

DAVID Y. IGE
GOVERNOR



DEPT. COMM. NO. 407
DR. CHRISTINA M. KISHIMOTO
SUPERINTENDENT

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

OFFICE OF THE SUPERINTENDENT

February 19, 2021

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 on "Autism Spectrum Disorder and Applied Behavior Analysis" ending December 31, 2020, pursuant to Section 465D, Hawaii Revised Statutes (HRS). In accordance with Section 93-16, HRS, 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 "CK", is written over a horizontal line.

Dr. Christina M. Kishimoto
Superintendent

CMK:ak
Enclosure

c: Legislative Reference Bureau
Office of Student Support Services



State of Hawaii
Department of Education

Quarterly Report on Autism Spectrum Disorder and Applied Behavior Analysis

February 2021

Section 465D, Hawaii Revised Statutes, 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, and Medicaid reimbursements (Quarterly report ending on December 31, 2020).

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 4th 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 tracks 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 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 the response in bullet 1.

3) The number of students requiring ABA

Within the Department, 559 students receive ABA services as determined by their IEP team; 433 are eligible for IDEA services 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 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 analysis 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	40
The Department Educational Assistants pursuing Registered Behavior Technician credentialing	28
The Department employees in Behavior Analyst position	7
The Department employees in Behavior Analyst Teacher position	12
The Department employees pursuing graduate studies in Behavior Analysis and under Licensed Behavior Analyst supervision	25
Licensed psychologist doing ABA work	3
Contracted ABA Paraprofessionals/Registered Behavior (full-time & part-time) Technicians Credentialed under State ABA Contract	633
Contracted Licensed Psychologists/Licensed Behavior Analysts (full-time & part-time) Credentialed under State ABA Contract	107

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	39	560

5) Medicaid reimbursement schedules and amounts

The Department's School-Based Medicaid Claiming Program (SBMCP) continues to be impacted by the ongoing Coronavirus Disease 2019 (COVID-19) pandemic, which continues to limit Department in-person services. Alternate modes of service delivery are being pursued including the provision of health care services via telehealth and a telephone health hotline. In spite of the numerous hurdles brought on by the pandemic, the Department has continued efforts to expand and maximize its SBMCP.

The Department's Medicaid Reimbursement Section (MRS), which administers the SBMCP, has filled vacant positions and is increasing its staffing in order to meet the program's expansion efforts. Medicaid direct service claims submissions continue for eligible services and have resulted in a gross reimbursement total of \$676,514.29 as of mid-February of Fiscal Year 2021.

The Department has also begun the expansion of its SBMCP from direct-service claiming to include administrative-activity claiming. This phase in the Department's SBMCP is being implemented in collaboration with the Department's partners, the Hawaii State Department of Human Services Med-QUEST Division (Med-QUEST) and the Department's third-party administrator, the University of Massachusetts Medical School. With its partners, the Department's MRS have developed the process and procedure for the first Random Moment Time Study (RMTS), which is a necessary component for the Department's new administrative-claiming program. The results of this quarterly study will allow the Department to begin submission of Medicaid administrative claims.

The Department's MRS held six online information sessions on February 1 to 8, 2021 to inform the Department's selected direct-service providers and administrative support staff of the RMTS implementation date of April 1, 2021, as well as the requirements, including the notice of mandatory training and required responses to an information questionnaire.

In addition to the SBMCP expansion, the Department's MRS is also working closely with the Med-QUEST Division to review Medicaid billing and provider eligibility requirements, including review and potential update of the Inter-agency Agreement and the Hawaii Medicaid State Plan, to ensure the Medicaid school-based claiming requirements are properly addressed. A new Department/Med-QUEST collaborative Medicaid-ABA services workgroup has been established to review the Department's ABA-related services and service providers and to identify potential Medicaid reimbursement opportunities for these services.

The Department continues to concentrate its efforts on a tri-level (state, complex area, and school) basis to disseminate information, educate, and encourage compliance with Medicaid billing requirements. As of February 1, 2021, the Department has received 10,406 parental consent forms, an increase of 906 from the December 2020 quarterly report.

The Department's MRS staff is available and responsive to concerns and questions and offers information and mini-training sessions as needed with the goal of maximizing the submission of consent forms to support the Medicaid reimbursement program.

6) Licensure Updates

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

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

The current COVID-19 pandemic has presented unprecedented challenges for public school systems across the nation. The Exceptional Support Branch of the Office of Student Support Services, complex areas, and school teams continue to work together to

ensure that each student with a disability is provided the special education and related services identified in the student's Individualized Education Program, including ABA services, to the greatest extent possible through the various instructional models currently being utilized. 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 Section 465D, HRS.