

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1420

By: Rosino

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5
6 AS INTRODUCED

7 An Act relating to the state Medicaid program;
8 amending 56 O.S. 2021, Section 1011.12, which relates
9 to state plan amendment for applied behavior analysis
10 treatment; removing obsolete language; broadening
11 scope of state plan amendment; describing treatment;
12 removing and adding definitions; modifying
13 applicability of certain provisions; providing an
14 effective date; and declaring an emergency.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 56 O.S. 2021, Section 1011.12, is
17 amended to read as follows:

18 Section 1011.12. A. The Oklahoma Health Care Authority, in
19 conjunction with the Department of Mental Health and Substance Abuse
20 Services, the State Department of Health and the State Department of
21 Education shall examine the feasibility of a state plan amendment to
22 the Oklahoma Medicaid Program for applied behavior analysis
23 treatment of autism spectrum disorders.

24 B. On or before December 31, 2016, the Authority and partnering
25 agencies shall submit a report to the President Pro Tempore of the
26 Senate, the Speaker of the House of Representatives and the Governor

1 estimating the potential costs to the state, clinical findings,
2 reviews of pilot projects and research from other states on the
3 effects of applied behavioral analysis treatment on autism spectrum
4 disorders.

5 C. 1. Beginning July 1, 2017, and subject Subject to the
6 availability of funding, the Authority and partnering agencies shall
7 draft a state plan amendment for applied behavior analysis treatment
8 of individuals diagnosed with an intellectual or developmental
9 disability including, but not limited to, an autism spectrum
10 ~~disorders. The provisions of this subsection shall only apply if~~
11 ~~the report required by subsection B of this section demonstrates~~
12 ~~applied behavioral analysis treatment to be evidence-based and~~
13 ~~essential to qualifying participants in the Oklahoma Medicaid~~
14 ~~Program~~ disorder.

15 2. Treatment described in paragraph 1 of this subsection shall
16 consist of evidence-based care and related equipment prescribed or
17 ordered for an individual diagnosed with an intellectual or
18 developmental disability including, but not limited to, an autism
19 spectrum disorder by a licensed physician or a licensed doctoral-
20 level psychologist who determines the care to be medically necessary
21 including, but not limited to:

22 a. behavioral health treatment,

23 b. pharmacy care,

24 c. psychiatric care,

1 d. psychological care, and

2 e. therapeutic care.

3 D. As used in this section:

4 1. "Applied behavior analysis" means the design, implementation
5 and evaluation of environmental modifications, using behavioral
6 stimuli and consequences, to produce socially significant
7 improvement in human behavior, including the use of direct
8 observation, measurement and functional analysis of the relationship
9 between environment and behavior;

10 2. "Autism spectrum disorder" means any of the pervasive
11 developmental disorders or autism spectrum disorders as defined by
12 the most recent edition of the Diagnostic and Statistical Manual of
13 Mental Disorders (DSM) or the edition that was in effect at the time
14 of diagnosis;

15 3. "Behavioral health treatment" means counseling and treatment
16 programs, including applied behavior analysis, that are:

17 a. necessary to develop, maintain or restore, to the
18 maximum extent practicable, the functioning of an
19 individual, and

20 b. provided by a board-certified behavior analyst or by a
21 licensed doctoral-level psychologist so long as the
22 services performed are commensurate with the
23 psychologist's university training and supervised
24 experience; and

1 4. ~~"Treatment for autism spectrum disorder" means evidence-~~
2 ~~based care and related equipment prescribed or ordered for an~~
3 ~~individual diagnosed with an autism spectrum disorder by a licensed~~
4 ~~physician or a licensed doctoral-level psychologist who determines~~
5 ~~the care to be medically necessary, including, but not limited to:~~

6 a. ~~behavioral health treatment,~~

7 b. ~~pharmacy care,~~

8 c. ~~psychiatric care,~~

9 d. ~~psychological care, and~~

10 e. ~~therapeutic care~~

11 "Intellectual or developmental disability" means a condition
12 characterized by significant limitations in both intellectual
13 functioning and adaptive behavior that originates before the age of
14 twenty-two.

15 SECTION 2. This act shall become effective July 1, 2024.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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