

1 SB57
2 181198-1
3 By Senator Allen
4 RFD: Health and Human Services
5 First Read: 07-FEB-17
6 PFD: 02/06/2017

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8 SYNOPSIS: Under existing law, no state agency provides
9 applied behavior analysis services to children with
10 a primary diagnosis of an autism spectrum disorder.

11 This bill expands the power and duties of
12 the Department of Mental Health for the purpose of
13 administering an Applied Behavior Analysis (ABA)
14 Program and providing ABA Intervention to children
15 with autism. This bill would limit the amount of
16 ABA Intervention provided to a child to \$40,000
17 annually and provides for an appropriation of
18 \$3,000,000 from the Education Trust Fund for the
19 fiscal year ending September 30, 2018 to the
20 Department of Mental Health for the administration
21 of the ABA Program. In addition, this bill expands
22 the duties of the Department of Education, the
23 Department of Early Childhood Education and other
24 educational entities, by requiring them to identify
25 children who have a primary diagnosis of an autism
26 spectrum disorder for referral to the Department of
27 Mental Health for ABA services.

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2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 To expand the powers and duties of the Department of
7 Mental Health; to limit the amount of ABA Intervention
8 provided annually per child to \$40,000; to appropriate
9 \$3,000,000 from the Education Trust Fund for the fiscal year
10 ending September 30, 2018; and to expand the duties of the
11 Department of Education, Department of Early Childhood
12 Education and other educational entities, by requiring them to
13 identify children with an autism spectrum disorder diagnosis
14 for referral to the Department of Mental Health for ABA
15 services.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. As used in this act, the following terms
18 shall have the following meanings:

19 (1) APPLIED BEHAVIOR ANALYSIS. The design,
20 implementation, and evaluation of environmental modifications,
21 including the use of direct observation, measurement, and
22 functional analysis of the relationships between environment
23 and behavior, to produce socially significant improvement in
24 human behavior.

25 (2) AUTISM SPECTRUM DISORDER. A neurodevelopmental
26 disorder as defined in the most recent edition of the

1 Diagnostic and Statistical Manual of Mental Disorders of the
2 American Psychiatric Association.

3 (3) CHILD OR CHILDREN. To include Alabama's children
4 between the ages of birth and 9 years of age.

5 (4) DIAGNOSIS OF AUTISM SPECTRUM DISORDER. Medically
6 necessary assessments, evaluations, or tests in order to
7 diagnose whether an individual has an autism spectrum
8 disorder.

9 (5) TREATMENT FOR AUTISM SPECTRUM DISORDERS. Care
10 prescribed or ordered for an individual diagnosed with an
11 autism spectrum disorder by a licensed physician or licensed
12 psychologist, including, equipment medically necessary for
13 such care, pursuant to the powers granted under such licensed
14 physician's or licensed psychologist's license.

15 Section 2. The Department of Mental Health shall
16 have the duties, responsibilities, functions, powers, and
17 authority set forth in this act and as otherwise provided by
18 law.

19 Section 3. The Department of Mental Health shall be
20 responsible for the administration and provision of ABA
21 Intervention, as well as the performance and exercise of the
22 duties, responsibilities, functions, powers, and authority
23 imposed upon the Department by law.

24 Section 4. The State Department of Education, the
25 Department of Early Childhood Education and other educational
26 entities shall identify children, ages birth through 9 years
27 of age, who have been diagnosed with an autism spectrum

1 disorder and refer those children to the Department of Mental
2 Health for ABA therapy.

3 Section 5. The Alabama Department of Mental Health
4 shall do all of the following:

5 (1) Establish criteria and administer such programs
6 and services as may be necessary for the operation and
7 management of an ABA Program.

8 (2) Administer such programs and services as may be
9 necessary for the operation and management of providing ABA
10 Intervention to children with autism spectrum disorder in
11 Alabama unless the child is otherwise covered for ABA
12 Intervention by public or private insurance.

13 (3) Receive any funds appropriated from the
14 Legislature for the establishment, operation, and
15 administration of the ABA Program.

16 (4) Issue annual reports to the Governor and the
17 Legislature concerning the administration and operation of the
18 ABA Program.

19 (5) Provide leadership for enhancement of ABA
20 Intervention in this state by aggressively establishing a
21 unified approach to the state's efforts toward providing ABA
22 Intervention to children in Alabama upon diagnosis of autism
23 spectrum disorder. In support of this effort, the Department
24 of Mental Health may develop and implement specific strategies
25 that address the state's ABA Program.

26 (6) Promulgate rules and regulations and establish
27 procedures to carry out the provisions of this act.

1 Section 6. The ABA Program shall pay not more than
2 \$40,000 annually per child for ABA Intervention.

3 Section 7. There is hereby appropriated \$3,000,000
4 from the Education Trust Fund to the Department of Mental
5 Health for the fiscal year ending September 30, 2018 to
6 provide ABA Intervention to eligible children in the state of
7 Alabama.

8 Section 8. This act shall become effective
9 immediately upon its passage and approval by the Governor or
10 upon its otherwise becoming a law.