# DEPARTMENT OF HEALTH & SOCIAL SERVICES

## PROPOSED CHANGES TO REGULATIONS

## SERVICES FOR BEHAVIORAL HEALTH, MEDICAID COVERAGE & PAYMENT: AUTISM SERVICES

- **7 AAC 70. Behavioral Health Services;**
- **7 AAC 105. Medicaid Provider and Recipient Participation;**
- **7 AAC 110. Medicaid Coverage; Professional Services;**
- **7 AAC 135. Medicaid Coverage; Behavioral Health Services;**
- **7 AAC 145. Medicaid Payment Rates; &**
- **7 AAC 160. Medicaid Program; General Provisions.**

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**PUBLIC REVIEW DRAFT**
***August 9, 2017***

**COMMENT PERIOD ENDS: October 10, 2017**

Please see the public notice for details about how to comment on these proposed changes.

**Notes to reader:**

1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.

2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.

3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.

4**.** When the word "including" is used, Alaska Statutes provide that it means "including, but not limited to."

5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

**Title 7 Health and Social Services.**

7 AAC 70.010(b) is amended to read:

**7 AAC 70.010. Applicability.**

(b) This chapter does not apply to

**…**

(3) an inpatient psychiatric hospital**; or**

**(4) a board certified behavior analyst licensed under AS 08.15 , an assistant board certified behavior analyst licensed under AS 08.15, or a behavior analyst group practice enrolled under 7 AAC 105.210**.

(Eff. 10/1/2011, Register 199; am ___/___/____, Register ____)

**Authority:** AS 47.05.010 AS 47.30.477 AS 47.30.570
AS 47.30.470 AS 47.30.530 AS 47.37.140
AS 47.30.475 AS 47.30.540

7 AAC 70.030(a)(1)(A) is amended by adding a new sub-subparagraph to read:

**7 AAC 70.030. Department approval of a provider of behavioral health services.**

(a) The department will approve an organization to provide behavioral health services in this state only if that organization

(1) meets the requirements for

(A) a community behavioral health services provider under 7 AAC 70.100 that is providing one or more of the following:

(i) behavioral health clinic services;

(ii) behavioral health rehabilitation services;

(iii) detoxification services;

(iv) residential substance use treatment services in accordance with 7 AAC 70.120; [OR]

**(v) autism services in accordance with 7 AAC 135.350; or**

(Eff. 10/1/2011, Register 199; am ___/___/____, Register ____)

**Authority:** AS 47.05.010 AS 47.30.477 AS 47.30.570
AS 47.30.470 AS 47.30.530 AS 47.37.140
AS 47.30.475 AS 47.30.540

7 AAC 70.050 is amended by adding a new paragraph to read:

**7 AAC 70.050. Recipient eligibility for state-financed behavioral health services.**

Money that the department provides to a community behavioral health services provider under AS 47.30.475, 47.30.530 - 47.30.620, or AS 47.37 may be used only to provide services to an individual who

**…**

(4) is at least 18 years of age and under 21 years of age,

(A) who, except for age, is an adult experiencing a serious mental illness; and

(B) whom the provider has determined is best serviced by receiving behavioral health services for adults in the community; [OR]

(5) is an adult experiencing a serious mental illness**; or**

**(6) meets the criteria for autism services under 7 AAC 135.020(b)(4)**.

(Eff. 10/1/2011, Register 199; am 6/16/2016, Register 218; am ___/___/____, Register ____)

**Authority:** AS 47.05.010 AS 47.30.477 AS 47.30.570
AS 47.30.470 AS 47.30.530 AS 47.37.140
AS 47.30.475 AS 47.30.540

7 AAC 70.990 is amended by adding a new paragraph to read:

**7 AAC 70.990. Definitions.** In this chapter, unless the context requires otherwise,

**. . .**

**(35) "autism services" means**

**(A) the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior;**

**(B) the empirical identification of functional relations between behavior and environmental factors, and the utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increasing or decreasing existing behaviors, and engaging in behaviors under specific environmental conditions;**

**(C) autism services include: adaptive behavior treatment by protocol, group adaptive behavior treatment by protocol, and family adaptive behavior treatment guidance; autism services do not include psychological testing; diagnosis of a mental or behavioral disorder, or the practice of neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, or long-term counseling**.

(Eff. 10/1/2011, Register 199; am 6/16/2016, Register 218; am ___/___/____, Register ____)

**Authority:** AS 47.05.010 AS 47.30.540 AS 47.37.130
AS 47.30.477 AS 47.30.570 AS 47.37.140
AS 47.30.530

7 AAC 105.200(a)(1) is amended by adding a new subparagraph to read:

**7 AAC 105.200. Eligible Medicaid providers.** (a) Subject to all other requirements of 7 AAC 105 - 7 AAC 160, the following types of providers are eligible to enroll with the department and bill directly for services rendered:

(1) a person with an active license under AS 08, or under the laws of the jurisdiction in which the person provides services, to practice as

(A) a physician, including an osteopath;

. . .

(P) a hearing aid dealer; [OR]

(Q) a registered nurse anesthetist**; or**

**(R) a behavior analyst**;

. . .

7 AAC 105.200(b) is amended by adding new paragraphs to read:

(b) Each of the following providers must enroll with the department as a rendering provider, but payment for those services will be made through the rendering provider's supervising health care provider enrolled under this section:

(1) a licensed physician assistant;

**. . .**

(10) a licensed registered nurse who provides direct services to a recipient as an employee of a private-duty nursing agency**;**

**(11) a licensed assistant behavior analyst;**

**(12) a registered behavior technician**.

(Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am 5/1/2016, Register 218; am 6/16/2016, Register 218; am ___/___/____, Register ____)

**Authority:** AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 110.210(b) is amended by adding new paragraphs to read:

**7 AAC 110.210. EPSDT covered services.**

(b) The department will pay for the following additional services for children under 21 years of age if the screening identifies a need for that service:

(1) podiatry services under 7 AAC 110.500 - 7 AAC 110.505;

(2) nutrition services under 7 AAC 110.275;

(3) private-duty nursing services under 7 AAC 110.520 - 7 AAC 110.535;

(4) hospice care under 7 AAC 140.280.

(5) chiropractic services under 7 AAC 110.120;

(6) dental services under 7 AAC 110.140 - 7 AAC 110.160**;**

**(7) physical therapy under 7 AAC 115.300 – 7 AAC 115.320;**

**(8) occupational therapy under 7 AAC 115.100 – 7 AAC 115.120;**

**(9) speech therapy under 7 AAC 115.400 – 7 AAC 115.420;**

**(10) autism services under 7 AAC 135.350**.

(Eff. 2/1/2010, Register 193; am 5/1/2016, Register 218; am ___/___/____, Register ____)

**Authority:** AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 135.010(a) is amended by adding a new paragraph to read:

**7 AAC 135.010. Scope of Medicaid behavioral health services.**

(a) The department will pay for a behavioral health service under 7 AAC 135.010 - 7 AAC 135.290 if

**…**

(10) the clinical record requirements of 7 AAC 105.230 and 7 AAC 135.130 are met**;**

**(11) the provider meets the criteria for payment under 7 AAC 135.300**.

7 AAC 135.010(c) is amended by adding a new paragraph to read:

(c) The department will pay for the following behavioral health rehabilitation services in accordance with this chapter if the service is provided by a member of the provider's staff who is performing that service as a regular duty within the scope of that staff member's knowledge, experience, and education:

(1) behavioral health screening under 7 AAC 135.100;

. . .

(17) facilitation of a telemedicine session under 7 AAC 135.290**;**

**(18) autism services under 7 AAC 135.350**.

(Eff. 10/1/2011, Register 199; am ___/___/____, Register ____)

**Authority:** AS 47.05.010 AS 47.07.030

7 AAC 135.020(b) is amended by adding a new paragraph to read:

**7 AAC 135.020. Recipient eligibility for Medicaid behavioral health services.**

. . .

(b) The department will pay for behavioral health rehabilitation services for the following individuals only:

(1) an individual experiencing a substance use disorder characterized by

(A) a maladaptive pattern of substance use; or

(B) cognitive, behavioral, or physiological symptoms indicating that the individual will continue to use a substance despite significant substance-related problems associated with its use;

(2) a child experiencing a severe emotional disturbance;

(3) except as provided in (d) of this section, an adult experiencing a serious mental illness**;**

**(4) an individual under twenty-one years of age who meets the criteria in (e) or (f) of this section**.

7 AAC 135.020 is amended by adding a new subsection to read:

(e) To be eligible for payment under 7 AAC 105 - 7 AAC 160 for autism services, a recipient must:

(1) be under 21 years of age;

(2) have a qualifying diagnosis of autism spectrum disorder, as determined by either a mental health professional as defined in AS 47.30.915(13) or a health care professional who is qualified based on that individual's scope of practice, training, education, and experience to assess and diagnose autism spectrum disorders in children; and

(3) provide documentation completed by a board certified behavior analyst that includes a recipient assessment conducted under 7 AAC 135.350 and that

(A) establishes the presence of functional impairments, delays in communication, behavior, or social interaction, or repetitive or stereotyped behaviors; and

(B) establishes that the recipient's identified impairments, delays, or behaviors adversely affect normal child growth and development, or communication, or both, such that

(i) the recipient cannot adequately participate in home, school, or community activities because the behaviors or social skill deficits interfere or impedes access with these activities; or

(ii) the recipient's behaviors endanger either themselves or another person; and

(C) indicates that the requested autism services are expected to result in measurable improvement in either the recipient's behaviors, skills, or both; and

(D) confirms that other recommended EPSTD services listed in

7 AAC 110.210 have previously been provided or are presently being provided to the recipient and those services have not resulted in measurable improvement in the recipient's behaviors.

7 AAC 135.020 is amended by adding a new subsection to read:

(f) In addition to those individuals who are eligible under (e) of this section, individuals who were eligible for home and community-based services under 7 AAC 105(d)(1) and (3) and who were prior authorized to receive, and were receiving, Applied Behavioral Analysis Services through intensive active treatment under 7 AAC 130.275 as of (insert date) remain eligible for autism services under this section as of June 30, 2017.

(Eff. 10/1/2011, Register 199; am ___/___/____, Register ____)

Authority: AS 47.05.010 AS 47.07.030

7 AAC 135.030(a) is amended by adding a new paragraph to read:

**7 AAC 135.030. Provider enrollment and organization.**

(a) To be eligible for payment under 7 AAC 135.010 - 7 AAC 135.290 for providing Medicaid behavioral health services, a provider must be enrolled in Medicaid under 7 AAC 105.210 and must be either

(1) a community behavioral health services provider;

(2) a mental health physician clinic that meets the requirements of (d) and (e) of this section; [OR]

(3) a psychologist who

(A) meets the requirements of 7 AAC 110.550; and

(B) provides psychological testing and evaluation under 7 AAC 135.110(g)**; or**

**(4) a board certified behavior analyst, an assistant board certified behavior analyst, or a behavior analyst group practice that**

**(A) meets the requirements of 7 AAC 135.300; and,**

**(B) provides services under 7 AAC 135.350**.

(Eff. 10/1/2011, Register 199; am ___/___/____, Register ____)

**Authority:** AS 47.05.010 AS 47.07.030

7 AAC 135.040(c) is amended by adding a new paragraph to read:

**7 AAC 135.040. Service authorization and limitation.**

(c) A community behavioral health services provider may provide the following behavioral health rehabilitation services without specific authorization by the department:

(1) case management, not to exceed 180 hours per recipient per state fiscal year; no more than one hour per week per recipient may be used in monitoring by the directing clinician of the provision of services;

. . .

(18) short-term crisis stabilization services under 7 AAC 135.170 that

(A) do not exceed 22 hours of the total short-term crisis stabilization services provided to a recipient during a state fiscal year; and

(B) are provided during a psychiatric emergency that is documented in the recipient's clinical record**;**

**(19) autism services provided in accordance with 7 AAC 135.350 that do not**

**exceed more than**

**(A) a total of 520 hours in a six month period for either**

**(i) adaptive behavior treatment by protocol;**

**(ii) group adaptive behavior treatment by protocol; or**

**(iii) a combination of adaptive behavior treatment by protocol and group adaptive behavior treatment by protocol;**

**(B) four family adaptive behavior treatment guidance sessions in one fiscal year;**

**(C) one behavior identification re-assessment in a six month period; and**

**(D) the initial behavior identification assessment conducted by a board certified behavior analyst in accordance with 7 AAC 135.350(b) for a new or returning recipient**.

(Eff. 10/1/2011, Register 199; am ___/___/____, Register ____)

**Authority:** AS 47.05.010 AS 47.07.030

7 AAC 135 is amended by adding a new section to read:

**7 AAC 135.300. Autism services; provider qualifications.**

(a) To qualify for payment for autism services, a provider must be a community behavioral health services provider employing a behavior analyst, a behavior analyst licensed under AS 08.15, or a behavior analyst group practice enrolled under 7 AAC 105.210; if the provider is

(1) a community behavioral health services provider, the provider must

(A) meet the qualifications in 7 AAC 70.100 and 7 AAC 135.030;

(B) obtain prior authorization for providing autism services in accordance with 7 AAC 105.130 and 7 AAC 135.040(b)(19);

(C) ensure all individuals rendering autism services are separately enrolled under 7 AAC 105.210; and

(D) provide autism services in accordance with 7 AAC 135.350;

(2) a behavior analyst licensed under AS 08.15, the provider must

(A) be enrolled as an independent provider in accordance with 7 AAC 105.210;

(B) obtain prior authorization for providing autism services in accordance with 7 AAC 105.130 and 7 AAC 135.040(b)(19); and,

(C) provide autism services in accordance with 7 AAC 135.350;

(3) enrolled as a behavior analyst group practice under 7 AAC 105.210, the provider must

(A) be comprised of at least one board certified behavior analyst;

(B) assure that all individuals rendering autism services are supervised in accordance with (d) of this section, and separately enrolled as a provider in accordance with 7 AAC 105.210;

(C) obtain prior authorization for providing autism services in accordance with 7 AAC 105.130 and 7 AAC 135.040(b)(19); and,

(D) provide services in accordance with 7 AAC 135.350.

(b) Autism services may only be provided to a recipient listed in 7 AAC 135.020(e) or 7 AAC 135.020(f).

(c) Autism services may only be provided by

(1) a behavior analyst licensed under AS 08.15;

(2) an assistant behavior analyst licensed under AS 08.15; or

(3) a registered behavior technician certified by the Behavior Analyst Certification Board.

(d) If a board certified behavior analyst provides supervision to an assistant behavior analyst or a registered behavioral technician the behavior analyst must complete the required supervisory certification as prescribed by the Behavior Analyst Certification Board.

(e) To be enrolled with the department, a behavior analyst, assistant behavior analyst, and registered behavior technician may not have been denied a health care provider license or certification for a reason related to patient services described in 7 AAC 105 - 7 AAC 160, or ever had a license or certification revoked. A behavior analyst, assistant behavior analyst, and registered behavior technician are subject to the applicable requirements of AS 47.05.300 - 47.05.390 and 7 AAC 10.900 - 7 AAC 10.990 (barrier crimes, criminal history checks, and centralized registry), and shall submit to the department a request for a criminal history check as required under 7 AAC 10.910.

(f) The department will not pay for services provided by a behavior analyst, assistant behavior analyst, or registered behavior technician for whom a criminal history check was not requested as required under 7 AAC 10.900 - 7 AAC 10.990; or who does not pass a criminal history check under 7 AAC 10.900 - 7 AAC 10.990. However, except as restricted by applicable federal law, the department will not withhold payment if it grants a provisional valid criminal history check under 7 AAC 10.920 or a variance under 7 AAC 10.935.

(Eff.___/___/____, Register ____)

**Authority:** AS 47.05.010 AS 47.07.030

**Editor's note:** Information on the supervisory certification as prescribed by the Behavior Analyst Certification Board in 7 AAC 135.300 may be obtained from the Behavior Analyst Certification Board, 7950 Shaffer Parkway, Littleton, CO 80127; Phone: 1-720-438-4321; Internet website at https://bacb.com/contact-us/ .

7 AAC 135 is amended by adding a new section to read:

**7 AAC 135.350. Autism services.**

(a) The department will pay for the following autism services provided to a recipient listed in 7 AAC 135.020(e) or (f) if it is conducted by a provider identified in 7 AAC 135.300:

(1) initial behavior identification assessment;

(2) behavior identification re-assessment;

(3) adaptive behavior treatment by protocol;

(4) group adaptive treatment by protocol; and,

(5) family adaptive treatment guidance.

(b) The department will pay for an initial behavior identification assessment if it is conducted by a board certified behavior analyst and if it

(1) interprets information from multiple informants and data sources, including:

(A) a referral from a mental health professional, as defined in AS 47.30.915(13), or a health care professional who is qualified based on that individual's training, education, experience and scope of practice to assess and diagnose autism spectrum disorders in children;

(B) direct observation of the recipient in different settings and situations;

(C) information on the recipient's skill deficits, deficient adaptive behaviors or maladaptive behaviors from the following sources:

(i) in-person observation of the recipient;

(ii) structured interviews with the guardian or caregiver;

(iii) administration of standardized and non-standardized tests;

(iv) a detailed behavioral history;

(v) interpretation of test results; and,

(D) additional information, if it exists, from the following collateral sources:

(i) intellectual and achievement tests;

(ii) developmental assessments;

(iii) assessments of comorbid mental health conditions;

(iv) evaluations of family functioning and needs;

(v) results of neuropsychological testing; or

(vi) results of other standardized psychometric tests, including measures of general psychopathology; and,

(2) results in a written report that

(A) identifies the skill deficits and deficient adaptive behaviors or maladaptive behaviors that should be the focus of treatment;

(B) indicates if the recipient's behavior and level of functioning interferes with the recipient's ability to adequately participate in age appropriate home, school or community activities;

(C) indicates if the recipient's behavior poses a danger to themselves or others;

(D) indicates if autism services are expected to result in measureable improvement in either the recipient's behaviors or level of functioning or both;

(E) identifies the potential functional relationship between behavior and environmental factors;

(F) identifies motivational and contextual factors that may be used in the course of treatment to assist with modification and reinforcement of behavior;

(G) recommends services and protocols which form the basis for an individualized treatment plan.

(c) The department will pay for a behavior identification re-assessment which must be conducted by a board certified behavior analyst once every six months to qualify for service authorization under 7 AAC 135.040 (d) to extend autism services and used to establish:

(1) the recipient's measured progress over the course of treatment;

(2) an adjusted baseline in the areas of social skills, communication skills, language skills, adaptive behaviors, and maladaptive behavior that are the focus of treatment;

(3) recommended updates to the recipient's treatment plan; and

(4) an estimated timeline and number of treatment hours necessary to achieve each of the recipient's treatment goals.

(d) The department will pay for adaptive behavior treatment by protocol conducted by an assistant behavior analyst or a registered behavior technician if

(1) treatment adheres to the protocols identified by a board certified behavior analyst; and

(2) the service is used to introduce and reinforce incremental change in recipient skills and behavior.

(e) The department will pay for group adaptive behavior treatment by protocol conducted by an assistant behavior analyst or a registered behavior technician if the service is provided

(1) to a group of no less than two and no more than eight recipients;

(2) according to the protocols identified in the treatment plan by a board certified behavior analyst;

(3) to assist with the development of individually identified social skills.

(f) The department will pay for family adaptive behavior treatment guidance conducted by a board certified behavior analyst to

(1) instruct recipient guardians and caregivers on the recipient's identified problem behaviors and deficit skills; and

(2) teach recipient guardians and caregivers to use planned treatment protocols to intervene with the recipient to reinforce change and to maintain treatment progress.

(g) After the initial six months of planned services conducted in accordance with 7 AAC 135.040(c)(19)(A) and (B), and the initial behavior identification assessment authorized in 7 AAC 135.040(c)(19(D), to receive payment for any of the additional recipient services identified in (a) – (f) of this section, a request for prior authorization for those additional services must be authorized in accordance with the provisions of 7 AAC 135.040(d) and additionally meet the requirements of (c), and (h) through (j) of this section.

(h) To receive payment for autism services a provider must develop an individual treatment plan that is updated as needed and includes:

(1) recommended protocols for service provision;

(2) objective, measureable, and developmentally appropriate treatment goals related to skills development, improvement in adaptive functioning and modification of problem

behavior;

(3) the anticipated timeline for improvements based on the initial behavior identification assessment and subsequent behavior identification re-assessments conducted over the duration of treatment; and

(4) interventions with recipient's guardians and caregivers designed to reinforce treatment and treatment progress.

(i) To receive payment for autism services provided under this section a provider must maintain a clinical record according to 7 AAC 135.130. The clinical record must include

(1) verification of a diagnosis of autism spectrum disorder from a mental health professional as defined in AS 47.30.915(13) or a health care professional who is qualified based on that individual's scope of practice, training, education, and experience to assess and diagnose autism spectrum disorders in children;

(2) an initial behavior identification assessment conducted at admission to services; and

(3) any behavior identification re-assessment conducted over the course of treatment.

(j) Autism services may be provided in the following settings:

(1) the recipient's home, school, and community;

(2) the behavior analyst's office;

(3) an outpatient clinic;

(4) another appropriate community setting.

(k) The department will not pay for any of the following services or interventions as a Medicaid covered service under this section:

(1) a service listed under 7 AAC 105.110 and 7 AAC 135.010(d);

(2) providing respite for the family;

(3) increasing the recipient's social activity;

(4) addressing a recipient's antisocial behavior or legal problems;

(5) autism services provided by a recipient's immediate family member, foster parent, or legal guardian of a recipient, unless a court has authorized that legal guardian to provide those services under AS 13.26.311;

(6) any two or more concurrent autism services by the same or different rendering individuals to the recipient at the same time;

(7) any behavior rehabilitation health service being provided concurrently with autism services;

(8) a behavior analyst, assistant behavior analyst, or registered behavior technician who acts in the capacity as another paid treatment provider or caregiver to the recipient at the same time; and,

(9) claims by a behavior analyst, assistant behavior analyst, or registered behavior technician that include time spent

(A) assisting a recipient with school work for the sole purpose of education in the home, school, or community;

(B) providing leisure or social activities solely for the purpose of entertainment, play, or recreation; and

(C) providing autism services to a patient in an outpatient hospital, a general acute care hospital, an inpatient psychiatric hospital, a residential psychiatric treatment center, intermediate care facility, skilled nursing facility, and intermediate care facility for

individuals with an intellectual disability or related condition facility, except for services prior authorized by the department to specifically assist the recipient with discharge planning from these care facilities.

(10) Notwithstanding any other provision of this section, the Department will pay for authorized clinical behavioral health services under 7 AAC 135.010(b) or a medical evaluation on the same day a recipient receives approved autism services under this chapter.

(*l*) In order to avoid breaks in treatment, a provider of autism services shall submit a request for additional authorized periods of autism services 14 days prior to the end of the previously authorized period of treatment. The prior authorization request shall include a behavior identification re-assessment conducted according to (c) of this section, and an updated treatment plan under (g) of this section. (Eff.___/___/____, Register ____)

**Authority:** AS 47.05.010 AS 47.07.030

7 AAC 135.990 is amended by adding new paragraphs to read:

**7 AAC 135.990. Definitions.** In this chapter, unless the context requires otherwise,

**• • •**

**(25) "autism services" means**

**(A) the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior;**

**(B) the empirical identification of functional relations between behavior and environmental factors, and the utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop**

**new behaviors, increasing or decreasing existing behaviors, and engaging in behaviors under specific environmental conditions;**

**(C) the application of the following services: adaptive behavior treatment by protocol, group adaptive behavior treatment by protocol, and family adaptive behavior treatment guidance; autism services do not include psychological testing; diagnosis of a mental or behavioral disorder, or the practice of neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, or long-term counseling;**

**(26) "behavior analyst" means a graduate-level professional with a license issued under AS 08.15.020(a) as a board certified behavior analyst; professionals who are certified as behavior analysts are independent practitioners who provide behavior-analytic services; in addition, behavior analysts supervise the work of assistant behavior analysts, registered behavior technicians, and others who implement behavior-analytic interventions;**

**(27) "assistant behavior analyst" means an individual with a license issued under AS 08.15.020(b) as a Board Certified Assistant Behavior Analyst; professionals who are certified as assistant behavior analysts may not practice independently and must be supervised by an individual licensed in the state as a Board Certified Behavior Analyst; in addition, assistant behavior analysts can supervise the work of registered behavior technicians, and others who implement behavior-analytic interventions in accordance with the treatment plan of an autism services recipient;**

**(28) "registered behavior technician" means a paraprofessional who practices under the close, ongoing supervision of a behavior analyst or an assistant behavior analyst; the registered behavior technician is primarily responsible for the direct implementation of behavior-analytic services; the registered behavior technician does not design intervention or assessment plans; it is the responsibility of the registered behavior technician's supervisor to determine which tasks a registered behavior technician may perform as a function of the technician's present level of**

**training, experience, and competence; the behavior analyst or behavior analyst assistant supervising a registered behavior technician is responsible for the work performed by a registered behavior technician when the technician is working directly with a recipient of autism services;**

**(29) "adaptive behavior treatment" means services to treat a recipient's deficient adaptive or maladaptive behaviors or the impaired social skills and communication, or the destructive behaviors that impair, delay or adversely affect normal childhood growth and development, or communication, or both;**

**(30) "adaptive behavior treatment by protocol" means adaptive behavior treatment that adheres to the protocols that have been designed by the behavior analyst and includes skills training delivered to a recipient by introducing small, incremental changes to the recipient's expected routine along one or more stimulus dimensions, and delivering a reinforcer each time the recipient appropriately tolerates a given stimulus change;**

**(31) "adaptive behavior treatment social skills group" means social skills training in a group of at least two recipients and no more than eight recipients that, when and as necessary, adjusts a recipient's social skills training, and is provided directly by the behavior analyst, assistant behavior analyst, or registered behavior technician;**

**(32) "family and multiple-family group adaptive behavior treatment guidance" means guidance provided to the family by a certified behavior analyst, a certified assistant behavior analyst, or a registered behavior technician, but without the recipient present, that identifies recipient problem behaviors and deficits and teaches guardians and caregivers to use treatment protocols in order to support the services provided to the recipient by a behavior analyst, assistant analyst, or technician;**

**(33) "group adaptive behavior treatment by protocol" means adaptive behavior treatment by protocol provided in a group of at least two recipients and no more than eight recipients that adheres to the protocols;**

**(34) "recipient's immediate family member" means the recipient's parent, spouse, or sibling in the residence, and an adult relative caregiver who is acting in the place of a parent**. (Eff. 10/1/2011, Register 199; am 6/16/2016, Register 218; am ___/___/____, Register ____)

**Authority:** AS 47.05.010 AS 47.07.030

7 AAC 145.580(a) is amended by adding new paragraphs to read:

**7 AAC 145.580. Behavioral health services payment rates.** (a) The department will pay a provider for screening and brief intervention services under 7 AAC 135.010(a) and 7 AAC 135.240, behavioral health clinic services listed in 7 AAC 135.010(b), and certain behavioral health rehabilitation services listed in 7 AAC 135.010(c), at the following rates:

. . .

(35) facilitation of a telemedicine session under 7 AAC 135.290, $62.43 per presentation**;**

**(36) initial behavior identification assessment under 7 AAC 135.300, $309 per assessment;**

**(37) behavior identification re-assessment under 7 AAC 135.300, $150 per assessment;**

**(38) adaptive behavior treatment by protocol under 7 AAC 135.300, $22.00 per 30 minute episode;**

**(39) group adaptive treatment by protocol under 7 AAC 135.300, $15.00 per 30 minute episode;**

**(40) family adaptive treatment guidance under 7 AAC 135.300, $65.00 per**

**presentation**.

(Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am ___/___/____, Register ____)

**Authority:** AS 47.05.010 AS 47.07.030 AS 47.07.040