

Senator Baldacci, Representation Meyer and members of the Health and Human Services Committee, I am writing in support of LD473: Resolve, to Expand the Eligibility for and Increase the Number of Hours of Applied Behavior Analysis Services Authorized by the MaineCare Program.

I have been the Adult Services Board Certified Behavior Analyst (BCBA) for Waypoint (formally Waban) for 7½ years and have witnessed the negative impacts that the current service limits impose for these individuals and their caregivers.

While children in Maine access individualized behavioral consultation services in the school and community settings, once they move into adulthood, their access to this vital service is significantly limited. MaineCare rule section 21.07-6 restricts the amount of service to 16.5 hours per year, regardless of the level of need or severity of the behavioral challenges. The State's mandatory requirements for addressing challenging behavior generate a substantial amount of requisite work that must be completed by the behavior consultant. These include, but are not limited to; twice annual in-person meetings with the individual receiving services, interviewing all invested parties, a full record-review, developing a Functional Assessment (which identifies variables that lead the individual to engage in challenging behavior), developing a method by which the caregivers will collect data, collecting, monitoring, and analyzing behavior data on an ongoing basis, creating a psychotropic medication treatment plan, all which ultimately lead to the development of a Positive Support Plan (individualized proactive interventions to address/avoid challenging behaviors).

Not only do these requirements exceed the allotted 16.5 hours per year, but there is also a significant need for ongoing training and consultation with the caregivers, particularly in light of the high turnover we experience in this field, as well as to address evolving needs of the individual being served. In some cases, extreme challenging and dangerous behaviors require the development of a more intrusive Behavior Management Plan (BMP). Maine requires a stringent approval and monitoring policy for BMPs, including quarterly meetings with DHHS, monthly monitoring of data, and monthly team meetings. Each step requires careful consideration as it is



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unique to each individual, and also clearly exceeds the annual limit in service hours.

These requirements are critical and are supported; they help ensure a high-quality service in the best interests of individuals with disabilities. However, they require additional service limits within the existing MaineCare rule. LD473 resolves to increase the maximum number of service hours per year to 120. This would allow for the provision of complete, quality, ongoing behavioral consultation and help improve the safety, independence, and quality of life for adults with intellectual/developmental disabilities.

Respectfully Submitted March 27, 2023,

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