

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.

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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; making appropriations to and authorizing expenditures by the Division of Health Care Financing and Policy of the Department of Health and Human Services; 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.

18 **Section 2.5** of this bill makes an appropriation to, and authorizes expenditure
19 by, the Division of Health Care Financing and Policy of the Department for the



20 administrative and medical service costs of providing Medicaid coverage for
21 certain services provided by behavior analysts, assistant behavior analysts and
22 registered behavior technicians pursuant to **section 1**.

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;



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

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

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

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

18 (7) The number of recipients of Medicaid receiving services
19 through Medicaid managed care who were, at the end of the
20 immediately preceding year, on a wait list for applied behavior
21 analysis services;

22 (8) An assessment of the adequacy of the network of each
23 health maintenance organization or managed care organization that
24 provides services to recipients of Medicaid under the State Plan for
25 Medicaid for applied behavior analysis services, as compared to the
26 applicable standard for network adequacy set forth in the contract
27 between the health maintenance organization or managed care
28 organization and the Division;

29 (9) The number of behavior analysts and registered behavior
30 technicians who are currently providing services to recipients of
31 Medicaid who receive services through each health maintenance
32 organization or managed care organization described in
33 subparagraph (8); and

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

37 (b) Submit the report to the Director of the Legislative Counsel
38 Bureau for transmittal to:

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

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

43 ~~[4.]~~ 5. As used in this section:



1 (a) "Applied behavior analysis services" means the services of a
2 behavior analyst, assistant behavior analyst or registered behavior
3 technician.

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

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

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

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

11 641D.380 1. The Board shall prescribe, by regulation, fees
12 for any services provided by the Board pursuant to this chapter and
13 the following fees, which must not exceed:

14		
15	Application for licensure as a behavior analyst or	
16	assistant behavior analyst.....	\$100
17	Issuance of an initial license as a behavior analyst	
18	or assistant behavior analyst.....	25 450
19	Biennial renewal or reinstatement of a license as a	
20	behavior analyst	550
21	Biennial renewal or reinstatement of a license as an	
22	assistant behavioral analyst	425
23	Biennial renewal or reinstatement of a registration	
24	as a registered behavior technician.....	100
25	Placement of a license on inactive status.....	100
26	Biennial review of a license on inactive status.....	100
27	Restoration to active status of a license as a	
28	behavior analyst on inactive status if the	
29	restoration occurs during the first year of the	
30	biennium in which the license was issued or	
31	renewed	300
32	Restoration to active status of a license as a	
33	behavior analyst on inactive status if the	
34	restoration occurs during the second year of the	
35	biennium in which the license was issued or	
36	renewed	100
37	Restoration to active status of a license as an	
38	assistant behavior analyst on inactive status if	
39	the restoration occurs during the first year of the	
40	biennium in which the license was issued or	
41	renewed	175



1 Restoration to active status of a license as an
2 assistant behavior analyst on inactive status if
3 the restoration occurs during the second year of
4 the biennium in which the license was issued or
5 renewed \$40
6 Reproduction and mailing of material for an
7 application 25
8 A dishonored check 35
9 A change of name on a license or registration 25
10 A duplicate license or registration 25
11 Copies of the provisions of NRS relating to the
12 practice of applied behavior analysis and the
13 rules and regulations adopted by the Board 25
14 Letter of good standing 15
15 Review and approval of a course or program of
16 continuing education 25
17

18 2. The Board shall ensure, to the extent practicable, that the
19 amount of such fees is sufficient to pay the costs incurred by the
20 Board under the provisions of this chapter, including, without
21 limitation, the compensation of the Board prescribed by NRS
22 641D.220, and does not exceed the amount necessary to pay those
23 costs.

24 **Sec. 2.5.** 1. There is hereby appropriated from the State
25 General Fund to the Division of Health Care Financing and Policy
26 of the Department of Health and Human Services for the
27 administrative and medical service costs of providing Medicaid
28 coverage for services provided by behavior analysts, assistant
29 behavior analysts and registered behavior technicians to recipients
30 of Medicaid who are less than 27 years of age the following sums:

31 For the Fiscal Year 2023-2024 \$118,272
32 For the Fiscal Year 2024-2025 \$671,531

33 2. Expenditure of the following sums not appropriated from the
34 State General Fund or the State Highway Fund is hereby authorized
35 by the Division of Health Care Financing and Policy of the
36 Department of Health and Human Services for the same purpose as
37 set forth in subsection 1:

38 For the Fiscal Year 2023-2024 \$351,662
39 For the Fiscal Year 2024-2025 \$1,610,899

40 3. Any balance of the sums appropriated by subsection 1
41 remaining at the end of the respective fiscal years must not be
42 committed for expenditure after June 30 of the respective fiscal
43 years by the entity to which the appropriation is made or any entity
44 to which money from the appropriation is granted or otherwise
45 transferred in any manner, and any portion of the appropriated



1 money remaining must not be spent for any purpose after
2 September 20, 2024, and September 19, 2025, respectively, by
3 either the entity to which the money was appropriated or the entity
4 to which the money was subsequently granted or transferred, and
5 must be reverted to the State General Fund on or before
6 September 20, 2024, and September 19, 2025, respectively.

7 **Sec. 3.** 1. This section becomes effective upon passage and
8 approval.

9 2. Section 2.5 of this act becomes effective on July 1, 2023.

10 3. Sections 1 and 2 of this act become effective:

11 (a) Upon passage and approval for the purpose of adopting any
12 regulations and performing any other preparatory administrative
13 tasks that are necessary to carry out the provisions of this act; and

14 (b) On January 1, 2024, for all other purposes.

