

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

479Y0352

HOUSE BILL NO. 1195

Introduced by: Representatives Holmes, Ahlers, Bartling, Campbell, Duvall, Haggar, Haugaard, Hawley, Heinemann, Johns, Lesmeister, McCleerey, McPherson, Peterson (Kent), Qualm, Rasmussen, Ring, Soli, and Steinhauer and Senators Monroe, Frerichs, Greenfield (Brock), Haverly, Heinert, Langer, Maher, Netherton, Partridge, and Sutton

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding health coverage for
2 applied behavior analysis.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 58-17-154 be amended to read:

5 58-17-154. Terms used in §§ 58-17-155 to 58-17-162, inclusive, mean:

- 6 (1) "Applied behavior analysis," the design, implementation, and evaluation of
7 environmental modifications, using behavioral stimuli and consequences, to produce
8 socially significant improvement in human behavior, including the use of direct
9 observation, measurement, and functional analysis of the relationship between
10 environment and behavior;
- 11 (2) "Autism spectrum disorder," a complex neurodevelopmental medical disorder
12 characterized by social impairment, communication difficulties, and restricted,
13 repetitive, and stereotyped patterns of behavior;



- 1 (3) "Behavioral health treatment," evidence-based interventions that:
 - 2 (a) Achieve specific improvements in functional capacity of a person; and
 - 3 (b) Are provided or supervised by a licensed ~~or certified~~ practitioner as provided
 - 4 in § 58-17-159;
- 5 (4) "Treatment," evidence-based care which is prescribed or ordered for a person
 - 6 diagnosed with an autism spectrum disorder by a licensed physician or psychologist,
 - 7 including:
 - 8 (a) Behavioral health treatment;
 - 9 (b) Pharmacy care; and
 - 10 (c) Therapeutic care.

11 Section 2. That § 58-17-159 be amended to read:

12 58-17-159. Any person who performs applied behavior analysis shall:

- 13 (1) Be licensed by the South Dakota Board of Medical and Osteopathic Examiners or the
- 14 Board of Examiners of Psychologists; or
- 15 (2) ~~Have a master's degree or a doctoral degree and be certified by the National Behavior~~
- 16 ~~Analyst Certification Board with a designation of board certified behavior analyst~~ Be
- 17 licensed by the South Dakota Board of Social Workers as a licensed behavior analyst;
- 18 or
- 19 (3) Be an assistant behavior analyst or paraprofessional as provided in subdivision 36-
- 20 38-5(6) who is under the supervision of a professional who is licensed as provided
- 21 in subdivision (1) or (2) and is implementing the treatment program.

22 ~~Supervisory services performed by such practitioners are not required to be covered.~~

23 Section 3. That § 58-17-160 be amended to read:

24 58-17-160. A health carrier or plan provider subject to §§ 58-17-154 to 58-17-162,

1 inclusive, shall have the right to request a review of the treatment that a person is receiving not
2 more than once every three months unless the insurer and the person's licensed physician or
3 licensed psychologist execute an agreement that a more frequent review is necessary. Any
4 agreement regarding the right to review a treatment plan more frequently applies only to a
5 particular person receiving applied behavior analysis and may not apply to all persons receiving
6 applied behavior analysis by a licensed physician, licensed psychologist, or ~~board-certified~~
7 licensed behavior analyst. The cost of obtaining a review under this section shall be paid by the
8 health carrier or plan.

9 Section 4. That chapter 58-17 be amended by adding a NEW SECTION to read:

10 The provisions of this Act are effective on January 1, 2018.