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:

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

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

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

(ii) the report shall include the following information from the immediately preceding fiscal year regarding the Medicaid program:

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

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

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

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

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

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

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

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

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

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

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

(K) other recommendations to improve access to applied behavior analysis;

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

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

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

(B) explain how to access those services.

§ 2. This act shall take effect immediately.