

HOUSE BILL 627

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By: **Delegate Kelly**

Introduced and read first time: January 31, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Registered Behavior Technicians –**
3 **Reimbursement**

4 FOR the purpose of requiring the Maryland Department of Health to provide
5 reimbursement for applied behavior analysis services provided by registered
6 behavior technicians under the Maryland Medical Assistance Program; prohibiting,
7 subject to a certain exception, the Department from requiring as a condition of
8 reimbursement that an individual receive a certain certification to provide applied
9 behavior analysis services as a registered behavior technician to Program recipients;
10 and generally relating to the Maryland Medical Assistance Program and applied
11 behavior analysis services.

12 BY adding to
13 Article – Health – General
14 Section 15–114.2
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2021 Supplement)

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

19 **Article – Health – General**

20 **15–114.2.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

23 **(2) (I) “APPLIED BEHAVIOR ANALYSIS” MEANS THE DESIGN,**
24 **IMPLEMENTATION, AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS USING**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BEHAVIORAL STIMULI AND CONSEQUENCES TO PRODUCE SOCIALLY SIGNIFICANT
2 IMPROVEMENTS IN HUMAN BEHAVIOR.

3 (II) "APPLIED BEHAVIOR ANALYSIS" INCLUDES THE DIRECT
4 OBSERVATIONS, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF THE RELATIONS
5 BETWEEN ENVIRONMENT AND BEHAVIOR.

6 (3) "AUTISM SPECTRUM DISORDER" MEANS A GROUP OF
7 DEVELOPMENTAL DISORDERS:

8 (I) CHARACTERIZED BY PERSISTENT DEFICITS IN SOCIAL
9 COMMUNICATION AND SOCIAL INTERACTION ACROSS MULTIPLE CONTEXTS;

10 (II) CHARACTERIZED BY RESTRICTED, REPETITIVE PATTERNS
11 OF BEHAVIOR, INTERESTS, OR ACTIVITIES; AND

12 (III) WHOSE SYMPTOMS CAUSE CLINICALLY SIGNIFICANT
13 IMPAIRMENT IN SOCIAL, OCCUPATIONAL, OR OTHER IMPORTANT AREAS OF
14 CURRENT FUNCTIONING.

15 (4) "BOARD CERTIFIED BEHAVIOR ANALYST" MEANS A LICENSED
16 PROFESSIONAL WHO:

17 (I) RENDERS AND PROVIDES DIRECTION FOR APPLIED
18 BEHAVIORAL ANALYSIS SERVICES THAT ARE PROVIDED TO INDIVIDUALS WITH
19 AUTISM SPECTRUM DISORDER; AND

20 (II) HAS OBTAINED A BEHAVIOR ANALYST CERTIFICATION
21 BOARD CERTIFICATION.

22 (5) "BOARD CERTIFIED BEHAVIOR ANALYST-DOCTORAL" MEANS A
23 LICENSED PROFESSIONAL WHO:

24 (I) RENDERS AND PROVIDES DIRECTION FOR APPLIED
25 BEHAVIOR ANALYSIS TREATMENTS THAT ARE PROVIDED TO INDIVIDUALS WITH
26 AUTISM SPECTRUM DISORDER; AND

27 (II) HAS OBTAINED A BEHAVIOR ANALYST CERTIFICATION
28 BOARD CERTIFICATION WITH A DOCTORAL-LEVEL CREDENTIAL.

29 (6) "REGISTERED BEHAVIOR TECHNICIAN" MEANS A
30 PARAPROFESSIONAL WHO DELIVERS APPLIED BEHAVIOR ANALYSIS SERVICES THAT

1 ARE PROVIDED TO INDIVIDUALS WITH AUTISM SPECTRUM DISORDER UNDER THE
2 SUPERVISION OF:

3 (I) A LICENSED PSYCHOLOGIST;

4 (II) A BOARD CERTIFIED BEHAVIOR ANALYST-DOCTORAL; OR

5 (III) A BOARD CERTIFIED BEHAVIOR ANALYST.

6 (B) (1) THE DEPARTMENT SHALL PROVIDE REIMBURSEMENT FOR
7 APPLIED BEHAVIOR ANALYSIS SERVICES PROVIDED BY REGISTERED BEHAVIOR
8 TECHNICIANS TO PROGRAM RECIPIENTS WITH AUTISM SPECTRUM DISORDER.

9 (2) EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS
10 SUBSECTION, THE DEPARTMENT MAY NOT REQUIRE AS A CONDITION OF
11 REIMBURSEMENT UNDER THE PROGRAM THAT AN INDIVIDUAL RECEIVE A
12 CERTIFICATION FROM THE BEHAVIOR ANALYST CERTIFICATION BOARD OR OTHER
13 CREDENTIALING ENTITY TO PROVIDE APPLIED BEHAVIOR ANALYSIS SERVICES AS A
14 REGISTERED BEHAVIOR TECHNICIAN.

15 (3) THE DEPARTMENT MAY REQUIRE AS A CONDITION OF
16 REIMBURSEMENT UNDER THE PROGRAM THAT AN INDIVIDUAL OBTAIN A CURRENT
17 CERTIFICATION ISSUED BY THE BEHAVIOR ANALYST CERTIFICATION BOARD OR
18 OTHER CREDENTIALING ENTITY TO PROVIDE APPLIED BEHAVIOR ANALYSIS
19 SERVICES AS A REGISTERED BEHAVIOR TECHNICIAN WITHIN 90 DAYS AFTER THE
20 INDIVIDUAL BEGINS PROVIDING APPLIED BEHAVIOR ANALYSIS SERVICES TO
21 PROGRAM RECIPIENTS AS A REGISTERED BEHAVIOR TECHNICIAN AND MAINTAIN
22 THE CERTIFICATION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2022.