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FIRST REPRINT

S.B. 96

SENATE BILL NO. 96—SENATORS OHRENSCHALL;  
DONDERO LOOP AND SPEARMAN

FEBRUARY 3, 2021

JOINT SPONSORS: ASSEMBLYWOMEN CARLTON;  
AND BENITEZ-THOMPSON

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to services provided to persons with autism spectrum disorders. (BDR 38-89)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to disability services; requiring the Department of Health and Human Services to biennially establish reimbursement rates for the services of certain providers for persons with autism spectrum disorders that are comparable to reimbursement rates paid by Medicaid programs in other states; requiring the Department to establish certain limitations relating to the provision of such services to recipients of Medicaid; providing for the reporting to the Legislature or the Legislative Committee on Healthcare of certain information concerning the provision of such services to recipients of Medicaid; requiring the Autism Treatment Assistance Program to publish certain information on the Internet website of the Program and take certain actions when there is a waiting list for services from the Program; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law requires the Department of Health and Human Services to
- 2 administer the Medicaid program. (NRS 422.270) **Section 2** of this bill requires the
- 3 Department to biennially establish reimbursement rates provided on a



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4 fee-for-service basis under Medicaid for behavior analysts, assistant behavior  
5 analysts and registered behavior technicians that are comparable to reimbursement  
6 rates paid by Medicaid programs in other states for such providers. **Section 2** also  
7 requires the Department to establish reasonable limits on the number of hours that  
8 such a provider is authorized to bill for services provided to a recipient of Medicaid  
9 in a 24-hour period. Additionally, **section 2** requires the Division of Health Care  
10 Financing and Policy to: (1) provide training to such providers concerning such  
11 limits; and (2) annually report to the Legislature, if the Legislature is in session, or  
12 the Legislative Committee on Healthcare, if the Legislature is not in session,  
13 concerning the provision of services to recipients of Medicaid who have been  
14 diagnosed with an autism spectrum disorder. **Section 4** of this bill makes a  
15 conforming change to provide that the provisions of **section 2** are administered in  
16 the same manner as the provisions of existing law governing Medicaid.

17 Existing law establishes the Autism Treatment Assistance Program within the  
18 Aging and Disability Services Division of the Department to provide and  
19 coordinate the provision of services to persons diagnosed or determined to have  
20 autism spectrum disorders through the age of 19 years. (NRS 427A.875) **Section 3**  
21 of this bill requires the Program to: (1) publish certain information on the Internet  
22 website of the Program to assist persons in obtaining services for autism spectrum  
23 disorders; and (2) when there is a waiting list for services from the Program, use a  
24 risk assessment tool to assess and identify persons on the waiting list with higher  
25 needs.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** Chapter 422 of NRS is hereby amended by adding  
3 thereto a new section to read as follows:

4 **1. The Director shall:**

5 *(a) Biennially establish and include in the State Plan for*  
6 *Medicaid rates of reimbursement which are provided on a fee-for-*  
7 *service basis for services provided by behavior analysts, assistant*  
8 *behavior analysts and registered behavior technicians that are*  
9 *comparable to rates of reimbursement paid by Medicaid programs*  
10 *in other states for the services of those providers.*

11 *(b) Establish reasonable limits on the number of hours that a*  
12 *behavior analyst, assistant behavior analyst or registered behavior*  
13 *technician is authorized to bill for services provided to a recipient*  
14 *of Medicaid in a 24-hour period.*

15 **2. The Division shall provide training to behavior analysts,**  
16 **assistant behavior analysts and registered behavior technicians**  
17 **who provide services to recipients of Medicaid concerning the**  
18 **limits established pursuant to paragraph (b) of subsection 1.**

19 **3. On or before January 31 of each year, the Division shall:**

20 *(a) Compile a report concerning the provision of services to*  
21 *recipients of Medicaid who have been diagnosed with an autism*  
22 *spectrum disorder. The report must include:*



1           (1) *The number of recipients of Medicaid who were newly*  
2 *diagnosed with an autism spectrum disorder during the*  
3 *immediately preceding year and the number of those recipients for*  
4 *whom assistance with care management was provided;*

5           (2) *The number of recipients of Medicaid diagnosed with*  
6 *an autism spectrum disorder for whom assistance with care*  
7 *management was reimbursed through Medicaid during the*  
8 *immediately preceding year;*

9           (3) *The number of recipients of Medicaid for whom the*  
10 *first claim for reimbursement for the services of a registered*  
11 *behavior technician was submitted during the immediately*  
12 *preceding year;*

13           (4) *The number of assessments or evaluations by a*  
14 *behavior analyst that were reimbursed through Medicaid during*  
15 *the immediately preceding year;*

16           (5) *The total number of claims for applied behavior*  
17 *analysis services provided to recipients of Medicaid made during*  
18 *the immediately preceding year;*

19           (6) *For the immediately preceding year, the average times*  
20 *that elapsed between claims for each step of the process that a*  
21 *recipient of Medicaid must undergo to receive treatment from a*  
22 *registered behavior technician, beginning with initial diagnosis*  
23 *with an autism spectrum disorder and, including, without*  
24 *limitation, comprehensive diagnosis with an autism spectrum*  
25 *disorder, evaluation and treatment by a behavior analyst and*  
26 *treatment by a registered behavior technician;*

27           (7) *The number of recipients of Medicaid receiving services*  
28 *through Medicaid managed care who were, at the end of the*  
29 *immediately preceding year, on a wait list for applied behavior*  
30 *analysis services;*

31           (8) *An assessment of the adequacy of the network of each*  
32 *health maintenance organization or managed care organization*  
33 *that provides services to recipients of Medicaid under the State*  
34 *Plan for Medicaid for applied behavior analysis services, as*  
35 *compared to the applicable standard for network adequacy set*  
36 *forth in the contract between the health maintenance organization*  
37 *or managed care organization and the Division;*

38           (9) *The number of behavior analysts and registered*  
39 *behavior technicians who are currently providing services to*  
40 *recipients of Medicaid who receive services through each health*  
41 *maintenance organization or managed care organization*  
42 *described in subparagraph (8); and*

43           (10) *The number of behavior analysts and registered*  
44 *behavior technicians who provide services to recipients of*  
45 *Medicaid who do not receive services through managed care.*



1 (b) *Submit the report to the Director of the Legislative Counsel*  
2 *Bureau for transmittal to:*

3 (1) *In odd-numbered years, the next regular session of the*  
4 *Legislature; and*

5 (2) *In even-numbered years, the Legislative Committee on*  
6 *Health Care.*

7 4. *As used in this section:*

8 (a) *“Applied behavior analysis services” means the services of*  
9 *a behavior analyst, assistant behavior analyst or registered*  
10 *behavior technician.*

11 (b) *“Assistant behavior analyst” has the meaning ascribed to it*  
12 *in NRS 437.005.*

13 (c) *“Behavior analyst” has the meaning ascribed to it in*  
14 *NRS 437.010.*

15 (d) *“Registered behavior technician” has the meaning*  
16 *ascribed to it in NRS 437.050.*

17 **Sec. 3.** NRS 427A.875 is hereby amended to read as follows:

18 427A.875 1. There is hereby established the Autism  
19 Treatment Assistance Program within the Division to serve as the  
20 primary autism program within the Department and to provide and  
21 coordinate the provision of services to persons diagnosed or  
22 determined, including, without limitation, through the use of a  
23 standardized assessment, to have autism spectrum disorders through  
24 the age of 19 years.

25 2. The Autism Treatment Assistance Program shall:

26 (a) Prescribe an application process for parents and guardians of  
27 persons with autism spectrum disorders to participate in the  
28 Program.

29 (b) Provide for the development of a plan of treatment for  
30 persons who participate in the Program.

31 (c) Promote the use of evidence-based treatments which are cost  
32 effective and have been proven to improve treatment of autism  
33 spectrum disorders.

34 (d) Educate parents and guardians of persons with autism  
35 spectrum disorders on autism spectrum disorders and the assistance  
36 that may be provided by the parent or guardian to improve treatment  
37 outcomes.

38 (e) Establish and use a system for assessing persons with autism  
39 spectrum disorders to determine a baseline to measure the progress  
40 of and prepare a plan for the treatment of such persons.

41 (f) Assist parents and guardians of persons with autism spectrum  
42 disorders in obtaining public services that are available for the  
43 treatment of autism spectrum disorders.

44 (g) *Publish on an Internet website maintained by the Autism*  
45 *Treatment Assistance Program:*



1           (1) *Specific guidance for obtaining a diagnosis for an*  
2 *autism spectrum disorder and obtaining public services that are*  
3 *available for the treatment of autism spectrum disorders,*  
4 *including, without limitation, applied behavior analysis services;*  
5 *and*

6           (2) *A list of providers in this State who are qualified to*  
7 *diagnose autism spectrum disorders.*

8           (h) *When there is a waiting list for services from the Autism*  
9 *Treatment Assistance Program, use a risk assessment tool to*  
10 *assess and identify persons on the waiting list with higher needs*  
11 *for the purpose of ensuring the proper delivery of services to each*  
12 *person, regardless of the difficulty of serving that person.*

13           3. A plan of treatment developed for a person who participates  
14 in the Program pursuant to paragraph (b) of subsection 2 must:

15           (a) Identify the specific behaviors of the person to be addressed  
16 and the expected outcomes.

17           (b) Include, without limitation:

18           (1) Preparations for transitioning the person from one  
19 provider of treatment to another or from one public program to  
20 another, as the needs of the person require through the age of 19  
21 years; and

22           (2) Measures to ensure that, to the extent practicable, the  
23 person receives appropriate services from another entity after the  
24 person reaches 20 years of age.

25           (c) Be revised to address any change in the needs of the person.

26           4. The policies of the Autism Treatment Assistance Program  
27 and any services provided by the Program must be developed in  
28 cooperation with and be approved by the Commission.

29           5. As used in this section, "autism spectrum disorder" means a  
30 condition that meets the diagnostic criteria for autism spectrum  
31 disorder published in the current edition of the Diagnostic and  
32 Statistical Manual of Mental Disorders published by the American  
33 Psychiatric Association or the edition thereof that was in effect at  
34 the time the condition was diagnosed or determined.

35           **Sec. 4.** NRS 232.320 is hereby amended to read as follows:

36           232.320 1. The Director:

37           (a) Shall appoint, with the consent of the Governor,  
38 administrators of the divisions of the Department, who are  
39 respectively designated as follows:

40           (1) The Administrator of the Aging and Disability Services  
41 Division;

42           (2) The Administrator of the Division of Welfare and  
43 Supportive Services;

44           (3) The Administrator of the Division of Child and Family  
45 Services;



1 (4) The Administrator of the Division of Health Care  
2 Financing and Policy; and

3 (5) The Administrator of the Division of Public and  
4 Behavioral Health.

5 (b) Shall administer, through the divisions of the Department,  
6 the provisions of chapters 63, 424, 425, 427A, 432A to 442,  
7 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS  
8 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*  
9 *section 2 of this act*, 422.580, 432.010 to 432.133, inclusive,  
10 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,  
11 and 445A.010 to 445A.055, inclusive, and all other provisions of  
12 law relating to the functions of the divisions of the Department, but  
13 is not responsible for the clinical activities of the Division of Public  
14 and Behavioral Health or the professional line activities of the other  
15 divisions.

16 (c) Shall administer any state program for persons with  
17 developmental disabilities established pursuant to the  
18 Developmental Disabilities Assistance and Bill of Rights Act of  
19 2000, 42 U.S.C. §§ 15001 et seq.

20 (d) Shall, after considering advice from agencies of local  
21 governments and nonprofit organizations which provide social  
22 services, adopt a master plan for the provision of human services in  
23 this State. The Director shall revise the plan biennially and deliver a  
24 copy of the plan to the Governor and the Legislature at the  
25 beginning of each regular session. The plan must:

26 (1) Identify and assess the plans and programs of the  
27 Department for the provision of human services, and any  
28 duplication of those services by federal, state and local agencies;

29 (2) Set forth priorities for the provision of those services;

30 (3) Provide for communication and the coordination of those  
31 services among nonprofit organizations, agencies of local  
32 government, the State and the Federal Government;

33 (4) Identify the sources of funding for services provided by  
34 the Department and the allocation of that funding;

35 (5) Set forth sufficient information to assist the Department  
36 in providing those services and in the planning and budgeting for the  
37 future provision of those services; and

38 (6) Contain any other information necessary for the  
39 Department to communicate effectively with the Federal  
40 Government concerning demographic trends, formulas for the  
41 distribution of federal money and any need for the modification of  
42 programs administered by the Department.

43 (e) May, by regulation, require nonprofit organizations and state  
44 and local governmental agencies to provide information regarding  
45 the programs of those organizations and agencies, excluding



1 detailed information relating to their budgets and payrolls, which the  
2 Director deems necessary for the performance of the duties imposed  
3 upon him or her pursuant to this section.

4 (f) Has such other powers and duties as are provided by law.

5 2. Notwithstanding any other provision of law, the Director, or  
6 the Director's designee, is responsible for appointing and removing  
7 subordinate officers and employees of the Department.

8 **Sec. 5.** The provisions of subsection 1 of NRS 218D.380 do  
9 not apply to any provision of this act which adds or revises a  
10 requirement to submit a report to the Legislature.

11 **Sec. 6.** This act becomes effective upon passage and approval.

