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Association for Maine Behavior Analysis
LD 473

Testimony Submitted by the Association for Maine Behavior Analysis
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Executive Summary

The Association for Maine Behavior Analysis (AMeBA) urges the Committee on Health and Human Services to recommend passage of HP 290/LD 473, “Resolve, to Expand the Eligibility for and Increase the Number of Hours of Applied Behavior Analysis Services Authorized by the MaineCare Program” with amendment.

Applied Behavior Analysis (ABA) is an evidence-based, proven approach to reducing or eliminating harmful behavior and increasing relevant replacement behaviors. Under current rules, MaineCare limits the type and hours of ABA services (Section 21) or does not cover ABA services (Section 29), preventing individuals from receiving effective treatment. Lack of effective treatment causes poor quality of life, limited community access, and over-utilization of more restrictive resources such as crisis services, visits to the emergency department, and the involvement of law enforcement. The proposed amendment would significantly increase the number of hours allowed for ABA services from 16.5 hours to 120 hours annually. We commend the committee for expanding access to these essential services for adults with intellectual disabilities and autism spectrum disorder.

We strongly support the proposed increase in allowance for ABA services; however, we urge the committee to amend the bill, specifying the provision of up to 120 hours annually of the full scope of ABA services. Currently, Section 21 allows access to 16.5 hours annually to a restricted set of ABA service activities. Rep. Craven’s unamended bill proposes changes to the hours of service, but does not explicitly increase the scope of allowable ABA services, including such critical activities as conducting functional behavior assessments (FBA) and coordinating care with other providers. Without access to the full scope of services, the proposed increase in service hours is insufficient to address the complex behavioral needs of this population. We support the proposed changes to the amount of allowable ABA services, and request that the bill be amended to specify coverage for the full scope of behavior analytic services: conducting functional assessments, developing interventions, training caregivers and significant others, implementing plans, analyzing client data, and monitoring plans for effectiveness.

Full Comments

We are writing with regard to HP 290/LD 473, “Resolve, to Expand the Eligibility for and Increase the Number of Hours of Applied Behavior Analysis Services Authorized by the MaineCare Program.”

The Association for Maine Behavior Analysis (AMeBA) is a membership organization of professional Board Certified Behavior Analysts (BCBAs®) practicing ABA in the state of Maine. Our organization is committed to ensuring that individuals with significant behavioral needs receive high quality, evidence-based services to support the development of positive behaviors and skills. ABA is an applied science used to create socially significant behavior change through evidence-based assessment and intervention procedures. BCBAs are masters or doctoral level clinicians who have completed a course sequence in these assessments and procedures, as well as substantial supervised fieldwork, and must pass a qualifying exam for certification. BCBAs are overseen by an international board, the Behavior Analysis Certification Board®, and practice within a clearly outlined code of ethics that protects individual rights.

As an organization, we support the principle that individuals with intellectual and developmental disabilities have a right to effective treatment. As practitioners in the field of ABA, we echo the call for appropriate, evidence-based practices implemented

with integrity to ensure that adults with intellectual disabilities or autism receive the least restrictive, most effective treatment for behavioral challenges. People who experience complex behavioral needs without access to effective treatment often end up with behavior management plans that restrict their rights for indefinite periods, thereby reducing their quality of life. ABA is a distinct and essential practice for positive long-term outcomes. Evidence indicates that most challenging behavior can be reduced or eliminated for the long term when appropriate assessments and interventions are developed, implemented, and overseen by qualified professionals.

Currently, adults in Maine with intellectual disabilities or autism and untreated complex behavioral needs face significant barriers to accessing services. Providers are often unable to accept them for service or may terminate services due to limitations on authorized service hours and activities. Ethical provision of ABA services requires practitioners to conduct assessments, develop interventions, train caregivers and significant others, analyze client data, and monitor plans for effectiveness on an ongoing basis. The current allowable amount of service hours is grossly insufficient to allow for the ethical provision of positive behavioral supports. Further, BCBA's are required to develop interventions that link directly to the results of a functional behavior assessment. Failing to link intervention to assessment can result in individuals experiencing ineffective and/or excessively restrictive behavior change procedures. Without authorization to conduct an FBA, practitioners are unwilling to risk developing interventions that do not align with ABA service standards. As a result of current service restrictions, adults with intellectual disabilities and autism and complex behavioral needs languish on waiting lists or are even sent to high-cost programs out of state. ABA is cost effective. The cost of 120 hours of a BCBA at current rates is equal to two weeks of an additional staff during awake hours. If just one out-of-state placement is prevented, the savings would fund ABA for 30-50% of those on restrictive plans.

Section 28 (Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations) provides the full range of ABA services needed for effective treatment to children. When they enter the adult system, those who rely on ABA essentially fall off a treatment cliff. Adults need and deserve parity in their services. Even a highly effective positive intervention plan may require days or weeks to fully eliminate challenging behaviors. The significant service restrictions resulting from the transition from children's services (e.g., Section 28) to adult services (Sections 21 and 29) leaves many individuals with unmet complex behavior needs indefinitely.

We commend the committee for addressing the need to increase the amount of authorized ABA services for adult Mainers with intellectual disabilities or autism. As an organization, we strongly support the proposed increase to 120 hours annually. We are concerned, also, that the bill as currently written does not expand the provision of ABA services to the full scope of services necessary to address the complex behavioral needs of this population. We urge the committee to recommend passage of this bill with amended language authorizing the full scope of ABA activities, which is necessary to develop and implement effective treatment.

Thank you for the opportunity to provide this comment. We can be reached via email at president@mainebehavioranalysis.org.

Sincerely, Association for Maine Behavior Analysis