



DEPT. COMM. NO. 457

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

May 15, 2019

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:

Pursuant to Act 205 (2018), I am transmitting a Report on Autism Spectrum Disorder and Applied Behavior Analysis for the quarter ending March 31, 2019. 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>

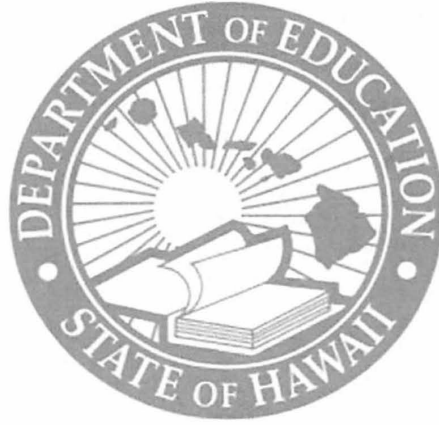
Sincerely,

A handwritten signature in blue ink, appearing to read "Christina M. Kishimoto".

Dr. Christina M. Kishimoto
Superintendent

CMK:df
Enclosures

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**

May 15, 2019

Pursuant to Act 205 (2018), the Hawaii State Department of Education (HIDOE) shall provide a report to the legislature prior to the convening of the regular session of 2019 on its implementation plan to seek reimbursement of any Medicaid billable applied behavior analysis service the HIDOE may provide to students diagnosed with autism spectrum disorder (Quarterly report ending on March 31, 2019).

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 HIDOE to create an implementation plan to seek reimbursement of any Medicaid billable ABA the HIDOE 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 Act 205's reporting requirements and serves as the 2nd quarter report.

1) The number of students diagnosed with ASD.

The HIDOE 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 purposes of special education eligibility and evaluation, the HIDOE does not have a database that keeps track of this information. Instead, the HIDOE tracks the number of students currently eligible for Individuals with Disabilities Education Act (IDEA) services under the category of ASD. As of last year, this number is 1986 (Office of Special Education Program 2018 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.

Of the 230 students receiving ABA services as determined by their IEP team, 172 are eligible as ASD.

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 HIDOE, 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.

Updates

HIDOE EAs working as RBTs under LBA supervision	13
HIDOE EAs pursuing paraprofessional registration	86
Contract RBTs	96
HIDOE Employees currently working as LBAs	7
HIDOE Employees pursuing graduate studies in Behavior Analysis and under LBA supervision	44
Licensed psychologist doing ABA work	9

Needs

	Students Receiving ABA as determined by their IEP Team	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	230	16	230

5) Medicaid reimbursement schedules and amounts.

The HIDOE has received 4390 parental consent forms as of March 2019. An increase from 417 in November 2018. The increase is a direct result of continued efforts at the school level and a mass mailing in January 2019. The HIDOE continues to receive new parental consent forms at a rate of approximately 100 per week.

The HIDOE is in a Consult and Confer process with the Hawaii Government Employees Association (HGEA) union regarding the requirements for having a National Provider Index (NPI) number and enrolling with Medicaid. HIDOE is conducting a small pilot program to collect data from the field regarding any impact on the job duties/responsibilities affected by having an NPI number and enrolling with Medicaid during May, 2019.

The HIDOE has requested Med-Quest Division (MQD) to assist in identifying the appropriate Current Procedural Terminology billing codes for ABA billing purposes and personnel to provide the services. The MQD has indicated that, although the directive in Act 205 and Chapter 465D, HRS, may have a broader applicability than for only individuals with ASD, MQD will only provide reimbursement for ABA services for Medicaid eligible individuals with ASD. This is important to note as the HIDOE does provide ABA for both ASD and non-ASD students.

6) Licensure Updates

HIDOE 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)

None.