



Independence Association

Celebrating Ability Since 1966

2022 - 2023

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Mission: To assist adults and children with disabilities in obtaining full and inclusive lives in their chosen communities.

To: Senator Baldacci, Representative Meyers and distinguished members of the Joint Standing Committee on Health and Human Services.

From: Ray Nagel, MBA, Executive Director

Subject: LD 473 Resolve, to Expand the Eligibility for and Increase the Number of Hours of Applied Behavior Analysis Services Authorized by the MaineCare Program

Date: March 29, 2023

I am Ray Nagel, the Executive Director of Independence Association in Brunswick. We are a non-profit organization that has supported people with Intellectual Disabilities since 1966. I am submitting written testimony supporting RE: LD 473: Resolve, to Expand the Eligibility for and Increase the Number of Hours of Applied Behavior Analysis Services Authorized by the MaineCare Program.

Applied Behavior Analysis is an evidence-based, and proven approach to reduce or eliminate harmful behaviors for individuals with complex behavioral challenges. I request the hours be amended to reflect a minimum of 120 per year and be extended to individuals on Section 29.

Maine currently uses no clinical approach to support adults with complex behavioral needs. Aside from Dr. Le'Ann Millender, Maine has no clinical practitioners on their behavior plan review teams. The answer to any individual with a complex behavioral need is to authorize additional staffing. This is a barbaric practice which is very expensive, and akin to "beefing up the police force, in anticipation of a riot".

"Olivia" is a woman in her mid-40's with physical disabilities, nonverbal, but can use some sign language. When I arrived at the Independence Association 13 years ago, she had complex behaviors like rectal digging, fecal smearing, pinching and scratching others within her reach, incontinence, and was morbidly obese. She rarely left home due to an inability to address these behaviors, and continued to



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gain weight. Upon hiring a BCBA, this woman was placed on positive behavior protocols which has opened a whole world to her.

She is no longer incontinent, no longer smears feces and as a result has lost an incredible amount of weight because she accesses her community regularly.

Children who have thrived under the ABA services in preschool until the age of 18, fall off a steep cliff when transitioning to adulthood. Section 28 currently allows a minimum of 120 hours and up to 136 to address the complex behavioral needs of children with intellectual disabilities and autism. They are not suddenly “cured” when they are adults, and can benefit from a similar approach in therapy. When you are born with Type I diabetes it does not go away when you reach adulthood. The same insulin needed by a child is needed by adults. 16.5 hours per year is not enough time to develop a Functional Behavioral Analysis, which ironically is not authorized by Section 21, but is required if that person requires a Behavior management plan.

The reason Maine’s behavior management plans do not show progress and appear to continue indefinitely is because they are not authored or managed by a BCBA, and BCBAs do not want to identify with a service that they know ethically cannot be addressed within 16.5 hours.

As a result, providers dump these individuals into hospital emergency rooms, where they often get sent out of state because we do not have the capacity to serve them here. Many of them go to Florida, where the organization I led works with people using an ABA approach.

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