

1 SB57  
2 181198-1  
3 By Senator Allen  
4 RFD: Health and Human Services  
5 First Read: 07-FEB-17  
6 PFD: 02/06/2017

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

11 This bill expands the power and duties of  
12 the Department of Mental Health for the purpose of  
13 administering an Applied Behavior Analysis (ABA)  
14 Program and providing ABA Intervention to children  
15 with autism. This bill would limit the amount of  
16 ABA Intervention provided to a child to \$40,000  
17 annually and provides for an appropriation of  
18 \$3,000,000 from the Education Trust Fund for the  
19 fiscal year ending September 30, 2018 to the  
20 Department of Mental Health for the administration  
21 of the ABA Program. In addition, this bill expands  
22 the duties of the Department of Education, the  
23 Department of Early Childhood Education and other  
24 educational entities, by requiring them to identify  
25 children who have a primary diagnosis of an autism  
26 spectrum disorder for referral to the Department of  
27 Mental Health for ABA services.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT  
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6 To expand the powers and duties of the Department of  
7 Mental Health; to limit the amount of ABA Intervention  
8 provided annually per child to \$40,000; to appropriate  
9 \$3,000,000 from the Education Trust Fund for the fiscal year  
10 ending September 30, 2018; and to expand the duties of the  
11 Department of Education, Department of Early Childhood  
12 Education and other educational entities, by requiring them to  
13 identify children with an autism spectrum disorder diagnosis  
14 for referral to the Department of Mental Health for ABA  
15 services.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 (1) APPLIED BEHAVIOR ANALYSIS. The design,  
20 implementation, and evaluation of environmental modifications,  
21 including the use of direct observation, measurement, and  
22 functional analysis of the relationships between environment  
23 and behavior, to produce socially significant improvement in  
24 human behavior.

25 (2) AUTISM SPECTRUM DISORDER. A neurodevelopmental  
26 disorder as defined in the most recent edition of the

1 Diagnostic and Statistical Manual of Mental Disorders of the  
2 American Psychiatric Association.

3 (3) CHILD OR CHILDREN. To include Alabama's children  
4 between the ages of birth and 9 years of age.

5 (4) DIAGNOSIS OF AUTISM SPECTRUM DISORDER. Medically  
6 necessary assessments, evaluations, or tests in order to  
7 diagnose whether an individual has an autism spectrum  
8 disorder.

9 (5) TREATMENT FOR AUTISM SPECTRUM DISORDERS. Care  
10 prescribed or ordered for an individual diagnosed with an  
11 autism spectrum disorder by a licensed physician or licensed  
12 psychologist, including, equipment medically necessary for  
13 such care, pursuant to the powers granted under such licensed  
14 physician's or licensed psychologist's license.

15 Section 2. The Department of Mental Health shall  
16 have the duties, responsibilities, functions, powers, and  
17 authority set forth in this act and as otherwise provided by  
18 law.

19 Section 3. The Department of Mental Health shall be  
20 responsible for the administration and provision of ABA  
21 Intervention, as well as the performance and exercise of the  
22 duties, responsibilities, functions, powers, and authority  
23 imposed upon the Department by law.

24 Section 4. The State Department of Education, the  
25 Department of Early Childhood Education and other educational  
26 entities shall identify children, ages birth through 9 years  
27 of age, who have been diagnosed with an autism spectrum

1 disorder and refer those children to the Department of Mental  
2 Health for ABA therapy.

3 Section 5. The Alabama Department of Mental Health  
4 shall do all of the following:

5 (1) Establish criteria and administer such programs  
6 and services as may be necessary for the operation and  
7 management of an ABA Program.

8 (2) Administer such programs and services as may be  
9 necessary for the operation and management of providing ABA  
10 Intervention to children with autism spectrum disorder in  
11 Alabama unless the child is otherwise covered for ABA  
12 Intervention by public or private insurance.

13 (3) Receive any funds appropriated from the  
14 Legislature for the establishment, operation, and  
15 administration of the ABA Program.

16 (4) Issue annual reports to the Governor and the  
17 Legislature concerning the administration and operation of the  
18 ABA Program.

19 (5) Provide leadership for enhancement of ABA  
20 Intervention in this state by aggressively establishing a  
21 unified approach to the state's efforts toward providing ABA  
22 Intervention to children in Alabama upon diagnosis of autism  
23 spectrum disorder. In support of this effort, the Department  
24 of Mental Health may develop and implement specific strategies  
25 that address the state's ABA Program.

26 (6) Promulgate rules and regulations and establish  
27 procedures to carry out the provisions of this act.

1                   Section 6. The ABA Program shall pay not more than  
2                   \$40,000 annually per child for ABA Intervention.

3                   Section 7. There is hereby appropriated \$3,000,000  
4                   from the Education Trust Fund to the Department of Mental  
5                   Health for the fiscal year ending September 30, 2018 to  
6                   provide ABA Intervention to eligible children in the state of  
7                   Alabama.

8                   Section 8. This act shall become effective  
9                   immediately upon its passage and approval by the Governor or  
10                  upon its otherwise becoming a law.