

# STATE OF NEW YORK

9073

## IN ASSEMBLY

February 6, 2024

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to studying the adequacy of applied behavioral analysis provider networks

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (jj) of subdivision 2 of section 365-a of the  
2 social services law, as added by chapter 733 of the laws of 2022, is  
3 amended to read as follows:

4 [~~jj~~] (nn) applied behavior analysis, under article one hundred  
5 sixty-seven of the education law, provided by a person licensed, certi-  
6 fied, or otherwise authorized to provide applied behavior analysis under  
7 that article. By December first of each year, the commissioner of health  
8 shall make publicly available on the department of health's website a  
9 report concerning access to applied behavior analysis for enrolled chil-  
10 dren diagnosed with autism spectrum disorder meeting the following  
11 requirements:

12 (i) the data in the report shall be organized by current procedural  
13 terminology (CPT) code;

14 (ii) the report shall include the following information from the imme-  
15 diately preceding fiscal year regarding the Medicaid program:

16 (A) the number of licensed behavior analysts and certified behavior  
17 analyst assistants practicing in this state who are Medicaid providers;

18 (B) the number of Medicaid enrollees who are children with an autism  
19 spectrum disorder diagnosis;

20 (C) the number of Medicaid enrollees who are children with an autism  
21 spectrum disorder diagnosis who received applied behavior analysis;

22 (D) the number of licensed behavior analysts and certified behavior  
23 analyst assistants with whom each Medicaid managed care plan in the  
24 state has contracted, by county;

25 (E) the median number of days between diagnosis of a child with an  
26 autism spectrum disorder and the time at which such child begins to  
27 receive applied behavior analysis;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[~~-~~] is old law to be omitted.

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1 (F) the number of Medicaid enrollees who are children with an autism  
2 spectrum disorder diagnosis who did not receive applied behavior analy-  
3 sis, despite it being recommended by the child's health care provider,  
4 if ascertainable;

5 (G) the number of prior authorization requests for applied behavior  
6 analysis that were denied and the number of appeals resulting from those  
7 denials and partial denials;

8 (H) the median of recommended hours and the median of received hours  
9 of applied behavior analysis for Medicaid enrollees who are children  
10 with an autism spectrum disorder diagnosis who were approved for and  
11 received applied behavior analysis but did not receive the number of  
12 hours of treatment recommended by the child's health care provider, if  
13 ascertainable;

14 (I) the median of recommended hours and the median of covered hours of  
15 applied behavior analysis for Medicaid enrollees who are children with  
16 an autism spectrum disorder diagnosis for whom the Medicaid program  
17 covered fewer behavior analysis hours than were recommended by the  
18 child's health care provider, if ascertainable;

19 (J) recommendations to improve the adequacy of the network of applied  
20 behavior analysis providers who are Medicaid providers; and

21 (K) other recommendations to improve access to applied behavior analy-  
22 sis;

23 (iii) the department shall make every effort to collect from applied  
24 behavior analysis providers and enrollees any information necessary to  
25 compile the report required by this section; and

26 (iv) the department shall develop education and outreach materials  
27 that do both of the following:

28 (A) inform and educate parents and legal guardians of enrolled chil-  
29 dren with an autism spectrum disorder diagnosis about relevant services  
30 for which those children are eligible; and

31 (B) explain how to access those services.

32 § 2. This act shall take effect immediately.