HB1425_L.025 Amendment No. _____

HB26-1425

HOUSE FLOOR AMENDMENT

Third Reading BY REPRESENTATIVE Gilchrist

Amend engrossed bill, page 28, strike lines 9 through 26 and substitute:

"(3) (a) SUBJECT TO FEDERAL APPROVAL, THE STATE DEPARTMENT SHALL REIMBURSE THE APPLICABLE APPLIED BEHAVIOR ANALYSIS PROVIDER FOR APPLIED BEHAVIOR ANALYSIS SERVICES PROVIDED BY A BEHAVIOR TECHNICIAN, WHICH BEHAVIOR TECHNICIAN IS REQUIRED BY THE STATE DEPARTMENT TO BE CERTIFIED BY A CERTIFYING ENTITY BUT WHO IS NOT CERTIFIED AT THE TIME OF SERVICES, DURING ONE TEMPORARY PERIOD OF NOT LESS THAN FORTY-FIVE DAYS WHILE THE BEHAVIOR TECHNICIAN IS PURSUING THE CERTIFICATION IF THE ENTITY REQUESTING REIMBURSEMENT PROVIDES THE STATE DEPARTMENT WITH QUARTERLY ROSTERS OF THE ENTITY'S EMPLOYED BEHAVIOR TECHNICIANS, INCLUDING WHETHER OR NOT EACH INDIVIDUAL HAS COMPLETED MINIMUM TRAINING REQUIREMENTS AND RECEIVED THEIR CERTIFICATION FROM A CERTIFYING ENTITY.

(b) A BEHAVIOR TECHNICIAN WHO OBTAINS CERTIFICATION AFTER PROVISION OF SERVICES PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION SHALL MAINTAIN THE CERTIFICATION TO BE ELIGIBLE FOR REIMBURSEMENT BY THE STATE DEPARTMENT FOR PROVIDING APPLIED BEHAVIOR ANALYSIS SERVICES.

(c) IF A BEHAVIOR TECHNICIAN DOES NOT BECOME CERTIFIED AT THE END OF THE FORTY-FIVE-DAY PERIOD DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, THE ENTITY REQUESTING REIMBURSEMENT SHALL STOP THE REIMBURSEMENT REQUEST UNTIL THE BEHAVIOR TECHNICIAN BECOMES CERTIFIED.

(d) BEFORE PROVIDING APPLIED BEHAVIOR ANALYSIS SERVICES TO AN INDIVIDUAL AND SEEKING REIMBURSEMENT PURSUANT TO SUBSECTIONS (2) AND (3) OF THIS SECTION, A BEHAVIOR TECHNICIAN SHALL SATISFY THE FOLLOWING CONDITIONS:

(I) OBTAIN A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d);

(II) COMPLETE ALL TRAINING REQUIRED FOR CERTIFICATION BY A CERTIFYING ENTITY; AND

(III) COMPLETE ABUSE AND NEGLECT REPORTING TRAINING.

(e) THE FORTY-FIVE-DAY PERIOD DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION BEGINS UPON A BEHAVIOR TECHNICIAN'S COMPLETION OF THE REQUIREMENTS DESCRIBED IN SUBSECTION (3)(d) OF THIS SECTION.

(f) BEGINNING IN JANUARY 2027, AND IN JANUARY EVERY YEAR THEREAFTER, THE STATE DEPARTMENT SHALL INCLUDE, AS PART OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY SECTION 2-7-203, A DETERMINATION OF THE EFFICACY OF THIS SUBSECTION (3) AND RECOMMENDATIONS ON THE BEST WAY TO MOVE FORWARD WHILE ENSURING PATIENT SAFETY AND PROVIDER SUSTAINABILITY, INCLUDING DATA ON THE NUMBER OF BEHAVIOR TECHNICIANS OBTAINING CERTIFICATION IN THE PRECEDING SIX MONTHS.".

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