

STATE OF NEW YORK

8138

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed 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;

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

LBD10105-01-5

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

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

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

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

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

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

24 (K) other recommendations to improve access to applied behavior analy-
25 sis;

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

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

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

34 (B) explain how to access those services.

35 § 2. This act shall take effect immediately.