

Association of



*Professional
Behavior Analysts*

2021 Annual Report to Affiliate Organizations

APBA Virtual Convention - April 8, 2021



Agenda

- ▶ Welcome and introductions
- ▶ APBA and its Affiliate organizations
- ▶ Public policy developments since last report
 - Licensure and other regulation/recognition of behavior analysts
 - Coverage of ABA services by health plans and systems
- ▶ Resources
 - Health insurance
 - COVID-19
 - White paper
 - Guidelines, position statements
- ▶ World Behavior Analysis Day
- ▶ Expanded collaboration with Council of Autism Service Providers
- ▶ Some suggestions and recommendations
- ▶ News, celebrations, concerns from Affiliates



Welcome and introductions

- ▶ Thanks for coming, partnering with APBA, and working to support and advance the profession!
- ▶ Affiliates represented



APBA and its Affiliates

- Not chapters; those are subservient to parent org
- Behavior analysis and advocacy organizations associations need to be **autonomous and nimble** in order to be effective in public policy arenas
- Like several other professional organizations (e.g., APA, ASHA), APBA views Affiliates as partners, provides support but few “strings”

Association of



*Professional
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Affiliate

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Affiliates

- ▶ Behavior analysis associations; other nonprofit scholarly, scientific, and advocacy organizations
 - Currently 57
 - 43 U. S. behavior analysis associations
 - 8 behavior analysis associations in other countries or provinces
 - 6 scholarly/scientific/advocacy organizations
- ▶ See Affiliates at www.apbahome.net

Support to Affiliates since 2008

- ▶ Starting a behavior analysis association
- ▶ Operating a nonprofit professional membership organization (e.g., under **501c6** Internal Revenue Service designation in US)
 - Governance
 - Board of Directors
 - Bylaws
 - Policies (e.g., fiduciary responsibility and conflicts of interest)
 - Avoiding antitrust problems
 - Public policy advocacy
 - Resources



Public policy advocacy

- APBA collaborates with behavior analysts, consumers, policymakers, advocacy organizations in the jurisdiction
- Provides
 - Consultation and information via meetings, phone and video conferences, webinars, email, posts on social media
 - Model language for “sunrise” applications, legislation, 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



Licensure and other governmental regulation of ABA practitioners

- ▶ Since 2008, provided input on licensure bills, laws, rules, other forms of regulation in
 - > 45 U.S. states
 - Several other jurisdictions – Australia, Canada, India, Israel
- ▶ Developed





APBA's position on regulation

- ▶ Behavior analysts in each jurisdiction should evaluate possibilities for governmental regulation carefully.
- ▶ Licensure statute should be based on APBA's model licensure act
 - **Title *and* practice protections**
 - **Main qualification for government-issued credential(s):
BACB certification**
 - *Requirements parallel those of most licensed professions; are legally defensible; have come from the profession; **are not limited to any client populations, settings, funding sources, etc.***
 - **Stand-alone behavior analyst regulatory board, if feasible**
 - *Best means of ensuring that practice of ABA is regulated by behavior analysts*



Behavior analyst licensure laws and regulatory bodies*

| Behavior Analyst Board | Psychology Board | Other Profession's Board | Omnibus Board | No board; state agency has authority |
|------------------------|------------------|--------------------------|---------------|--------------------------------------|
| Alabama | Arizona | Maryland | Iowa | Alaska |
| Kentucky | Missouri | South Dakota | Kansas | Connecticut |
| Louisiana | Montana | | Massachusetts | Hawaii |
| Michigan | Ohio | | North Dakota | Texas |
| Mississippi | Tennessee | | Virginia | Vermont |
| Nevada | Utah | | | Washington |
| New Jersey | | | | Wisconsin ² |
| New York ¹ | | | | |
| Oklahoma | | | | |
| Oregon ² | | | | |
| Rhode Island | | | | |

*Entities with statutory decision-making authority (not just advisory)

¹ Practice restricted to autism and related disorders

² Title act only



Summary of state laws

- ❑ All 31 states license 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 credentials in the large majority of states.
- ❑ Most laws prohibit unlicensed individuals from practicing ABA or representing themselves as behavior analysts (but only the latter in OR and WI; no practice protection).
- ❑ Those with advanced degrees are licensed to practice independently.

Summary of state laws

- ❑ All but 7 states license or certify Assistant Behavior Analysts to practice under supervision of LBAs. Those 7 hold supervising LBAs responsible.
- ❑ Only 5 states attempt to regulate paraprofessionals (behavior technicians) directly. Others hold supervising LBAs or LABAs responsible for all supervisees.
- ❑ Regulation by licensing boards of 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.



Resources on licensure

- ▶ www.apbahome.net > **Laws & Regulations** > **Licensure/Reg. of ABA Practitioners**
 - APBA Model Licensure Act
 - Summary of current licensure laws
 - Info on relicensing cost reimbursement for military spouses
 - Links to websites of regulatory bodies that manage licensure programs in all states with behavior analyst licensure laws implemented
 - Also links to behavior analysis organization(s) in each state



Health insurance coverage of ABA services

- ▶ **Autism insurance laws**
 - Laws or bulletins now mandate coverage of ABA services in all 50 U.S. states.
 - APBA provides input on bills or rules, advocates for amendments to remove age caps, other restrictions

- ▶ **Medicaid**
 - With Autism Legal Resource Center, developed model language for State Plan Amendments (SPAs) or rules re: EPSDT coverage of ABA services; disseminated to many states
 - Provide input on proposed Medicaid SPAs or rules



Health insurance coverage of ABA services

- ▶ TRICARE Autism Care Demonstration
 - Continuing advocacy for coverage of ABA services that started in 2008
 - Provide feedback on policies and reports
 - Will host meeting of TRICARE providers in this convention – Saturday, 4:30 pm **Central** time
- CHAMP VA (healthcare program for military veterans)
 - Collaborated with veterans' families, several organizations to advocate successfully for coverage of ABA services for beneficiaries with ASD starting this year



ABBA



CODING COALITION

www.abacodes.org



ABA Coding Coalition





- ▶ www.abacodes.org
 - Resources
 - FAQs
 - Advocacy efforts
 - Medically Unlikely Edits (MUEs)
 - Payer and provider education
 - Other outreach to payers



Model Coverage Policy

for Adaptive Behavior Services

Available under
Resources at
www.abacodes.org
and Practice
Guidelines at
www.apbahome.net



Model Coverage Policies

- Outline optimal coverage parameters related to medical procedures or therapies that may be new or unfamiliar to a health plan for payers, providers, and billers.
- Are often developed by national specialty societies in the absence of a Centers for Medicare & Medicaid Services local or national coverage policy, or in response to wide variance in payer coverage policies for a specific service or specialization.



The ABA Coding Coalition's Model Coverage Policy

- ▶ Designed to guide providers, billers, and payers in working with the 2019 CPT® codes for adaptive behavior/ABA services to develop appropriate coverage policies and monitor utilization in US systems.
 - *But could be used to advocate for coverage of ABA services by any healthcare systems.*

- ▶ Includes:
 - indications
 - limitations
 - billing codes
 - provider qualifications
 - documentation requirements
 - other general information
 - a bibliography of research on the efficacy of ABA services for several patient populations.



Health insurance coverage of ABA services: Resources at www.apbahome.net

- ▶ Recordings of 5 webinars by attorneys Jodi Bouer and Kim Mack Rosenberg and certified biller Michele Silcox available for purchase
 - [Events > Recorded Webinars – Health Insurance Providers](#)
- ▶ APBA/BACB Clarifications – ASD Treatment Guidelines
 - [Practice Guidelines](#)
- ▶ [In Members Only > Health Insurance Coverage:](#)
 - Many print resources, links
 - November 2018 *CPT Assistant* with article on CPT codes for adaptive behavior (ABA) services (special permission from AMA)



COVID-19

- ▶ *Guidelines for Practicing Applied Behavior Analysis During the COVID-19 Pandemic (April 2020)*
 - ▶ Determining if ABA services are “essential” per government orders
 - ▶ Identifying and complying with behavior analyst licensure laws and rules/regulations (especially re: telepractice)
 - ▶ Using professional standards to guide decision-making
 - ▶ Working with payers on delivery of ABA services via telepractice
 - ▶ Payer policies
 - ▶ Medical necessity
- ▶ Available at www.apbahome.net > Practice Guidelines

COVID-19

- ▶ Also under [Practice Guidelines](#):
 - Link to BACB COVID-19 Updates
 - Documents and/or links - CASP, CDC, OSHA, US Dept of Health & Human Services, WHO

- ▶ Recorded webinars
 - Telepractice of ABA During the Pandemic
 - Qs & As About Reporting Telepractice Delivery of ABA Services to Health Plans
 - COVID-19, Employment Law, and Essential Business Risk Management: What ABA Providers Need to Know
 - Available at www.apbahome.net > [Events](#) > [Recorded webinars – COVID-19](#) (**free** for APBA members; small fee for non-members)

COVID-19

- ▶ Bibliography of research on telepractice of ABA
 - www.apbahome.net > Members Only > Bibliographies
- ▶ *Reporting CPT Codes for Telehealth Delivery of Adaptive Behavior (ABA) Services*
 - www.abacodes.org > Resources
- ▶ Also see

Behavioral Interventions / Volume 35, Issue 3

RESEARCH ARTICLE |  Free Access |

Some actions for behavior analyst licensing bodies to consider in response to the COVID -19 pandemic

Brigid H. Fronapfel , Erick M. Dubuque, Kerri Milyko, Christine M. Fuller, Gina Green

First published: 07 July 2020

<https://doi.org/10.1002/bin.1725>

Other resources in **Practice Guidelines** at www.apbahome.net

- ▶ *Guidelines for Evaluating Credentials in the Practice of Applied Behavior Analysis*
- ▶ *Commitment to Diversity, Equity and Social Justice*
- ▶ *Statement on Harassment, Discrimination, and Diversity*
- ▶ *Position Statement on Government Regulation of Practice*
- ▶ In progress:
 - Tips for responding to purchase or investment offers
 - Report of survey on diversity and inclusion in ABA
 - Using social media
 - Assessing clients with ASD



White paper



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Identifying Applied Behavior Analysis Interventions

www.APBAHome.net

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

World Behavior Analysis Day

- ▶ Initiated by Elizabeth Drago, NYSABA
- ▶ Many behavior analysis organizations collaborated
- ▶ APBA participated on planning team, helped develop application to National Archives
- ▶ “Day” is to be celebrated annually on March 20 (Skinner’s birthday)
- ▶ Info and resources at <http://behavioranalysisday.com>



Expanded collaboration with nonprofit Council of Autism Service Providers (CASP; www.casproviders.org)

- ▶ *Practice Parameters for Telehealth Implementation of Applied Behavior Analysis*
- ▶ Organization Guidelines
 - Steering Committee for overall project
 - Development of chapter on “Organizational Support for Clinical Excellence”
 - APBA Board members serving as SMEs, committee members

Suggestions and recommendations

- ▶ Make your association THE voice for – and source of information on – behavior analysis in your jurisdiction.
 - Take the lead on public policies that affect the practice of ABA.
 - Monitor legislative and regulatory activity.
 - Establish relationships with legislators, key government officials, consumers, other professional organizations.
 - Organize for grassroots advocacy.

Suggestions and recommendations

- ▶ Collect information and links on current and proposed laws and regulations/rules; post on your website.
- ▶ Educate members and consumers about public policies.
- ▶ Utilize APBA's extensive experience and resources.
 - ▶ Contact Gina@apbahome.net.

Suggestions and recommendations

- ▶ When companies and organizations market products or services to your members or legislators, government agencies, employers, payers, etc. in your jurisdiction, **do your due diligence**. Ask
 - Where is the company incorporated or based? What is its interest in your state/province/country?
 - How long has the company been operating?
 - Is the company for-profit or not-for-profit?
 - If for-profit, who owns it? Where do profits go? Are there shareholders? investors?
 - Research the company on the website of the relevant state or provincial agency, e.g., Secretary of State – Business Entities

Doing due diligence (cont'd)

- ▶ If the company is not-for-profit, is it entirely independent of other companies?
Where can we find the bylaws? other governing policies?
 - Research the company on the website of the Internal Revenue Service – Tax Exempt Organization Search (or equivalent in your country)
 - Look for officers, Directors, and staff and their employers
- ▶ Is there a Board of Directors? If yes,
 - To whom is the Board responsible?
 - What are their backgrounds and qualifications?
 - How and by whom are they selected or elected?
 - Are they free of financial and other conflicts of interest?
- ▶ See APBA's Guidelines for Evaluating Credentials – www.apbahome.net > Practice Guidelines
- ▶ Attend Lorri Unumb's tutorial on "The Legal Significance of Standards and Guidelines" Saturday, 11:00 am Central time

Support from Affiliates helps APBA continue its work on behalf of the profession

- ▶ If your organization has benefited, directly or indirectly, please consider reciprocating by donating to Public Policy Fund, encouraging constituents to join
- ▶ Many thanks to Affiliates who have supported APBA financially in 2021
 - Donated to public policy fund:
 - Virginia ABA
 - Wisconsin ABA
 - Purchased advertising at this convention:
 - BABAT: Massachusetts Professionals in Behavior Analysis



News, celebrations, concerns from Affiliates

- ▶ Behavior analysis associations, countries and provinces other than U.S.
- ▶ U.S. state/regional behavior analysis associations
- ▶ Consumer advocacy organizations

apba

Association of

A large, stylized logo for the Association of Professional Behavior Analysts. The letters 'a', 'p', and 'a' are white, while 'p', 'b', and 'a' are grey. The logo is set against a red rectangular background. The 'p' is the tallest letter, and the 'b' is the widest. The letters have a slight shadow effect.

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