

Affiliates Meeting – April 19, 2018

Gina Green, PhD, BCBA–D
CEO

Association of



*Professional
Behavior Analysts*

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Agenda

- ▶ Intros
- ▶ Updates on APBA support to Affiliates and the field
 - Practice guidelines, position statements, white paper
 - Public policy advocacy
 - Behavior analyst licensure laws
 - CPT codes
- ▶ APBA's "asks" of Affiliates
- ▶ Roundtable discussions

Affiliates

- ▶ Behavior analysis associations, other scholarly/scientific organizations that partner with APBA
 - Currently 52
 - 41 U. S. state and regional behavior analysis associations
 - 8 behavior analysis associations in other countries or provinces
 - 3 scholarly/scientific organizations
- ▶ See Affiliates at www.apbahome.net

Support to Affiliates: Tips on

- ▶ Starting a behavior analysis association
- ▶ Operating a 501(c)(6) nonprofit professional membership organization
 - Governance (Board, bylaws, etc.)
 - Avoiding antitrust problems
 - Public policy advocacy
 - Getting started
 - Accounting for resources spent on “lobbying”
 - DOES NOT CONSTITUTE OR SUBSTITUTE FOR ADVICE FROM ATTORNEYS AND ACCOUNTANTS

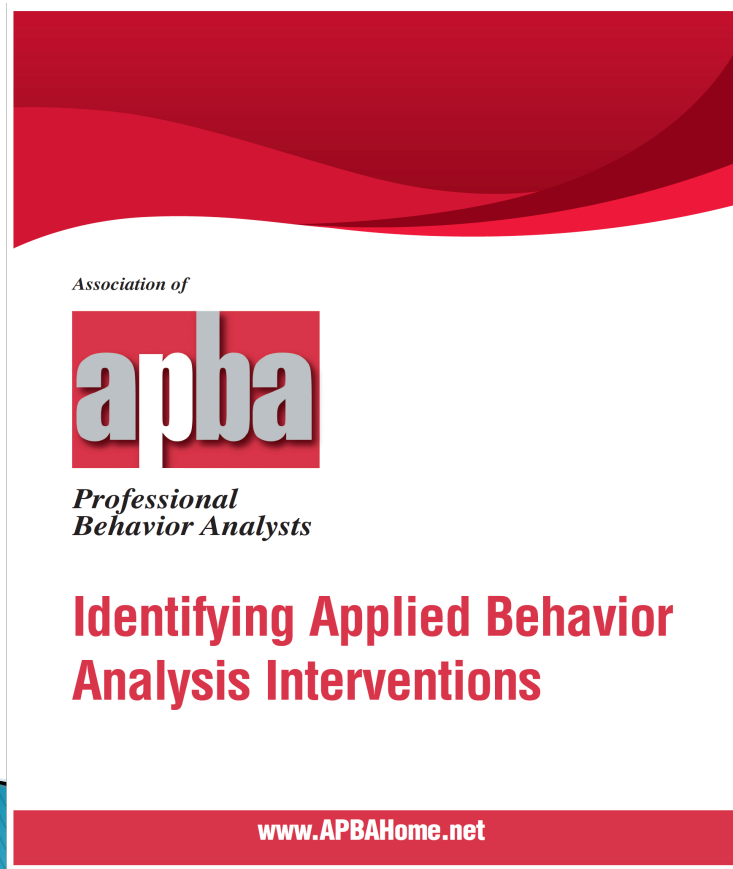
Support to Affiliates and the field: Practice guidelines, position statements

- ▶ **Avoiding antitrust liabilities**
 - In Members Only section of www.apbahome.net
- ▶ **Medical necessity of ABA interventions for people with ASD**
 - Being polished for Board review
- ▶ **Assessing clients with ASD for ABA treatment planning and progress reporting (with Council of Autism Service Providers)**
 - In early stages
- ▶ **Using social media**
 - In early stages

Contributions to other practice guidelines

- ▶ New York State Department of Health Bureau of Early Intervention Clinical Practice Guideline on ASD in Young Children
- ▶ Ontario Association for Behaviour Analysis Evidence-Based Practices for Individuals with Autism Spectrum Disorder: Recommendations for Caregivers, Practitioners, and Policy Makers

White paper



- ▶ Designed to serve as a resource on the science and practice of behavior analysis for the general public
- ▶ Finalized May 2017
- ▶ Available to anyone at www.apbahome.net, Practice Guidelines

Public policy advocacy

- APBA collaborates with behavior analysts, consumers, and policymakers; BACB (where applicable); advocacy organizations
- Provides
 - Consultation and information via meetings, phone and video conferences, webinars, email, posts on social media
 - Model language for legislation and rules/regulations
 - Analyses of proposed legislation and rules/regs
 - Tips about likely pitfalls and opposition and how to avoid or counter them
 - Testimony and/or help in preparing testimony
 - Supporting resources (talking points, research summaries, etc.)
 - Letters of support
 - Written comments to legislators, regulators
 - Cheerleading

Public policy advocacy: Laws and rules/regs on

- ▶ Licensure and other regulation of ABA practitioners in > 30 U.S. states, 2 Canadian provinces, Israel
- ▶ Health insurance coverage of ABA services
 - Autism insurance laws and regs
 - Medicaid State Plan Amendments or rules
 - TRICARE Autism Care Demonstration policies
 - Billing codes
- ▶ Others (e.g., early intervention)

State laws to regulate behavior analysts: Behavior analyst boards

State	Behavior Analyst	Asst. Behavior Analyst	Tech	BACB certificants qualify	Others may qualify
AL	L	L	-	Y	N
KY	L	L	-	Y	N
LA	L	C	R	Y	Y
MI	L	L	-	Y	?
MS	L	L	-	Y	N
NY	L	C	-	?	?
OK	L	C	-	Y	N
OR	L	L	R	Y	Y
RI	L	L	-	Y	Y

L = licensed; C = certified; R = registered. **Add NV as of 1/1/2019.**

State laws to regulate behavior analysts: Psychology boards

State	Behavior Analyst	Asst. Behavior Analyst	Tech	BACB certificant quality	Others may qualify
AZ	L	-	-	Some	Y
MO*	L	L	-	Y	N
MT	L	L	-	Y	N
ND	L	R	-	Y	Y
NV	L	L	-	Y	N
OH	C	-	-	Y	Y
TN*	L	L	-	Y	N
UT	L	L	-	Y	Y

*Behavior analyst committee within psychology board.

Delete NV as of 1/1/2019.

State laws to regulate behavior analysts: Other boards

State	Board/Department	Behavior Analyst	Asst Behavior Analyst	Tech	BACB certificants qualify	Others may qualify
IA	BBS	L	L	–	Y	?
KS	BSRB	L	L	–	Y	?
MA	AMHHSP	L	L	–	Y	N
MD	BPCT	L	–	–	Y	N
SD	SocWk	L	–	–	Y	N
VA	BoM	L	L	–	Y	N

BBS = Board of Behavioral Science

BSRB = Behavioral Sciences Regulatory Board

AMHHSP = Allied Mental Health & Human Services Professionals

BPCT = Board of Professional Counselors & Therapists

SocWk = Social Work

BoM = Board of Medicine

State laws to regulate behavior analysts: No boards (direct licenses)

State	Agency	Behavior Analyst	Asst Behavior Analyst	Tech	BACB certificants qualify	Others may qualify
AK	DCCED	L	L	–	Y	Y
CT	DPH	L	–	–	Y	N
HI	DCCA	L	–	–	Y	N
TX ¹	DLR	L	L	–	Y	Y
VT ¹	OPR	L	L	–	Y	Y
WA ¹	DOH	L	L	C	Y	?
WI ²	DSPS	L	–	–	Y	N

¹Behavior analyst advisory committee within state agency. ²Title act only.

DCCED = Dept. of Commerce, Community, & Economic Development

DPH = Dept. of Public Health

DCCA = Dept. of Commerce & Consumer Affairs

DLR = Dept. of Licensing & Regulation

OPR = Office of Professional Regulation

DOH = Dept. of Health

DSPS = Dept. of Safety & Professional Services

FYI

- ▶ Public section of www.apbahome.net:
Laws & Regulations
 - Licensure/Reg of ABA Practitioners
 - Table summarizing current licensure laws (except Iowa; not yet added)
 - Links to regulatory entities, behavior analysis organizations in states with laws to license or otherwise regulate ABA practitioners

Summary of 30 state laws

- ▶ Variety of administrative homes, regulatory entities
 - 9 states: independent behavior analyst licensing boards (add NV as of 2019)
 - 11 states: another profession's licensing board (delete NV as of 2019)
 - 3 states: “omnibus” boards
 - 7 states: no board (direct licenses)
- ▶ Rules/regulations to implement laws still being finalized or to be developed in several states

Summary of 30 state laws

- ▶ All states license (29) or certify (OH) behavior analysts *in their own right*.
 - The practice of ABA is recognized as a distinct profession.
- ▶ BACB certification is a qualification for the state-issued credential in most states.
- ▶ Most laws prohibit non-credentialed individuals from practicing ABA or representing themselves as behavior analysts.

Summary of 30 state laws

- ▶ 8 states do not regulate assistant behavior analysts directly.
- ▶ Direct regulation of paraprofessionals (technicians) has proven difficult.
- ▶ Regulation by other professions presents many challenges.
- ▶ NY law restricts practice to clients with autism and related disorders, requires exams other than BACB's.
 - But NYSABA is working to get the restriction to autism removed.

CPT Codes Project

- ▶ ABA Services Work Group formed in 2015 to develop proposal to modify the Category III codes for adaptive behavior services, convert them to Category I
- ▶ **Steering Committee:** Rep + alternate from



- Gina Green Travis Thompson Jim Carr Mike Wasmer
- Bryan Davey Wayne Fisher Melissa Nosik Lorri Unumb
- **CPT consultants:**
 - Ben Shain, MD, AACAP (thru February 2017)
 - Jenna Minton, Esq., Minton Healthcare Strategies

- ▶ **Work Group:** providers, advocates, health plan reps

For American Medical Association CPT Editorial Panel to approve codes as Category I, *all* of the following criteria must be met:

- ▶ Procedure or service
 - performed by many physicians or other qualified health care professionals
 - performed with frequency consistent with intended clinical use
 - consistent with current medical practice
 - **clinical efficacy documented in literature that meets requirements in CPT code change application**

ABA Services Work Group

- ▶ Submitted Code Change Proposal to CPT Editorial Panel October 2016. Some Steering Committee members defended it at Panel's February 2017 meeting. Contents:
 - Revised code set
 - Rationale for proposed revisions
 - Vignettes and descriptions of work
 - Evidence review
 - Policy statements, guidelines from professional societies and payers
 - Descriptions of providers

CPT Editorial Panel decision

- ▶ 8 modified codes approved as Category I (97X51 – 97X58)
 - *Signifies that the services have proved efficacious and are widely accepted in the medical community*
- ▶ 2 modified codes to remain Category III (0362T, 0373T) for now
- ▶ All other Category III codes go away
- ▶ **Effective January 1, 2019**

LET'S JUST SAY



IT'S KIND OF A BIG DEAL!

CPT Codes Project

- ▶ New codes will probably be published August 2018
- ▶ Until then, AMA rules strictly prohibit our Steering Committee from disclosing specifics and any lobbying of the Steering Committee or other entities involved.
- ▶ For more information:
 - Attend tutorial by Jenna Minton – Saturday, 10:00 am, Park View
 - Watch for emails from APBA about
 - Publication and valuation of the new codes
 - Availability of educational materials for providers and payers
 - Other developments

APBA's "asks"

- Make your association THE voice for – and source of information on – behavior analysis in your jurisdiction, especially in the public policy arena.
 - Monitor legislative and regulatory activity.
 - “If you’re not at the table, you’re probably on the menu.” – Sen. Elizabeth Warren
 - “If you’re on the menu, you’d better be at the table.” – Gina Green
 - Organize for grassroots advocacy.

APBA's "asks"

- ▶ Collect information and links on current and proposed laws and regulations/rules; post on your website.
- ▶ Educate members and consumers about public policies.
- ▶ Establish relationships with legislators, key state officials, consumers, other professional organizations.
- ▶ Utilize resources like APBA and the BACB.
- ▶ *Come together. Unity is essential for effective advocacy, and for protecting and advancing the profession.*

APBA's "asks"

- ▶ Please support APBA by
 - Encouraging your members to join.
 - Posting your APBA Affiliate (not "chapter") status and link to www.apbahome.net on your website.
 - Promoting the annual convention.
 - Donating to the public policy fund if you can (see Donate at www.apbahome.net).
 - Thanks to NJABA for the recent donation.
 - Continuing to share your experiences and expertise with APBA.

Roundtable discussions

- Building your conference – Rick Graff, BABAT
 - Building relationships with state agencies – Christy Evanko, VABA
 - Increasing members' engagement – Joan Broto, ONTABA
 - Partnering with consumer advocates – Suzanne Buchanan, NJABA
 - Working with lobbyists – Matt McAlear, CalABA
 - Licensure: Some challenges – Gina Green, APBA
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Thanks for all you do!

Association of



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