



**STATE OF HAWAII**  
**DEPARTMENT OF EDUCATION**  
**KA 'OIHANA HO'ONA'AUAO**  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

December 7, 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, 2022, 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,

A handwritten signature in blue ink that reads "Keith T. Hayashi".

Keith T. Hayashi  
Superintendent

KTH:ak  
Enclosure

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



State of Hawaii  
Department of Education

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

October 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 behavior analysis, staffing updates, Medicaid reimbursement figures, and a licensure update. (Quarterly report ending on September 30, 2022).

## **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).<sup>1</sup>

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 2021 ASD count is 2,221 students (Office of Special Education Program 2021 Child Count).

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

Refer to the above response.

### **3) The number of students requiring ABA**

Within the Department, approximately 735 students receive ABA services as determined by their IEP team, 536 are eligible for IDEA services under the ASD category.

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<sup>1</sup>The 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 Behavior Technician, Behavior Analyst, and Behavior Analyst Teacher positions.

##### Updates

The Department employees in Behavior Technician position	100
The Department Educational Assistants pursuing Registered Behavior Technician credentialing	12
The Department employees in Behavior Analyst position	12
The Department employees in Behavior Analyst Teacher position	22
The Department employees pursuing graduate studies in Behavior Analysis and under Licensed Behavior Analyst supervision	20
Licensed psychologist doing ABA work	4
Contracted ABA Paraprofessionals/Registered Behavior (full-time & part-time) Technicians Credentialed under State ABA Contract	591
Licensed Behavior Analysts and Board Certified Assistant Behavior Analysts (BCaBAs) (full-time & part-time) Credentialed under State ABA Contract	94

#### 5) Medicaid reimbursement updates

The Department's School-Based Medicaid Claiming Program (SBMCP) is continuing to develop and expand its program. These efforts involve continued close collaboration with the Department of Human Services/Med-QUEST to ensure that general Medicaid reimbursement requirements and guidance are available to the Department for ABA services and providers. As a result of these efforts, the Department has successfully progressed forward in its efforts to begin Medicaid billing for ABA services on several fronts. The finalization of the Department's interagency agreement with Med-QUEST now includes revisions that expand 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 under Med-QUEST guidelines.

In addition, the Department and Med-QUEST's joint efforts have resulted in the development of a new memorandum to provide additional clarifying guidance regarding Medicaid coverage of services for children with autism spectrum disorder under section 1905(a) of the Social Security Act for the Early Periodic Screening, Diagnostic and Treatment (EPSDT) benefit. This will provide the necessary guidance that the Department will use for its ABA billing implementation plans.

SBMCP continues to claim nursing services. For Fiscal Year 2022, SBMCP received a gross Medicaid reimbursement of \$2,564,323.24. For the Fiscal Year 2023, the SBMCP has received \$1,212,396.26 to date.

The SBMCP's Random Moment Time Study (RMTS) began its second school year on October 1, 2022, with a total of 2,176 participants, of which 97 are Licensed Behavior Analyst employees and contractors. SBMCP continues its efforts to familiarize RMTS participants and their supervisors with the RMTS and its participation and training compliance requirements to maximize Medicaid Administrative Claiming reimbursement.

SBMCP has begun claiming under its Medicaid Administrative Claiming (MAC) Program. The SBMCP's MAC total reimbursement to date is \$553,842.79. This includes \$266,861.39 received for the Fiscal Year 2021 - 4<sup>th</sup> Quarter and \$286,981.40 for Fiscal Year 2022 - 1<sup>st</sup> Quarter. The SBMCP is currently working with other Department offices and contractors to gather the data necessary to claim reimbursement for the remaining quarters in the Fiscal Year 2022.

Additionally, the Department is in the process of identifying an online management platform to support the delivery of applied behavior analysis that will help to streamline the Medicaid reimbursement process.

#### **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**

The Department completed a new statewide request for proposal (RFP) for ABA services in the summer of 2022 and awarded 21 contracts to ABA provider agencies. This is an increase from the previous state RFP, which awarded 13 contracts.