

1 HB404
2 183820-1
3 By Representative Williams (JD)
4 RFD: Ways and Means Education
5 First Read: 14-MAR-17

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8 SYNOPSIS: Under existing law, no state agency provides
9 applied behavior analysis intervention services to
10 children with a diagnosis of an autism spectrum
11 disorder.

12 This bill would require the Department of
13 Mental Health to administer an applied behavior
14 analysis (ABA) program that provides ABA
15 intervention services to children ages birth to
16 nine with autism.

17 This bill would limit the amount of ABA
18 intervention services provided to a child to
19 \$40,000 annually.

20 This bill would provide an appropriation of
21 \$3,000,000 from the Education Trust Fund for the
22 fiscal year ending September 30, 2018, to the
23 Department of Mental Health for the administration
24 of the ABA program.

25 This bill would also require the State
26 Department of Education and the Department of Early
27 Childhood Education to identify children who have a

1 diagnosis of an autism spectrum disorder for
2 referral to the Department of Mental Health for ABA
3 intervention services.

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5 A BILL
6 TO BE ENTITLED
7 AN ACT

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9 Relating to the treatment of autism spectrum
10 disorder; to require the Department of Mental Health to
11 administer an applied behavior analysis (ABA) program that
12 provides ABA intervention services to children ages birth to
13 nine with autism; to limit the amount of ABA intervention
14 services provided to a child to \$40,000 annually; to
15 appropriate \$3,000,000 from the Education Trust Fund for the
16 fiscal year ending September 30, 2018 to the Department of
17 Mental Health for the administration of the ABA program; and
18 to require the State Department of Education and the
19 Department of Early Childhood Education to identify children
20 who have a diagnosis of an autism spectrum disorder for
21 referral to the Department of Mental Health for ABA
22 intervention services.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. As used in this act, the following terms
25 shall have the following meanings:

26 (1) APPLIED BEHAVIOR ANALYSIS (ABA). The design,
27 implementation, and evaluation of environmental modifications,

1 including the use of direct observation, measurement, and
2 functional analysis of the relationships between environment
3 and behavior, to produce socially significant improvement in
4 human behavior, performed by individuals licensed by the
5 Alabama Behavior Analyst Licensing Board pursuant to Chapter
6 5A of Title 34, Code of Alabama 1975.

7 (2) AUTISM SPECTRUM DISORDER. A neurodevelopmental
8 disorder as defined in the most recent edition of the
9 Diagnostic and Statistical Manual of Mental Disorders of the
10 American Psychiatric Association.

11 (3) CHILD OR CHILDREN. Children between the ages of
12 birth and 9 years of age.

13 (4) DIAGNOSIS OF AUTISM SPECTRUM DISORDER. Medically
14 necessary assessments, evaluations, or tests utilized to
15 diagnose whether an individual has an autism spectrum
16 disorder.

17 Section 2. The Department of Mental Health shall
18 establish, administer, and operate an ABA program that
19 provides ABA intervention services to children diagnosed with
20 autism spectrum disorder in accordance with this act. The
21 department shall do all of the following:

22 (1) Establish criteria and administer such programs
23 and services as may be necessary for the operation of the ABA
24 program.

25 (2) Provide ABA intervention services to children
26 with autism spectrum disorder, excluding those children

1 otherwise covered for ABA intervention services by public or
2 private insurance.

3 (3) Receive any funds appropriated from the
4 Legislature for the establishment, administration, and
5 operation of the ABA program.

6 (4) Issue annual reports to the Governor and the
7 Legislature concerning the administration and operation of the
8 ABA program.

9 (5) Provide leadership for enhancement of ABA
10 intervention in this state by aggressively establishing a
11 unified approach to the state's efforts toward providing ABA
12 intervention services to children in Alabama upon diagnosis of
13 autism spectrum disorder, including, but not limited to,
14 implementing specific strategies to effectively diagnose
15 children with autism spectrum disorder at an early age and
16 begin providing ABA intervention services as quickly as
17 possible.

18 (6) Promulgate rules and establish procedures to
19 carry out the provisions of this act.

20 Section 3. The State Department of Education and the
21 Department of Early Childhood Education shall identify
22 children who have been diagnosed with an autism spectrum
23 disorder and refer those children to the Department of Mental
24 Health for ABA intervention services under this act.

25 Section 4. The ABA program may not expend more than
26 forty thousand dollars (\$40,000) annually per child for ABA
27 intervention services under this act.

1 Section 5. There is hereby appropriated three
2 million dollars (\$3,000,000) from the Education Trust Fund to
3 the Department of Mental Health for the fiscal year ending
4 September 30, 2018, to establish the ABA program and provide
5 ABA intervention services to eligible children in the state.

6 Section 6. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.