

February 10, 2020

From: Paul Terdal

To: Senate Committee on Mental Health

Re: SUPPORT SB1553 with -2 Amendment

Dear Chair Roblan, Vice-Chair Boles and Members of the Senate Committee on Mental Health,

I'm writing in SUPPORT of SB1553, with the -2 Amendment, which seeks to remove barriers that currently limit the behavioral health workforce and hinder access to treatment.

I'm the father of two children with Autism Spectrum Disorder, and am a volunteer advocate on behalf of consumers individuals with autism and other disabilities. Over the past decade, I have worked closely with the State of Oregon on legislation and administrative rules related to behavioral health licensing, insurance coverage, and Medicaid (OHP) coverage for behavioral health services.

Autism Spectrum Disorder is both a "mental health" condition, per DSM-5 and OAR 836-053-1404(1)(a), and a "developmental disability," specified in the -2 Amendment as a "co-occurring disorder," and should be one significant focus for the Oregon Health Authority's report. The OHA should work with providers and consumers of behavioral health services for individuals with autism – especially "Applied Behavior Analysis." More than 1,500 individuals have been licensed or registered with OHA's Health Licensing Office to provide ABA services, making this one of the largest – and fastest growing – segments of licensed behavioral health providers in the State of Oregon.

In addition, OHA should look at barriers to provision of behavioral health services, including ABA, to children attending public schools.

Four years ago, OHA issued a letter pledging a Medicaid "state plan amendment" that would have enabled schools to be directly reimbursed with Federal Medicaid dollars for ABA services provided to Medicaid-eligible students (see attached). Although there is no known opposition to this proposal, no action has been taken to complete this amendment process – which would provide millions of dollars in additional federal money for critical school-based behavioral health services. OHA should work to complete this amendment process, and also work with schools more generally to streamline the process for Medicaid reimbursement of school-based health services.

Sincerely,

/s

Paul Terdal

Resident, SD18 / HD36

Attachment: OHA letter, 5/13/2016, "Coordinating care for Oregon Health Plan members who receive applied behavioral analysis services"



Date: May 13, 2016

To: Coordinated care organizations
School superintendents
Education Service District superintendents
Early Intervention/Early Childhood Special Education (EI/ECSE) contractors

From: Don Ross, Manager
Medicaid Operations and Policy, Health Systems Division¹

Subject: Coordinating care for Oregon Health Plan members who receive applied behavioral analysis services

Starting July 1, 2016, coordinated care organizations (CCOs) will coordinate applied behavioral analysis (ABA) services for their members. This means that the CCO will approve ABA services delivered to CCO members in the community or clinic setting. The CCO also will be responsible for payment of these services.

Some CCO members (those who are eligible for services under the federal Individuals with Disabilities Education Act, or IDEA) may also be receiving school-based ABA services, if specified in their Individualized Education Programs (IEP) or Individualized Family Service Plans (IFSP), developed by public education agencies in accordance with federal and state law.

- It would be very helpful to the CCOs to know if their members are receiving school-based ABA services. Any community-based care these CCO members may receive will not be affected.
- For example, information about school-based ABA services will not apply toward any therapy benefit limits the CCO may have, and will not affect CCO decisions about approving community-based ABA coverage.

Why is this happening?

CCOs coordinate all types of care (medical, dental, behavioral health and specialty care) to help keep their members healthy. The Oregon Health Authority encourages coordination across all care systems to support the ultimate goal of health system transformation: to deliver the right care in the right place at the right time.

What should you do?

If possible and if the parents or guardians of children receiving school-based ABA services approve, please inform the child's CCO about the ABA services the child is receiving through their IEP or IFSP.

When you do share information with the child's CCO, please follow all protections of personally identifiable information required by public education agencies under the Family Educational Rights and Privacy Act (FERPA) and IDEA, including those that address the re-disclosure of information.

¹ The Addictions and Mental Health Division and Division of Medical Assistance Programs are now united as the Health Systems Division.

About applied behavioral analysis coverage under the Oregon Health Plan

On January 1, 2015, OHA added ABA services as a covered benefit for Oregon Health Plan members with a diagnosis of autism spectrum disorder or self-injurious behavior. This benefit was paid by OHA on a fee-for-service basis for all eligible members.

Starting July 1, 2016, CCOs will coordinate these services for their members.

For IDEA services leveraging Medicaid under OHA's School Based Health Services (SBHS) program, OHA will submit a State Plan Amendment to the Centers for Medicare and Medicaid Services (CMS). Once approved by CMS, the amendment will allow OHA to reimburse SBHS providers for ABA services provided to OHP-eligible children under an IEP or IFSP as part of cost-sharing under federal financial participation.

Questions?

- **About SBHS:** Contact Linda Williams at 503-945-6730 or email linda.j.williams@state.or.us.
- **About ABA services:** Contact Lea Forsman lea.forsman@state.or.us.
- **About FERPA and IDEA:** Contact the Oregon Department of Education, Student Services at 503-947-5811.

Thank you for your continued support of the Oregon Health Plan and the services you provide to our members.

CC: Oregon Department of Education, Student Services