistant (CBAA), and always including an unlicensed "Behavior Technician." Behavior technicians do not design plans; however, they are critical for carrying out the ABA plan. While we believe the statute is clear that behavior techs can be part of the team delivering ABA, it is our understanding that SED indicated only LBAs and CBAA's are able to participate in the delivery of service under the new Medicaid autism services benefit. We sought clarification from SED, however the reply does not provide the clarity needed. As such, we strongly urge the final budget include language to provide clarity that behavior techs can participate on the team delivering ABA services to children enrolled in Medicaid.
- **Oversight of Professions.** Lastly, we support the proposed Article VII Part G language to shift oversight of numerous healthcare professions to the Department of Health. Given DOH's understanding of ABA services and the alignment with Medicaid Managed Care, we believe this could be a positive step to streamline access to treatment.

Thank you for the opportunity to submit testimony on behalf of Autism Speaks. Please contact us directly if we can provide any additional information regarding our testimony or other issues related to autism.

FOR MORE INFORMATION
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