

## Licensed Behavior Analysts as Early Intervention providers

Until recently, licensed behavior analysts (LBAs) were only eligible to serve Early Intervention (EI) beneficiaries if they held a second professional credential such as Special Educator, Psychologist, or Licensed Clinical Social Worker. However, the New York State Department of Health (NYSDOH) is in the process of changing its enrollment system to a program called EI Hub.<sup>1</sup> EI Hub will include LBAs who do *not* have a second credential as an eligible provider type.<sup>2</sup> EI Hub will be available on or after June 3<sup>rd</sup>, 2024.<sup>3</sup>

Additional access to qualified ABA providers is a great step forward for the EI Program but...

## proposed changes to the New York EI Program will negatively impact overall access to ABA services.

The New York Executive Budget proposes several administrative changes to the EI Program to offset the cost of its proposed increase in reimbursement rates for in-person services. One of these proposals is the prohibition of multiple extended visits on the same day. If approved, this **will negatively impact all New York EI ABA recipients.**

## Prohibition of two or more extended visits for ABA

There are two types of visits for ABA services in the NYSDOH EI Program rate system:

- Visits that are 30-59 minutes in length (basic visits).
- Visits that are 60 or more minutes in length (extended visits).<sup>4</sup>

Visits are paid a flat rate, not a rate per unit of service.<sup>5</sup> Therefore, a provider is paid the same rate if they provide 60 minutes of service or 90 minutes of service as part of an extended visit. There is no

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<sup>1</sup> [https://www.health.ny.gov/community/infants\\_children/early\\_intervention/ei\\_hub/](https://www.health.ny.gov/community/infants_children/early_intervention/ei_hub/)

<sup>2</sup> [https://www.health.ny.gov/community/infants\\_children/early\\_intervention/service\\_providers/](https://www.health.ny.gov/community/infants_children/early_intervention/service_providers/)

<sup>3</sup> [https://www.health.ny.gov/community/infants\\_children/early\\_intervention/ei\\_hub/docs/nL\\_issue28.pdf](https://www.health.ny.gov/community/infants_children/early_intervention/ei_hub/docs/nL_issue28.pdf)

<sup>4</sup> <https://regs.health.ny.gov/content/section-69-430-computation-rates-early-intervention-services-provided-infants-and-children>

<sup>5</sup> [https://www.health.ny.gov/community/infants\\_children/early\\_intervention/docs/service\\_rates.pdf](https://www.health.ny.gov/community/infants_children/early_intervention/docs/service_rates.pdf)

maximum length for an extended visit, but providers are rarely willing to work a longer duration for the same rate of pay.

The Governor's proposal will eliminate two or more extended visits on the same day, by the same provider type, for children enrolled in the EI program (i.e., children ages 0-3). Thus, the maximum number of hours of ABA that EI program enrollees may be able to access is 7.5 hours per week, e.g., one extended visit (90 minutes in length) per day, five days per week.

In 1999 and again in 2017, NYSDOH agreed that children diagnosed with autism should receive a *minimum* of 20 hours of ABA per week.<sup>6 7</sup> The proposed limit on the number of extended visits in the same day will render ABA services ineffective for many children on the autism spectrum.

## What can you do to help?

- Review the attached memos from Agencies for Children's Therapy Services (ACTS) and NYSABA.
- Reach out to your legislator and ask them to reject the proposed administrative actions.
- Utilize ACTS legislative action request: <https://agenciesforchildrenstherapyservices.org/>
  - Click "Take Action Now"
- Join NYSABA's Public Policy Committee and CASP's NY State Advocacy Group (SAG).

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<sup>6</sup> [https://www.health.ny.gov/publications/4216\\_1999.pdf](https://www.health.ny.gov/publications/4216_1999.pdf)

<sup>7</sup> <https://www.health.ny.gov/publications/20168.pdf>