



Public Policy Committee (PPC)
September 2024 Annual Report
version 1.0 September 18, 2024

WHO WE ARE AND WHAT WE DO:

The Public Policy Committee (PPC) is a team composed of elected members of the Board of Directors, volunteers, and a contracted Director. Committee members are named on this webpage: <https://faba.memberclicks.net/legislative-affairs>

Our broad goals are:

- Protecting consumers who need high-quality ABA services
- Protecting FABA members' ability to provide effective and ethical services and rights to receive appropriate compensation

Regular activities include:

- PPC members attend virtual meetings every other Tuesday. FABA BoD members are welcome to attend.
- The PPC continually seeks out and responds to messages of concern from FABA members, providers and parents.
- The PPC closely monitors legislative activity, agency announcements, emails, social media, and other sources to stay informed about policy, rule, or rule changes and any actions that may impact behavior analysis services and consumer protection.
- We keep FABA members informed via alerts and other messaging on social media and our FABAworld.org website.
- We attend and give testimony at legislative committee meetings, agency workshops, and hearings.
- We meet regularly with agency leaders to shape more effective policies and procedures.
- We coordinate advocacy efforts with other large associations and groups in Florida and beyond. Some of these organizations include the Council of Autism Service Providers (CASP), Developmental Disabilities Council, the ARC of Florida, Florida Association of Rehabilitation Facilities (FARF), and the Florida Juvenile Justice Association (FJJA).

Workgroups: The PPC could not operate without its Workgroups that meet every other week or more often. BoD members are encouraged to join a workgroup.

OVERVIEW OF ADVOCACY ACTIVITIES FROM OCTOBER 2023 TO SEPTEMBER 2024:

PROFESSIONAL AND ETHICAL PRACTICES IN FLORIDA

Rampant fraud is staining our profession. FABA members, parents of consumers, legislators, and mass media have expressed concerns regarding this issue. Here are some of the major issues involving the professional and ethical activities of behavior analysts and RBTs:

- Payers have been reporting growing concerns regarding:
 - Lack of client progress
 - Poorly developed treatment plans
- Providers have been reporting:
 - Inappropriate labor issues by other providers
 - Concerns over insufficient skills of current RBTs
- And, BCBAs are reporting

- Large caseloads and Burnout
- Lack of adequate professional support from employers

FABA has been actively collaborating with agencies and authorities in a unified effort to prevent and reduce unprofessional, unethical and fraudulent behaviors. We also continue to bring information and resources to FABA members and providers of ABA services:

- November 4, 2023 – SoFABA and CARD training at University of Miami
- February 2, 2024 – SWFLABA webinar on ethical issues
- March 27, 2024 - Labor Law Town Hall Part 1 - Attorney Paul Crucet and FABA Executive Director Missy Olive
- October 2024 - date to be announced - Labor Law Town Hall Part 2 with Attorney Paul Crucet

Future Town Halls for FABA members will address:

- Appropriate caseload sizes
- Professional support
- Treatment plan development
- Measurement of client progress

LICENSURE

Licensure remains a big concern for Florida behavior analysts. FABA has been working toward this goal for many years, but has faced an uphill battle in Tallahassee. Most other states have reached this goal, but Florida is among only 12 remaining states in the US without a license. This is a pain point since Florida pioneers Gerald Shook, Michael Hemingway, and others made Florida the birthplace of the certification movement.

- We know that licensure will bring improved protections to our consumers. But, we also know that passing a new licensure bill will require:
 - Substantial political & advocacy capital
 - Florida legislator Representatives & Senators to champion our cause
 - Consumer support
- FABA is also concerned because some large provider groups have expressed reservations about moving forward with licensure. These providers are increasingly concerned about:
 - Long timelines to credentialing
 - Preventing even longer timelines or added barriers to credentialing.
 These delays could significantly slow consumer access to services and drive provider costs upward.
- FABA is committed to continuing its work to:
 - Decreasing credentialing timelines
 - Increasing funding dedicated to licensing since the costs for moving a related bill through the legislature may be extremely high
 - Collaborating with policy makers to gain support
- For a great explanation of the need and benefits for licensure and related issues, we recommend that you watch this free webinar with Gina Green: <https://behaviorlive.com/courses/why-florida-needs-a-license-to-practice-behavior-analysis>

AGENCY FOR HEALTH CARE ADMINISTRATION – AHCA/MEDICAID

Our work with AHCA this year has consumed the majority of PPC time and efforts. We are grateful that AHCA has been more open to collaboration and negotiation compared to previous years. This is due in part to AHCA staff and supervisors returning to frequent meetings with FABA representatives. These representatives have also applied rapport building strategies to improve AHCA-FABA interactions. As a result, AHCA has demonstrated improved communications and appreciation of the benefits of collaborating with FABA, especially regarding efforts to reduce fraudulent activities.

FABA continues to have major concerns regarding AHCA polices and has attended multiple workshops and hearings to represent FABA members and consumers. We prepare talking points for presentation at these events, when allowed. We also send formal letters with comments and recommendations after these events.

Meetings, workshops and hearings this past year have addressed:

- Provider Reimbursement Schedules and Billing Codes.
 - FABA is pleased that the legislature approved a rate increase (albeit a relatively small amount) for behavior analysis services including CPT codes 97153 and 97155. FABA will continue to advocate for additional rate increases to provide reasonable compensation for RBT and behavior analyst services.
 - Provider concerns that need to be resolved by AHCA include, but are not limited to: appropriation application of CPT codes, concurrent billings, and reimbursement rates for BCaBA and BCBA services.
- Behavior Analysis Services Policy.
 - Provider concerns that need to be resolved by AHCA include but are not limited to: delays and denials in service authorizations, requirements for CDE, and Vineland and BASC-PRQ assessments.
- Managed Care and Managed Care Organizations (MCO):

It is expected that we will transition from a Fee-For-Service model to Manage Care in February 2025. We are thankful for FABA members and others who participated in our Town Hall on September 13th. We will be sharing your questions with AHCA and asking about other concerns:

 - Notices of 20% reduction in payment rates.
 - Provider service networks in regions across the state.

FABA is having meetings with MCOs to support collaboration

Look for upcoming announcements regarding the above policies and initiatives.

COMMERCIAL INSURANCE

Some of the issues that impact access to ABA services within AHCA Medicaid also impact Commercial Insurance coverage of ABA services. FABA has dedicated additional resources to improve access to high quality ABA services from Commercial Insurance providers because we recognize the need to collaborate with payers to address:

- Adoption of CASP standards
- Decreasing timelines for credentialing and access to ABA services

FABA is also committed to future Town Halls for current FABA members regarding the:

- Development of appropriate treatment plans
- Appropriate documentation of services
- Measurement of child progress and outcomes

AGENCY FOR PERSONS WITH DISABILITIES (APD) – MED WAIVER

FABA and APD leaders have been working cooperatively to improve services for many years. In the past year, the PPC has conducted multiple surveys of providers and managed numerous Town Halls for FABA members, meetings with APD leaders, and discussions to address concerns across several issues:

iConnect.

- Challenges with iConnect have been a major area of work this past year.
- Provider concerns include, but are not limited to: technical requirements for assessment, treatment plan, and data (graph) submissions (i.e., uploading); timely sharing of documents across professionals; training requirements; and interoperability of systems for submitting billings and related service information. A summary of provider concerns, FABA recommendations, and follow-up by APD and/or FABA is available here:
 - <https://faba.memberclicks.net/assets/PublicPolicy/APD/Issues%20FABA%20has%20raised%20re-iConnect-rev2024-09-18.pdf>

Local Review Committee (LRC) operations.

- Nicki Postma participated in APD's LRC workgroup until APD stopped inviting non APD members to the meetings.
- A survey was completed with FABA members and the results were presented to APD leaders. A summary of the results was provided to APD and is available here:
 - <https://faba.memberclicks.net/assets/PublicPolicy/APD/LRC%20Survey%20Report%209-12-24.pdf>
- The PPC has offered support to better define and provide examples of acceptable behavior plans, quarterly reports, and data analyses.
- The PPC is also working to address timely approval of services.

Managed Care in APD

- The PPC continues monitoring the development of provider service networks and managed care systems.
- We are tracking the new pilot project being implemented in the Tampa and Miami areas and meeting with organizations regarding wrap-around services, data management procedures, and LRC-like oversight systems
- This pilot project is going live 10/1/2024 and Florida Community Care (FCC) is seeking providers to serve adults.

Human Trafficking

- Colleen Taylor reached out to a researcher at University of South Florida who is doing related work.

EDUCATION - ABA IN SCHOOLS

Another area of significant PPC effort has been increasing student access to private practitioners providing ABA services in schools. There is much variability in how school districts approach these ABA services. Some schools are resisting any RBTs or behavior analysts in their classrooms. However, other schools are demanding daily presence as a condition for the student to attend school.

- Workgroup members have been meeting with school district leaders and parents to develop and improve procedures for private RBTs and behavior analysts to enter schools and provide services. We recently released "Recommendations for the Use of ABA Practitioners as Private Instructional Personnel (PIP) in Educational Systems" and are actively disseminating them across the state. The link to this document and related resources can be found at:
 - <https://faba.memberclicks.net/school-collaboration>
- The workgroup coordinated webinars by renowned FABA members who graciously volunteered their time and expertise to discuss ABA services in school settings:
 - February 23, 2024 – Andrew Houvouras
 - July 19, 2024 – Merrill Winston
- We are also planning expanded collaboration with the Florida Department of Education (FDOE) and the Center for Autism and Related Disabilities (CARD) to address ABA practitioners working in schools and other issues related to improved student access to behavioral services.
- CoFABA will be presenting an education panel for the Spring conference.

YOUTH SERVICES, CHILD WELFARE, AND JUVENILE JUSTICE

This active workgroup includes faculty volunteers from UF and USF, plus providers from ATBx. Related activities in the past year include:

- Gathering and sharing information about Federal law changes that may positively impact access to ABA services for youth in Florida's juvenile justice facilities, detention facilities, and foster care beginning in 2025.
- Collaborating with the Florida Association for Rehabilitation Facilities (FARF) and the Florida Juvenile Justice Association (FJJA) regarding implementation of this Federal law.
- Increasing Department of Juvenile Justice (DJJ) understanding and confidence in ABA services. DJJ has not yet resumed funding for residential programs to provide ABA services. The youth in these programs need ABA services

due to severe behavior challenges that are often exacerbated by ineffective or no treatment services. This has resulted in an overuse of restrictive procedures, including seclusion.

- Connecting with legislators to gain support and funding of better behavioral services for youth.
- Development of a proposal for a legislative appropriations act for an ABA services pilot project within DJJ facilities. Researching solutions to Medicaid authorizations for ABA services being denied if a mental health counselor is addressing the behavior in therapy (e.g., stealing target behavior denied with reason that it was related to trauma and counseling was needed.)
- Brainstorming with successful advocates who have increased ABA service access for youth in juvenile justice programs in other states.
- Development of recommendations to establish and fund alternative residential programs that can provide ABA services in “step-down” facilities after youth exit DJJ programs. This may reduce recidivism by providing youth with help transitioning back to their family homes, communities and schools.

2024 CONFERENCE EVENTS

Please come to our events at the 2024 conference in Miami:

- 5pm, Wednesday Sept. 18: *FABA Conference Kickoff: Update, Answers & Excitement*.
- 130pm, Thursday Sept. 19: *Challenges Facing Us Today* including panelists Alan Abramowitz (ARC of Florida), Representative Robin Bartleman, Dr. Kristin Korinko (APD), Dr. Kristin Meyers-Kemp (APBA), and Austin Noll (AHCA Deputy Secretary for Medicaid Policy, Quality & Operations)
- Nicki, Kevin McCormick (Palm Beach County District Administrator), and Tamara Perez (parent and organizer of Project ABA Rights) will present “Can’t we all get along” regarding collaboration in schools.

SUMMARY

Our Public Policy Committee is small. But, when we combine our efforts with good people like you we can move mountains. Our grand goal is a stronger, better-connected FABA membership that advocates for achievement of our goals. We know that our whole state can be better served when we are more unified. By working together, our impact will grow exponentially.

Each of you reading this report has a vital role and we respectfully ask you to commit to:

- Becoming an Active Local Advocate
- Becoming a CoFABA chapter member or officer
- Building grassroots connections
- Coming to our Challenges Facing Us Today Panel on Thursday at 130pm
- Completing the FABA Member Survey
- Connecting us with families with stories
- Contacting us at: publicpolicy@FABAworld.org