

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1198 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/26/07

A Bill

HOUSE BILL 2282

5 By: Representatives D. Johnson, D. Creekmore, Hoyt, Hyde, S. Prater, Shelby, Kidd, Ragland
6 By: Senator Salmon
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9 **For An Act To Be Entitled**

10 AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND
11 HUMAN SERVICES TO SEEK A MEDICAID WAIVER FOR
12 INTENSIVE EARLY INTERVENTION INDIVIDUALIZED
13 THERAPY FOR CHILDREN DIAGNOSED WITH PERVASIVE
14 DEVELOPMENTAL DISORDERS; AND FOR OTHER PURPOSES.
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17 **Subtitle**

18 AN ACT TO REQUIRE THE DEPARTMENT OF
19 HEALTH AND HUMAN SERVICES TO SEEK A
20 MEDICAID WAIVER FOR THE TREATMENT OF
21 PERVASIVE DEVELOPMENTAL DISORDERS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1 is amended
27 to add an additional section to read as follows:

28 20-77-124. Medicaid waiver for autism.

29 (a) As used in this section:

30 (1) "Pervasive Developmental Disorders", commonly known as
31 autism spectrum disorders, means a neurobiological condition characterized by
32 severe deficits and pervasive impairment in multiple areas of development
33 diagnosed by a team evaluation including at least a licensed physician, a
34 licensed psychologist, and a licensed speech pathologist for an individual
35 who has a developmental disability as defined in § 20-48-101, including



1 without limitation:

2 (A) Asperger's disorder;

3 (B) Autism;

4 (C) Pervasive developmental disorder, not otherwise
5 specified;

6 (D) Rett's Disorder; and

7 (E) Childhood Disintegrative Disorder.

8 (2)(A) "Intensive early intervention individualized therapy
9 services" means intensive early intervention individualized therapy for a
10 child with a pervasive developmental disorder, including without limitation:

11 (i) Behavioral therapies such as applied behavioral
12 analysis and pivotal response training under the supervision of a behavior
13 analyst who is board certified by the Behavior Analyst Certification Board;

14 (ii) Intensive speech therapy provided by a licensed
15 speech therapist; and

16 (iii) Intensive occupational therapy provided by a
17 licensed occupational therapist.

18 (B) Except as provided in subdivision (2)(C) of this
19 section, "intensive early intervention behavior therapy services" does not
20 include coverage for services to treat developmental disorders of language,
21 early onset psychosis, dementia, obsessive compulsive disorder, schizoid
22 personality disorder, avoidant personality disorder, or reactive attachment
23 disorder.

24 (C) If a child with a pervasive developmental disorder is
25 diagnosed to have one (1) or more of the conditions listed in subdivision
26 (2)(B) of this section, intensive early intervention individualized therapy
27 includes coverage only for therapy necessary to treat the pervasive
28 developmental disorder.

29 (b)(1) The Department of Health and Human Services shall seek a
30 Medicaid waiver from the Centers for Medicare and Medicaid Services to
31 provide intensive early intervention individualized therapy to any child who
32 has been diagnosed with a pervasive developmental disorder.

33 (2)(A) The waiver shall be for children three (3) years of age
34 through ten (10) years of age.

35 (B) No child shall participate in the Medicaid waiver
36 under this section for more than three (3) years.

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(C) The Medicaid waiver under this section shall not pay more than fifty thousand dollars (\$50,000) annually per child.

(3) The waiver shall seek to develop skills of children in the areas of cognition, behavior, communication, and social interaction.

(c) The Department of Health and Human Services shall apply for the Medicaid waiver under this section only as funding becomes available for that purpose.

/s/ D. Johnson, et al

APPROVED: 4/4/2007