

State Supplement A to Attachment 3.1A

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- (e) **Applied Behavior Analysis:** ABA services are covered for individuals from 12 months up to 21 years of age who have a well-documented medical diagnosis of Autism Spectrum Disorder (ASD), and for individuals under three years of age who have a well-documented risk for the development of ASD.

ABA services are provided as part of a three-stage comprehensive approach consisting of evaluation, assessment, and treatment which stipulates that ABA services be provided in coordination with other medically necessary services (e.g., Family Infant Toddler Program services, occupational therapy, speech language therapy, medication management, etc.).

Following a referral to an approved Autism Evaluation Provider (AEP), Stage 1 services confirm the presence of, or risk for, ASD, and develop the integrated service plan (ISP). The AEP provider must be a licensed, doctoral-level clinical psychologist or a physician who is board-certified or board-eligible in developmental behavioral pediatrics, pediatric neurology, or child psychiatry who (1) has experience in or knowledge of the medically necessary use of ABA and other empirically supported intervention techniques; (2) be qualified to conduct and document both a comprehensive diagnostic evaluation and a targeted evaluation for the purpose of developing an ISP; (3) has advanced training and clinical experience in the diagnosis and treatment of ASD and related neurodevelopment disorders, including knowledge about typical and atypical child development and experience with variability within the ASD population; (4) has advanced training in differential diagnosis of ASD from other developmental, psychiatric, and medical disorders; and (5) sign an attestation form affirming that all provider requirements as outlined above have been and will continue to be met.

Here is what we have in the rule to define Stage 2...see if helps at all....

For all eligible recipients, stage 2 involves the prior authorization process for behavior analytic assessment, ABA service model determination, and treatment plan development. Once the AP has received a prior authorization for the assessment and treatment plan development, as outlined below, the family, eligible recipient (as appropriate for age and developmental level), and the AP's supervising BA works collaboratively to make a final determination regarding the clinically appropriate ABA service model, with consultative input from the AEP as needed. Then a behavior analytic assessment addressing needs associated with both skill acquisition and behavior reduction is conducted, and an individualized ABA treatment plan, as appropriate for the ABA service model, is developed by the supervising BA.

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Stage 2 is conducting a behavior analytic assessment and developing a behavior analytic treatment plan appropriate for the selected service model. These services are performed by a practitioner who must be one of the following: (A) a Board Certified Behavior Analyst-Doctoral® (BCBA-D®) or a Board Certified Behavior Analyst® (BCBA®) awarded by the Behavior Analyst Certification Board (BACB®) who:

(i) hold a professional credential issued by a licensing or certification board whose rules, regulations, and/or standards explicitly stipulate that the provision of ABA services is within the scope of the profession's practice (e.g., behavior analyst certification board [BACB®], board of psychologist examiners of the New Mexico regulation and licensing department (RLD)); and

(ii) provide evidence that the provision of ABA services is within the scope of the practitioner's competence by providing documentation of certification as by the Behavior Analyst Certification Board (BACB®); or

(B) a psychologist licensed by the New Mexico Regulation and Licensing Department (RLD) with specific behavior analytic training who holds a professional credential issued by RLD whose rules, regulations, and/or standards explicitly stipulate that the provision of ABA services is within the scope of the profession's practice. Provides documentation of training in behavior analysis comparable to that required to be eligible to take an examination for BCBA® or BCBA-D® certification, to include all of the following education, supervised experiential training, and continuing education requirements and

(i) possesses of a minimum of a master's degree from an accredited university that was conferred in behavior analysis, education, or psychology, *or* conferred in a degree program in which the candidate completed a BACB® approved course sequence; and

(ii) completion of graduate level instruction in the following behavior analytic content areas (ii)(a) through (ii)(j):

(a) ethical and professional conduct (at least 45 classroom hours);

(b) concepts and principles of behavior analysis (at least 45 classroom hours);

(c) measurement (at least 25 classroom hours);

(d) experimental design (at least 20 classroom hours);

(e) identification of the problem and assessment (at least 30 classroom hours);

(f) fundamental elements of behavior change and specific behavior change procedures (at least 45 classroom hours);

(g) intervention and behavior change considerations (at least 10 classroom hours);

(h) behavior change systems (at least 10 classroom hours);

(i) implementation, management, and supervision (at least 10 classroom hours);

(j) discretionary coursework (at least 30 classroom hours); and

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- (iii) supervised experience in the design and delivery of ABA services through supervised independent field work (non-university based) of at least 1500 hours, practicum experience (university based) of at least 1000 hours, or intensive practicum experience (university based) of at least 750 hours, supervised in accordance with the BACB®'s requirements for supervised experience. A significant portion (at least one third) of the supervised experience must have been accrued with an ASD or closely related population (e.g., Fragile X, Intellectual Disability); and
- (iv) Completion of at least 32 hours of continuing education in behavior analysis per two years.

Prior to July 1, 2016, the service may also be provided by an interim ABA provider/supervisor who is working towards BCBA® certification and must be a BCBA® by June 30, 2016 and meets a list of qualifications:

- (i) a clinician who has the minimum qualifications listed below; however, the provider may not refer to him/herself as a "Behavior Analyst" as this title is reserved for those meeting the criteria above. Rather, the provider, approved on a temporary basis only, may refer to him/herself as an "interim ABA supervisor" or "interim ABA practitioner."
- (ii) a master's degree which the BACB® recognizes and would lead to certification as a BCBA :
- (iii) New Mexico licensure, as appropriate for degree and discipline;
- (iv) clinical experience and supervised training in the evidence-based treatment of children with ASD, specifically ABA; and
- (v) experience in supervising direct support personnel in the delivery and evaluation of ABA services.

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Stage 3 consists of rendering Applied Behavior Analysis services by an approved ABA provider in accordance with the treatment plan. This service may be provided by a Stage 2 practitioner as listed above or by one of the following behavior technicians (BT):

- (i) Registered Behavioral Technician® (RBT®) by the BACB® by providing a written attestation, and when appropriate provide formal records, documenting that the BT meets the following requirements: and
 - (a) be at least 18 years of age; and
 - (b) possess a minimum of a high school diploma or equivalent; and
 - (c) successfully complete a criminal background registry check; and

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(d) complete a minimum of four hours of training in ASD (prior to the BT billing for ABA services) including, but not limited to, training about prevalence, etiology, core symptoms, characteristics, and learning differences; and

(e) complete 40 hours of training in ABA that meets the requirements for Registered Behavioral Technician® (RBT®) by the BACB®

(f) At least 20 hours of RBT training (in addition) to the four hours of ASD training) must occur prior to the AP billing for BT services. The other 20 hours of RBT training must be accrued, and RBT® certification from the BABC must be secured, no more than 90 calendar days following the first submission of billing for BT services.

(ii) documented training in behavior analysis, without RBT® credential- (time-limited): the BT may render services for up to six months while working towards his or her certification as a RBT® when the AP provides written attestation that the BT meets the following requirements:

(a) be at least 18 years of age; and

(b) possess a minimum of a high school diploma or equivalent; and

(c) successfully complete a criminal background registry check; and

(d) complete a minimum of four hours of training in ASD including, but not limited to, training about prevalence, etiology, core symptoms, characteristics, and learning differences prior to the AP billing for BT services; and

(e) complete 40 hours of training (provided by a BA as defined above) with at least 20 hours of training occurring prior to the AP billing for the BT's services, and the other 20 hours accrued no more than 90 calendar days following first submission of billing for the BT's services.

Providers for ABA Services:

An Autism Evaluation Provider Agency (AEP) must employ a practitioner who is a licensed, doctoral-level clinical psychologist or a physician who is board-certified or board-eligible in developmental behavioral pediatrics, pediatric neurology, or child psychiatry; have experience in or knowledge of the medically necessary use of ABA and other empirically supported intervention techniques; be qualified to conduct and document both a comprehensive diagnostic evaluation and a targeted evaluation for the purposes of developing an ISP; have advanced training and clinical experience in the diagnosis and treatment of ASD and related neurodevelopment disorders, including knowledge about typical and atypical child development and experience with variability within the ASD population; have advanced training in differential diagnosis of ASD from other developmental, psychiatric, and medical

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disorders; and sign an attestation form affirming that all provider criteria, as outlined above have been and will continue to be met.

An Autism Provider (AP) must employ a Behavioral Analyst (BA) and possibly a Behavior Technician (BT).

A Behavior Technician (BT) must be one of the following practitioners: a Registered Behavioral Technician® (RBT®) certified by the BACB®; or a practitioner who will have his or her RBT® certification within six months of rendering services provided he or she meet additional requirements.

* this appears to be a duplicate of the previous individual - BCBA

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