



**STATE OF HAWAII
DEPARTMENT OF EDUCATION**

P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

January 26, 2022

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 quarterly report, Autism Spectrum Disorder and Applied Behavior Analysis ending September 30, 2021, pursuant to Act 205, Session Laws of Hawaii 2018. In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at:

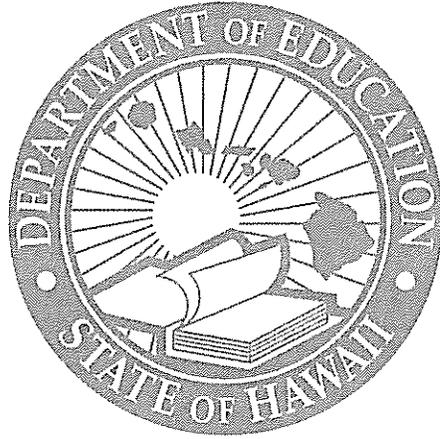
<http://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/StateReports/Pages/Legislative-reports.aspx>.

Sincerely,

Keith T. Hayashi
Interim Superintendent

KTH:ak
Enclosure

c: Legislative Reference Bureau
Hawaii State Board of Education
Office of Student Support Services



State of Hawaii
Department of Education

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

January 2022

Act 205, Session Laws of Hawaii 2018, requires the Hawaii State Department of Education to provide a quarterly report on students diagnosed with autism spectrum disorder, students requiring applied behavioral analysis, staffing updates, Medicaid reimbursement figures, and a licensure update. (Quarterly report ending on September 30, 2021).

Introduction

Section 465D, Hawaii Revised Statutes (HRS) defines what Applied Behavior Analysis (ABA) is and delineates who can design and implement ABA services.

The purpose of Section 465D, HRS, 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; and
- 3) Require the Hawaii State Department of Education (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).¹

This report to the Legislature and the Hawaii State Board of Education is in accordance with Section 465D's reporting requirements and serves as the 3rd 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 the Individuals with Disabilities Education Act (IDEA) services under the category of ASD. The official December 2020 ASD count is 2,122 students (Office of Special Education Program 2020 Child Count).

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

Please see the above response.

3) The number of students requiring ABA

Within the Department, approximately 730 students receive ABA services as determined by their IEP team, 549 are eligible for IDEA services under the ASD category.

¹The 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	68
The Department Educational Assistants pursuing Registered Behavior Technician credentialing	18
The Department employees in Behavior Analyst position	10
The Department employees in Behavior Analyst Teacher position	18
The Department employees pursuing graduate studies in Behavior Analysis and under Licensed Behavior Analyst supervision	21
Licensed psychologist doing ABA work	4
Contracted ABA Paraprofessionals/Registered Behavior (full-time & part-time) Technicians Credentialed under State ABA Contract	732
Contracted Licensed Psychologists/Licensed Behavior Analysts (full-time & part-time) Credentialed under State ABA Contract	98

5) Medicaid reimbursement schedules and amounts

The Department's School-Based Medicaid Claiming Program (SBMCP) has continued to move forward in efforts to maximize and expand the SBMCP reimbursement efforts.

Through close collaboration with our Department of Human Services/Med-QUEST partners, the Department's interagency agreement (IAA) with Med-QUEST has been significantly revised and updated. Revisions include expansion of the number of Current Procedural Terminology (CPT) codes and the addition of new CPT codes that will allow the Department to bill for ABA services pursuant to Med-QUEST guidelines. In addition, the IAA has been updated to include the credentialing and scope of service requirements for ABA providers. As a result, the Department, as with other Hawaii ABA providers, is now able to bill Medicaid for ABA services, so long as Medicaid and Med-QUEST service and billing requirements are met. The IAA also includes a new section that allows the Department to expand its SBMCP program to include Medicaid Administrative Claiming (MAC).

The SBMCP began its MAC program as an additional avenue for reimbursement through Medicaid. The MAC program identifies certain administrative costs associated with supporting medically necessary, direct health-related services, as well as performing other billing for Medicaid reimbursable activities, such as Medicaid outreach and coordinating health care related services. In order to participate in administrative claiming, Med-QUEST requires the Random Moment Time Study (RMTS) be used. RMTS is a federally accepted methodology for determining what portion of a selected group of participants' time is spent performing Medicaid reimbursable activities. The RMTS is conducted three times each fiscal year, each study consisting of three-month or quarterly sampling of random moments of an identified pool of participants' time. RMTS requires that at least 85% of all moments are responded to in order to be considered statistically valid, otherwise, the quarter is non-reimbursable.

The Department's inaugural RMTS quarter commenced on April 1, 2021, with 1,064 participants. The Direct Services Pool included participants statewide while the larger Administrative Pool was limited to those from the Department's Central District only.

The next RMTS quarter will run from October 1, 2021 to December 31, 2021 and the Department is researching the possibility of adding approximately 100 licensed Behavioral Analysts employees and contractors starting that quarter. Based on the preparation/training timeline and analyses of preceding quarters, the Department will determine when to include the remaining districts in the RMTS.

As of November 1, 2021, the Department has received 14,665 parental consent forms, an increase of 4,259 from the quarterly report filed in February 2021. The gross SBMCP Medicaid reimbursement received is \$882,327.92 as of December 20, 2021 for Fiscal Year 2022.

6) Licensure Updates

ABA services continue to be provided by licensed professionals and those qualified to provide services under their supervision.

7) Any other information pertinent to the implementation of this Section 465D, HRS

None at this time.