

SENATE BILL NO. 191—SENATOR SEEVERS GANSERT

FEBRUARY 22, 2023

Referred to Committee on Health and Human Services

SUMMARY—Makes certain changes relating to applied behavior analysis. (BDR 38-545)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to applied behavior analysis; requiring the State Plan for Medicaid to include coverage for certain services related to applied behavior analysis; revising the issuance fee for a license as a behavior analyst or an assistant behavior analyst; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Director of the Department of Health and Human
2 Services to develop and administer a State Plan for Medicaid which includes a list
3 of specific medical services required to be provided to Medicaid recipients. (NRS
4 422.063, 422.270-422.27497) Existing law requires the State Plan for Medicaid to
5 include: (1) rates of reimbursement for services provided by behavior analysts,
6 assistant behavior analysts and registered behavior technicians that are comparable
7 to rates paid by Medicaid programs in other states for such services; and (2)
8 reasonable limits on the number of hours that such providers are authorized to bill
9 for services provided to a recipient of Medicaid in a 24-hour period. (NRS
10 422.27497) **Section 1** of this bill requires the Director to include in the State Plan
11 coverage for the cost of services provided by behavior analysts, assistant behavior
12 analysts and registered behavior technicians to Medicaid recipients who are less
13 than 27 years of age.

14 Existing law authorizes the Board of Applied Behavior Analysis to charge a fee
15 of not more than \$25 for the issuance of an initial license as a behavior analyst or
16 assistant behavior analyst. (NRS 641D.380) **Section 2** of this bill increases to \$450
17 the maximum fee for an initial license that the Board is authorized to charge.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 422.27497 is hereby amended to read as
2 follows:

3 422.27497 1. *The Director shall include in the State Plan*
4 *for Medicaid a requirement that the State pay the nonfederal*
5 *share of expenditures incurred for services provided by behavior*
6 *analysts, assistant behavior analysts and registered behavior*
7 *technicians to recipients of Medicaid who are less than 27 years of*
8 *age.*

9 2. The Director shall:

10 (a) Biennially establish and include in the State Plan for
11 Medicaid rates of reimbursement which are provided on a fee-for-
12 service basis for services provided by behavior analysts, assistant
13 behavior analysts and registered behavior technicians that are
14 comparable to rates of reimbursement paid by Medicaid programs in
15 other states for the services of those providers.

16 (b) Establish reasonable limits on the number of hours that a
17 behavior analyst, assistant behavior analyst or registered behavior
18 technician is authorized to bill for services provided to a recipient of
19 Medicaid in a 24-hour period.

20 ~~[2.]~~ 3. The Division shall provide training to behavior analysts,
21 assistant behavior analysts and registered behavior technicians who
22 provide services to recipients of Medicaid concerning the limits
23 established pursuant to paragraph (b) of subsection ~~[1.]~~

24 ~~—3.]~~ 2.

25 4. On or before January 31 of each year, the Division shall:

26 (a) Compile a report concerning the provision of services to
27 recipients of Medicaid who have been diagnosed with an autism
28 spectrum disorder. The report must include:

29 (1) The number of recipients of Medicaid who were newly
30 diagnosed with an autism spectrum disorder during the immediately
31 preceding year and the number of those recipients for whom
32 assistance with care management was provided;

33 (2) The number of recipients of Medicaid diagnosed with an
34 autism spectrum disorder for whom assistance with care
35 management was reimbursed through Medicaid during the
36 immediately preceding year;

37 (3) The number of recipients of Medicaid for whom the first
38 claim for reimbursement for the services of a registered behavior
39 technician was submitted during the immediately preceding year;

40 (4) The number of assessments or evaluations by a behavior
41 analyst that were reimbursed through Medicaid during the
42 immediately preceding year;



1 (5) The total number of claims for applied behavior analysis
2 services provided to recipients of Medicaid made during the
3 immediately preceding year;

4 (6) For the immediately preceding year, the average times
5 that elapsed between claims for each step of the process that a
6 recipient of Medicaid must undergo to receive treatment from a
7 registered behavior technician, beginning with initial diagnosis with
8 an autism spectrum disorder and including, without limitation,
9 comprehensive diagnosis with an autism spectrum disorder,
10 evaluation and treatment by a behavior analyst and treatment by a
11 registered behavior technician;

12 (7) The number of recipients of Medicaid receiving services
13 through Medicaid managed care who were, at the end of the
14 immediately preceding year, on a wait list for applied behavior
15 analysis services;

16 (8) An assessment of the adequacy of the network of each
17 health maintenance organization or managed care organization that
18 provides services to recipients of Medicaid under the State Plan for
19 Medicaid for applied behavior analysis services, as compared to the
20 applicable standard for network adequacy set forth in the contract
21 between the health maintenance organization or managed care
22 organization and the Division;

23 (9) The number of behavior analysts and registered behavior
24 technicians who are currently providing services to recipients of
25 Medicaid who receive services through each health maintenance
26 organization or managed care organization described in
27 subparagraph (8); and

28 (10) The number of behavior analysts and registered
29 behavior technicians who provide services to recipients of Medicaid
30 who do not receive services through managed care.

31 (b) Submit the report to the Director of the Legislative Counsel
32 Bureau for transmittal to:

33 (1) In odd-numbered years, the next regular session of the
34 Legislature; and

35 (2) In even-numbered years, the Joint Interim Standing
36 Committee on Health and Human Services.

37 ~~4-] 5.~~ 5. As used in this section:

38 (a) "Applied behavior analysis services" means the services of a
39 behavior analyst, assistant behavior analyst or registered behavior
40 technician.

41 (b) "Assistant behavior analyst" has the meaning ascribed to it
42 in NRS 641D.020.

43 (c) "Behavior analyst" has the meaning ascribed to it in
44 NRS 641D.030.



1 (d) "Registered behavior technician" has the meaning ascribed
2 to it in NRS 641D.100.

3 **Sec. 2.** NRS 641D.380 is hereby amended to read as follows:

4 641D.380 1. The Board shall prescribe, by regulation, fees
5 for any services provided by the Board pursuant to this chapter and
6 the following fees, which must not exceed:

7		
8	Application for licensure as a behavior analyst or	
9	assistant behavior analyst.....	\$100
10	Issuance of an initial license as a behavior analyst	
11	or assistant behavior analyst.....	25 450
12	Biennial renewal or reinstatement of a license as a	
13	behavior analyst	550
14	Biennial renewal or reinstatement of a license as an	
15	assistant behavioral analyst	425
16	Biennial renewal or reinstatement of a registration	
17	as a registered behavior technician.....	100
18	Placement of a license on inactive status.....	100
19	Biennial review of a license on inactive status.....	100
20	Restoration to active status of a license as a	
21	behavior analyst on inactive status if the	
22	restoration occurs during the first year of the	
23	biennium in which the license was issued or	
24	renewed	300
25	Restoration to active status of a license as a	
26	behavior analyst on inactive status if the	
27	restoration occurs during the second year of the	
28	biennium in which the license was issued or	
29	renewed	100
30	Restoration to active status of a license as an	
31	assistant behavior analyst on inactive status if	
32	the restoration occurs during the first year of the	
33	biennium in which the license was issued or	
34	renewed	175
35	Restoration to active status of a license as an	
36	assistant behavior analyst on inactive status if	
37	the restoration occurs during the second year of	
38	the biennium in which the license was issued or	
39	renewed	40
40	Reproduction and mailing of material for an	
41	application.....	25
42	A dishonored check.....	35
43	A change of name on a license or registration.....	25
44	A duplicate license or registration.....	25



1 Copies of the provisions of NRS relating to the
2 practice of applied behavior analysis and the
3 rules and regulations adopted by the Board \$25
4 Letter of good standing..... 15
5 Review and approval of a course or program of
6 continuing education 25
7

8 2. The Board shall ensure, to the extent practicable, that the
9 amount of such fees is sufficient to pay the costs incurred by the
10 Board under the provisions of this chapter, including, without
11 limitation, the compensation of the Board prescribed by NRS
12 641D.220, and does not exceed the amount necessary to pay those
13 costs.

14 **Sec. 3.** 1. This section becomes effective upon passage and
15 approval.

- 16 2. Sections 1 and 2 of this act become effective:
17 (a) Upon passage and approval for the purpose of adopting any
18 regulations and performing any other preparatory administrative
19 tasks that are necessary to carry out the provisions of this act; and
20 (b) On January 1, 2024, for all other purposes.

