

LD 473: *Resolve to expand the Eligibility for and increase the number of hours of Applied Behavior Analysis Services authorized by the Maine Care Program*

**Joint Standing Committee on Health and Human Services
March 29, 2023**

Senator Baldacci, Representative Meyer and esteemed members of the Health and Human Services Committee:

My name is Deb Smith. I am the Director of Intellectual and Developmental Disability Services of OHI in Bangor, Maine. OHI was incorporated in 1979, and we provide supports and services for over 400 adults with intellectual and developmental disabilities, autism, and mental illness in six counties, many of whom receive services under Section 21 or Section 29 of the Maine Care Program. Many of the adults we support have extraordinarily complex behavioral needs which are compounded by their disability, their inability to communicate and their trauma history.

I am writing in support of LD 473 to ask that the Department of Health and Human Services amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, and Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, to allow for reimbursement for up to 120 hours of behavioral consultation services including applied behavior analysis services.

Applied Behavior Analysis (ABA) is an **evidence-based**, proven approach to reducing or eliminating harmful behavior for the long term. I am in full support of ABA as a behavioral consultation service, but am concerned that if we limit behavioral consultation to just Applied Behavior Analysis services, the state of Maine will not have the capacity to provide these services to all adult members who have challenging behavior. I know of one agency, trained in serving adults with Intellectual and Developmental Disabilities, who provides this service in Penobscot county. The certification process to become a Board Certified Behavior Analyst requires a minimum of a master's degree from an accredited university that was (a) conferred in behavior analysis, education, or psychology, or (b) conferred in a degree program in which the candidate completed a BACB approved course sequence.

Currently Section 21 allows for 16.5 hours per year of behavioral consultation services per Member. This is equal to approximately 19 minutes of behavioral consultation per week or 1.26 hours per month by a professional Licensed Clinical Social Worker (LCSW), Licensed Clinical Professional Counselor (LCPC) or a Board Certified Behavior Analyst (BCBA). This service is not covered for anyone receiving Section 29 Services. During this 1.26 hours per month, the consultant is responsible for:

- Reviewing evaluations and assessments.
- Interviewing and observing the member and others involved in the member's support.
- Reviewing and analyzing previous treatment modalities, reports and evaluations.
- Developing a behavior plan, including justifications and approvals for the use of the plan.

- Providing training and technical assistance to staff primarily responsible for carrying out the plan in the member's home and community sites.
- Monitoring the effectiveness of the plan and revising as necessary; and
- Providing information and assistance to the member and other people on the team.

Increasing the behavioral consultation from 16.5 hours per year to 120 hours per year would allow for a professional to provide 10 hours of services per month to better support a member and his/her team.

In the current model, when plans fail and harmful and sometimes dangerous behavior continues, and with no other resources available, the member often ends up losing their support and their home. They are often shuffled from one provider agency to another which may include emergency room visits or out-of-state placements. We have had this experience with a member we supported last year.

Currently, we are supporting a person with very challenging behavior. The team, including the member and the Behavior Consultant, are meeting on a weekly basis in an attempt to analyze the behavior and offer support and strategies to the team as an approach to a positive outcome. This person's behavioral consultation services were maxed out last month and we are now paying for the service in hopes that we can help the person change his behavior and stay in his current home.

Thank you for your time and consideration.

Respectfully Submitted, Deb Smith, Director of IDD Services, OHI dsmith@ohimaine.org