

Behavioral Services Proposals

Government Code section 95021 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 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 parental involvement 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.

(b) regional centers shall:

(1) only purchase applied behavioral analysis (ABA) services or intensive behavioral intervention services which include 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) not purchase either ABA or intensive behavioral intervention services when such services are solely being utilized as emergency crisis services.

(5) 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.

(6) evaluate the ABA or intensive behavior intervention service hours for

each infant or toddler no less than every six months, consistent with evidence-based practices.

(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 produce socially significant improvements in human behavior.
- (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, and integration of valid, important and applicable individual/family-reported, clinically-observed and research-supported evidence. The best available evidence, moderated by infant or toddler circumstances and preferences, is applied to ensure the quality of clinical judgments and facilitates the most cost-effective care.

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 parental involvement 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.

(b) regional centers shall:

(1) only purchase applied behavioral analysis (ABA) services or intensive behavioral intervention services which include 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.

(7) not purchase either ABA or intensive behavioral intervention services when such services are solely being utilized as emergency crisis services.

(8) 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.

(9) evaluate the ABA or intensive behavior intervention service hours for each consumer no less than every six months, consistent with evidence-based practices.

(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,

(4) "applied behavior analysis" means the design, implementation, and evaluation of systematic instructional and environmental modifications to produce socially significant improvements in human behavior.

(5) "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.

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

6/12/09 3:15 pm

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