

MAR 10 2023

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## SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HUMAN SERVICES' MED-QUEST DIVISION TO TAKE STEPS NECESSARY TO ENSURE THAT ADEQUATE PROVIDER RATES ARE ESTABLISHED FOR APPLIED BEHAVIOR ANALYSIS SERVICES.

1 WHEREAS, applied behavior analysis is a medically necessary  
2 service provided for Med-QUEST beneficiaries under the age of  
3 twenty-one with an autism spectrum disorder diagnosis; and  
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5 WHEREAS, the Med-QUEST reimbursement rates for applied  
6 behavior analysis services were set in 2015 and have not  
7 increased; and  
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9 WHEREAS, the State's current reimbursement rate for applied  
10 behavior analysis services, and in particular for registered  
11 behavior technicians, is below the current market rate; and  
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13 WHEREAS, Medicaid agencies in other states have increased  
14 their reimbursement rates over the years while Med-QUEST  
15 reimbursement rates have remained the same; and  
16

17 WHEREAS, other public payors in the State, including the  
18 Department of Education and Department of Health's Developmental  
19 Disabilities Division pay higher rates for applied behavior  
20 analysis services, with the Department of Education paying a  
21 difference of \$25 per hour on the neighbor islands and the  
22 Developmental Disabilities Division paying a difference of  
23 \$19.45 per hour; and  
24

25 WHEREAS, because the American Medical Association's Current  
26 Procedural Terminology codes for applied behavior analysis  
27 services are carrier priced, the Centers for Medicare and  
28 Medicaid Services Medicare Physician Fee Schedule does not  
29 currently set rates for these services; and  
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1 WHEREAS, wages in the State have increased by thirty  
2 percent since 2015, forcing applied behavior analysis service  
3 providers to shoulder increased staff costs without a  
4 proportionate rate increase; and

5  
6 WHEREAS, applied behavior analysis service providers across  
7 the State have reported an inability to meet the demand for  
8 services by Med-QUEST beneficiaries, largely due to difficulty  
9 in hiring and retaining providers given the State's high cost of  
10 living and the demand for increased wages; and

11  
12 WHEREAS, families who have been able to access services  
13 report not being able to access the full amount of services  
14 recommended for their child due to a lack of providers; and

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16 WHEREAS, families also report significant delays in timely  
17 access to services and being placed on years long waitlists for  
18 services; and

19  
20 WHEREAS, research demonstrates that early intensive  
21 intervention and the provision of services in line with  
22 professional standards of care produces the best outcomes for  
23 individuals and can decrease the cost of care over the  
24 individual's lifetime; and

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26 WHEREAS, under federal law, all covered Medicaid services  
27 must be provided with "reasonable promptness"; and

28  
29 WHEREAS, as part of the Early and Periodic Screening,  
30 Diagnostic and Treatment benefit established pursuant to Section  
31 1905(r) of the Social Security Act, Medicaid agencies must  
32 employ processes to ensure timely initiation of treatment; now,  
33 therefore,

34  
35 BE IT RESOLVED by the Senate of the Thirty-second  
36 Legislature of the State of Hawaii, Regular Session of 2023,  
37 that the Department of Human Services' Med-QUEST Division is  
38 requested to take steps necessary to ensure that adequate  
39 provider rates are established for applied behavioral analysis  
40 services; and



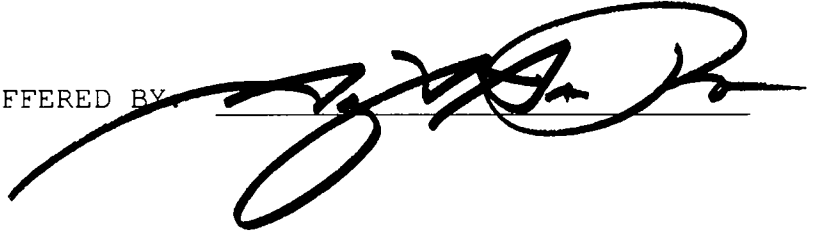
# S.R. NO. 152

1 BE IT FURTHER RESOLVED that the Med-QUEST Division is  
2 further requested to assess current reimbursement rates for  
3 applied behavior analysis services; and  
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5 BE IT FURTHER RESOLVED that the Med-QUEST Division is  
6 requested to submit a report of its findings and recommendations  
7 on appropriate reimbursement rate increases, including any  
8 proposed legislation, to the Legislature no later than twenty  
9 days prior to the convening of the Regular Session of 2024; and  
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11 BE IT FURTHER RESOLVED that certified copies of this  
12 Resolution be transmitted to the Director of Human Services and  
13 Administrator of the Med-QUEST Division.  
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OFFERED BY: \_\_\_\_\_

A large, stylized handwritten signature in black ink is written over a horizontal line. The signature is highly cursive and appears to be the name of the person offering the resolution.