

Sen

DAVID Y. IGE  
GOVERNOR



DR. CHRISTINA M. KISHIMOTO  
SUPERINTENDENT

**DEPT. COMM. NO. 7**

**STATE OF HAWAII**  
**DEPARTMENT OF EDUCATION**

P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

October 14, 2020

The Honorable Ronald D. Kouchi, President  
and Members of the Senate  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker  
and Members of the House of Representatives  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

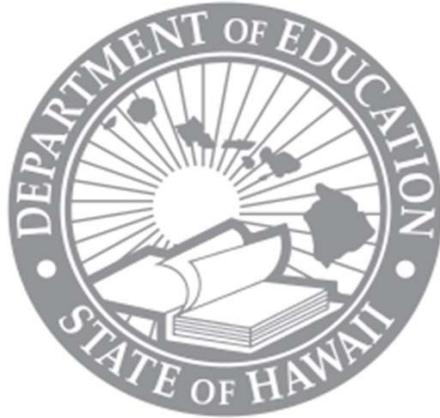
For your information and consideration, I am transmitting a copy of the Report on Autism Spectrum Disorder and Applied Behavior Analysis for the quarter ending June 30, 2020, pursuant to Act 205 (2018). In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at:  
<http://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/StateReports/Pages/Legislative-reports.aspx>

Sincerely,

Dr. Christina M. Kishimoto  
Superintendent

CMK:ak  
Enclosure

c: Legislative Reference Bureau  
Office of Student Support Services



State of Hawaii  
Department of Education

**Report on Act 205 (2018)  
Report on Autism Spectrum Disorder  
and Applied Behavior Analysis**

August 2020

**Pursuant to** Act 205 (2018), the Hawaii State Department of Education (Department) shall provide a quarterly report to the Hawaii State Legislature on students diagnosed with autism spectrum disorder, students requiring applied behavioral analysis, staffing, and Medicaid reimbursements (Quarterly report ending on June 30, 2020).

## **Introduction**

Act 205 amended Chapter 465D, Hawaii Revised Statutes (HRS), Hawaii's Behavior Analyst licensure law. Chapter 465D, HRS, defines what Applied Behavior Analysis (ABA) is and delineates who can design and implement ABA services.

The purpose of Act 205 is to:

- 1) Clarify and standardize the terminology used to refer to behavior analysis and the practice of ABA;
- 2) Broaden the exemption of certain individuals and licensed or credentialed practitioners practicing within their own recognized scopes of practice from Chapter 465D, HRS, the behavior analysts law; and
- 3) Require the Department to create an implementation plan to seek reimbursement of any Medicaid billable ABA the Department may provide to students diagnosed with autism spectrum disorder (ASD).<sup>1</sup>

This report to the Legislature and the Hawaii State Board of Education is in accordance with Act 205's reporting requirements and serves as the 2<sup>nd</sup> quarter report.

**1) The number of students diagnosed with ASD.**

The Department does not know how many current students have been diagnosed with ASD as parent(s)/legal guardian(s) may not provide schools with this information. Furthermore, although a school may be provided with a student's medical diagnosis for the purpose of special education eligibility and evaluation, the Department does not have a database that keeps track of this information. Instead, the Department tracks the number of students currently eligible for Individuals with Disabilities Education Act (IDEA) services under the category of ASD. The official December 2019 ASD count is 2,088. (Office of Special Education Program 2019 Child Count).

**2) The number of students with ASD as part of their IEP.**

Refer to Question 1 response.

**3) The number of students requiring ABA.**

Within the Department, 407 students receive ABA services as determined by their IEP team, 324 are eligible as ASD.

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<sup>1</sup>The USDOE regards ABA as a methodology and, as such, must be considered in the context of methodologies derived from other disciplines (Musgrove, M., 2015). ACT 205 requires that, in the Department, ABA services are needed when a "student's behavior impedes their learning or the learning of others" and requires that the ABA Program be designed, monitored, and implemented by qualified ABA providers.

**4) Staffing updates and needs.**

New behavior analytic positions have been established throughout the Department in accordance with Chapter 465D, HRS. These include Behavioral Technician, Behavior Analyst, and Behavior Analyst Teacher positions.

**Updates**

The Department employees in Behavioral Technician position	20
The Department Educational Assistants pursuing Registered Behavior Technician credentialing	80
The Department employees in Behavior Analyst position	3
The Department employees in Behavior Analyst Teacher position	5
The Department employees pursuing graduate studies in Behavior Analysis and under Licensed Behavior Analyst supervision	41
Licensed psychologist doing ABA work	3
Contracted ABA Paraprofessionals/Registered Behavior Technicians	432
Contracted Licensed Psychologists/Licensed Behavior Analysts (full-time & part-time)	95

**Needs**

	Qualified ABA Professionals Required for Assessment, Program Development and Supervision of Qualified ABA Paraprofessionals plus Training, Mentoring, Quality Control, and Program Oversight.	Qualified ABA Paraprofessionals Required to Implement
Number of Staff Needed	40	387

**5) Medicaid reimbursement schedules and amounts.**

The recent Coronavirus Disease 2019 (COVID-19) emergency and resulting closure of the Department schools for in-person services caused a significant impact in the Department School-based Medicaid Claiming Program. Prior to school closure to in-person instruction, the Department Medicaid Reimbursement Unit had restarted submission of Medicaid billing with a test claim in December 2019 and was able to continue claims submissions through mid-May 2020, resulting in a gross reimbursement total of \$830,401.12 during this period. The Department continues to build and expand its School-Based Medicaid Claiming Program (SBMCP) by addressing federal requirements for billing Medicaid.

The Department has received over 9,100 parental consent forms as of June 2020 and is currently preparing training to reinforce efforts and outreach to obtain additional consent forms from eligible students and their families. With additional staff, we are able to better monitor consent form submittals, verify accuracy and completeness, and follow-up as necessary to ensure forms received meet federal and the Department requirements. As stated in our November 1, 2019 quarterly report to the legislature, the Department continues to concentrate its efforts on a tri-level (state, complex area, and school) basis to disseminate, educate, and encourage completion and return of parental consent forms.

Staff is available and responsive to concerns, questions and offers information and mini training sessions as needed, with the goal of maximizing submittal of consent forms in support of the Medicaid reimbursement program.

The Department continues its efforts to fill Medicaid unit staff positions. As of June 2020, 11 staff positions have been filled within the Department Medicaid Reimbursement Unit. Onboarding and training is being provided for new staff, with the goal of having an effective, ready team once schools reopen in the Fall 2020.

The Department continues to work collaboratively with the Med-QUEST Division (MQD) and our claims processing partner the University of Massachusetts Medical School (UMMS). We have extended our Memorandum of Agreement (MOA) with the MQD and have nearly completed negotiations for a new MOA with our billing partner, UMMS. We are excited to continue working with our partners to continue claims submissions and expand the Department SBCMP, as schools reopen and services to our students' resumes.

**6) Licensure Updates.**

The Department can bill for medically necessary related services directly provided to Medicaid eligible students by School-Based Behavioral Health licensed health care providers. Refer to Question 4 response for a list of current and needed positions.

**7) Any other information pertinent to the implementation of this Act (ACT 205).**

The current COVID-19 pandemic has presented unprecedented challenges for public school systems across the nation. During the recent closure to in-person instruction of all the Department schools due to COVID-19, the Exceptional Support Branch of the Office of Student Support Services worked closely with the Department leadership and complex area teams to ensure that each student with a disability be provided the special education and related services identified in the student's IEP, including ABA services, to the greatest extent possible through virtual distance learning. The Department remains committed to navigating the ever-evolving circumstances COVID-19 presents to ensure ABA services continue to be provided to our students in accordance with this Act.