



DEPT. COMM. NO. 22

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

OFFICE OF THE SUPERINTENDENT

November 1, 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:

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 September 30, 2019, 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>.

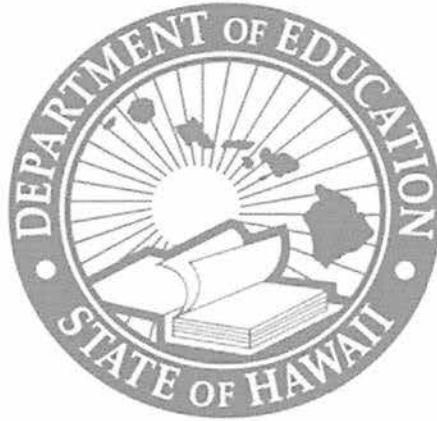
Sincerely,

A handwritten signature in blue ink, appearing to be "CK", written over a horizontal line.

Dr. Christina M. Kishimoto
Superintendent

CMK:df
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

November 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 September 30, 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 4th 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. The official December 2018 ASD count 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 239 students receiving ABA services as determined by their IEP team, 177 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	20
HIDOE EAs pursuing paraprofessional registration	76
Contract RBTs	163
HIDOE Employees currently working as LBAs	7
HIDOE Employees pursuing graduate studies in Behavior Analysis and under LBA supervision	64
Licensed psychologist doing ABA work	8

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	16	239

5) Medicaid reimbursement schedules and amounts.

The HIDOE has received 6900 parental consent forms as of October 15 2019, an increase of 1,300 from 5,600 received as of July 2019. The increase is a direct result of the HIDOE's continued efforts on a tri-level (state, complex area, and school) basis to disseminate, educate, and encourage completion and return of parental consent forms. The HIDOE continues to receive new parental consent forms on a weekly basis.

The HIDOE is increasing staffing for its Medicaid unit, which completed eleven training sessions at each of the HIDOE Districts, including all islands, focused on assisting the HIDOE healthcare provider staff and contractors to sign up for National Provider Identifier (NPI) numbers and complete the Med-QUEST Division (MQD) applications for Medicaid enrollment. These training sessions were completed by August 30, 2019. The HIDOE providers completed 287 MQD applications during this process. These applications, as well as 310 NPI numbers, have been forwarded to MQD for processing. The HIDOE and MQD continue to collaborate and work together to address issues and to develop a school-based Medicaid process designed to maximize reimbursement.

The HIDOE has restarted the Medicaid fee-for-service reimbursement process as of August 2019. The HIDOE is preparing for the next phase of Medicaid reimbursement and has initiated the process to expand to administrative claiming. This expansion will allow the HIDOE to pursue additional sources for possible Medicaid reimbursement, with the goal of maximizing recovery as permitted under the school-based Medicaid program. The anticipated start date for the expansion is estimated to be within the next 6-9 months.

6) Licensure Updates.

The HDOE 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.**