

HOUSE BILL 598

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11r0517
CF SB 469

By: **Delegate Kelly**

Introduced and read first time: January 20, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2021

CHAPTER _____

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Applied Behavior Analysis Services –**
3 **Reimbursement**

4 FOR the purpose of prohibiting the Maryland Department of Health from conditioning
5 reimbursement of applied behavior analysis services provided to Maryland Medical
6 Assistance Program recipients on the presence or availability of certain individuals
7 in a certain setting; providing that a certain provision of this Act does not prohibit
8 the Department from establishing certain standards for the involvement of a parent
9 or caregiver; requiring, on or before a certain date, the Department to adopt certain
10 regulations in consultation with stakeholders; providing for the application of this
11 Act; defining certain terms; and generally relating to the Maryland Medical
12 Assistance Program and reimbursement of applied behavior analysis services.

13 BY adding to
14 Article – Health – General
15 Section 15–149
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2020 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 15-149.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) (I) "APPLIED BEHAVIOR ANALYSIS" MEANS THE DESIGN,
5 IMPLEMENTATION, AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS USING
6 BEHAVIORAL STIMULI AND CONSEQUENCES TO PRODUCE SIGNIFICANT
7 IMPROVEMENTS IN HUMAN BEHAVIOR.

8 (II) "APPLIED BEHAVIOR ANALYSIS" INCLUDES THE DIRECT
9 OBSERVATIONS, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF THE RELATIONS
10 BETWEEN ENVIRONMENT AND BEHAVIOR.

11 (3) "EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT
12 (EPSDT)" MEANS THE PROVISION, TO INDIVIDUALS UNDER THE AGE OF 21 YEARS,
13 OF PREVENTIVE HEALTH CARE UNDER 42 C.F.R. PART 441, SUBPART B, AS
14 AMENDED, AND OTHER HEALTH CARE SERVICES, DIAGNOSTIC SERVICES, AND
15 TREATMENT SERVICES THAT ARE NECESSARY TO CORRECT OR AMELIORATE
16 DEFECTS, PHYSICAL AND MENTAL ILLNESSES, AND CONDITIONS DISCOVERED BY
17 THOSE SCREENING SERVICES.

18 (B) THIS SECTION APPLIES TO EPSDT SERVICES AVAILABLE TO PROGRAM
19 RECIPIENTS.

20 (C) (1) THE SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
21 DEPARTMENT MAY NOT CONDITION REIMBURSEMENT OF APPLIED BEHAVIOR
22 ANALYSIS SERVICES PROVIDED TO A PROGRAM RECIPIENT ON THE PRESENCE OR
23 AVAILABILITY OF THE PARENT OR CAREGIVER OF THE PROGRAM RECIPIENT IN THE
24 SETTING WHERE THE APPLIED BEHAVIOR ANALYSIS SERVICES ARE PROVIDED TO
25 THE PROGRAM RECIPIENT.

26 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT THE
27 PROGRAM FROM ESTABLISHING REASONABLE STANDARDS FOR THE INVOLVEMENT
28 OF A PARENT OR CAREGIVER, INCLUDING REQUIRING NOTIFICATION FROM THE
29 PARENT OR CAREGIVER OF THE DECISION OF THE PARENT OR CAREGIVER NOT TO
30 BE PRESENT OR AVAILABLE WHEN THE PROGRAM PROVIDES APPLIED BEHAVIOR
31 ANALYSIS SERVICES TO A PROGRAM RECIPIENT.

32 (D) ON OR BEFORE DECEMBER 1, 2021, THE DEPARTMENT, IN
33 CONSULTATION WITH STAKEHOLDERS, SHALL ADOPT REGULATIONS TO IMPLEMENT
34 THE PROVISIONS OF THIS SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October~~ June 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.