

Behavioral Services Proposals

Government Code section 95021 is added to read:

95021. Effective July 1, 2009, notwithstanding any other provision of law or regulation to the contrary,

(a) any vendor who provides applied behavioral analysis (ABA) services and/or intensive behavior intervention services, as defined in subdivision (d), shall:

(1) conduct a behavioral assessment of each infant or toddler to whom the vendor provides such services;

(2) design an intervention plan that shall include the service type, number of hours of in-home service, and parent participation needed to achieve the goals and objectives of the infant or toddler, as set forth in his or her Individualized Family Service Plan (IFSP). The intervention shall also set forth the frequency at which the progress of the infant or toddler shall be evaluated and reported.

(3) provide a copy of the intervention plan to the regional center for review and consideration by the planning team members.

(b) regional centers shall:

(1) only purchase applied behavioral analysis (ABA) services or intensive behavioral intervention services that reflect evidence-based practices, promote positive social behaviors, and ameliorate behaviors which interfere with learning and social interactions.

(2) only purchase ABA or intensive behavioral intervention services when the parent(s) of infants or toddlers receiving services participate in the intervention plan for the infant or toddler, given the critical nature of parent participation to the success of the intervention plan.

(3) not purchase either ABA or intensive behavioral intervention services for purposes of providing respite, day care, or school services.

(4) discontinue purchasing ABA or intensive behavior intervention services for an infant or toddler when his or her treatment goals and objectives, as described under subdivision (a), are achieved. ABA or intensive behavior intervention services shall not be discontinued until the goals and objectives are reviewed and updated as required in subdivision (b)(5) and

shall be discontinued only if those updated treatment goals and objectives do not require ABA or intensive behavior intervention services.

(5) For each infant or toddler, evaluate the vendor's intervention plan, and number of service hours for ABA or intensive behavior intervention no less than every six months, consistent with evidence-based practices. If necessary, the intervention plan's treatment goals and objectives shall be updated and revised.

(6) Not reimburse a parent for participating in a behavioral services treatment program.

(c) For infants and toddlers receiving ABA or behavioral intervention services on July 1, 2009 as part of their IFSP, subdivision (b) shall take effect on August 1, 2009.

(d) For purposes of this section,

(1) "applied behavior analysis" means the design, implementation, and evaluation of systematic instructional and environmental modifications to promote positive social behaviors and reduce or ameliorate behaviors which interfere with learning and social interaction.

(2) "intensive behavior intervention" means any form of applied behavior analysis that is comprehensive, designed to address all domains of functioning, and provided in multiple settings for no more than 40 hours per week, across all settings, depending on the individual's needs and progress. Interventions can be delivered in a 1-to-1 or small group format, as appropriate.

(3) "evidence-based practice" means a decision-making process which integrates the best available scientifically rigorous research, clinical expertise, and individual's characteristics. Evidence-based practice is an approach to treatment rather than a specific treatment. Evidence-based practice promotes the collection, interpretation, integration, and continuous evaluation of valid, important and applicable individual/family-reported, clinically-observed and research-supported evidence. The best available evidence, matched to infant or toddler circumstances and preferences, is applied to ensure the quality of clinical judgments and facilitates the most cost-effective care.

(4) "parent participation" means any of, but not limited to, the following: (A) completion of group instruction on the basics of behavior intervention, (B) active work with the family member according to the Intervention Plan, (C) collection of data on behavioral strategies and submission of that data to the provider for incorporation into progress reports, if needed, (D)

participation in any needed clinical meetings, (E) purchase of suggested behavior modification materials or community involvement if a reward system is used.

Welfare & Institutions Code section 4686.2 is added to read:

4686.2. Effective July 1, 2009, notwithstanding any other provision of law or regulation to the contrary,

(a) any vendor who provides applied behavioral analysis (ABA) services and/or intensive behavior intervention services, as defined in subdivision (d), shall:

(1) conduct a behavioral assessment of each consumer to whom the vendor provides such services;

(2) design an intervention plan that shall include the service type, number of hours of in-home service, and parent participation needed to achieve the consumer's goals and objectives, as set forth in the consumer's Individual Program Plan (IPP) or Individualized Family Service Plan (IFSP). The intervention shall also set forth the frequency at which the consumer's progress shall be evaluated and reported.

(3) provide a copy of the intervention plan to the regional center for review and consideration by the planning team members.

(b) regional centers shall:

(1) only purchase applied behavioral analysis (ABA) services or intensive behavioral intervention services that reflect evidence-based practices, promote positive social behaviors, and ameliorate behaviors which interfere with learning and social interactions.

(2) only purchase ABA or intensive behavioral intervention services when the parent(s) of minor consumers receiving services participate in the intervention plan for the consumers, given the critical nature of parent participation to the success of the intervention plan.

(3) not purchase either ABA or intensive behavioral intervention services for purposes of providing respite, day care, or school services.

(4) discontinue purchasing ABA or intensive behavior intervention services for a consumer when the consumer's treatment goals and objectives, as described under subdivision (a), are achieved. ABA or intensive behavior intervention services shall not be discontinued until the goals and objectives are reviewed and updated as required in subdivision (b)(5) and

shall be discontinued only if those updated treatment goals and objectives do not require ABA or intensive behavior intervention services.

(5) For each consumer, evaluate the vendor's intervention plan, and number of service hours for ABA or intensive behavior intervention no less than every six months, consistent with evidence-based practices. If necessary, the intervention plan's treatment goals and objectives shall be updated and revised.

(6) Not reimburse a parent for participating in a behavioral services treatment program.

(c) For consumers receiving ABA or behavioral intervention services on July 1, 2009 as part of their IPP or IFSP, subdivision (b) shall take effect on August 1, 2009.

(d) For purposes of this section,

(1) "applied behavior analysis" means the design, implementation, and evaluation of systematic instructional and environmental modifications to promote positive social behaviors and reduce or ameliorate behaviors which interfere with learning and social interaction.

(2) "intensive behavior intervention" means any form of applied behavior analysis that is comprehensive, designed to address all domains of functioning, and provided in multiple settings for no more than 40 hours per week, across all settings, depending on the individual's needs and progress. Interventions can be delivered in a 1-to-1 or small group format, as appropriate.

(3) "evidence-based practice" means a decision-making process which integrates the best available scientifically rigorous research, clinical expertise, and individual's characteristics. Evidence-based practice is an approach to treatment rather than a specific treatment. Evidence-based practice promotes the collection, interpretation, integration, and continuous evaluation of valid, important and applicable individual/family-reported, clinically-observed and research-supported evidence. The best available evidence, matched to consumer circumstances and preferences, is applied to ensure the quality of clinical judgments and facilitates the most cost-effective care.

(4) "parent participation" means any of, but not limited to, the following: (A) completion of group instruction on the basics of behavior intervention, (B) active work with the family member according to the Intervention Plan, (C) collection of data on behavioral strategies and submission of that data to the provider for incorporation into progress reports, if needed, (D)

participation in any needed clinical meetings, (E) purchase of suggested behavior modification materials or community involvement if a reward system is used.

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