

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 1566

By: Stanley

6 AS INTRODUCED

7 An Act relating to the state Medicaid program;  
8 amending 56 O.S. 2021, Section 1011.12, which relates  
9 to applied behavior analysis treatment of autism  
spectrum disorder; updating statutory language;  
10 requiring medical necessity criteria to include  
certain diagnosis by specified health care provider;  
11 prohibiting imposition of certain policy; providing  
certain construction; requiring in-person provision  
of certain services; authorizing remote supervision  
under certain conditions; and providing an effective  
12 date.

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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 56 O.S. 2021, Section 1011.12, is  
17 amended to read as follows:

18 Section 1011.12. A. The Oklahoma Health Care Authority, in  
19 conjunction with the Department of Mental Health and Substance Abuse  
20 Services, the State Department of Health and the State Department of  
21 Education shall examine the feasibility of a state plan amendment to  
22 the ~~Oklahoma Medicaid Program~~ state Medicaid program for applied  
23 behavior analysis treatment of autism spectrum ~~disorders~~ disorder.

1       B. On or before December 31, 2016, the Authority and partnering  
2 agencies shall submit a report to the President Pro Tempore of the  
3 Senate, the Speaker of the House of Representatives and the Governor  
4 estimating the potential costs to the state, clinical findings,  
5 reviews of pilot projects and research from other states on the  
6 effects of applied behavioral analysis treatment on autism spectrum  
7 ~~disorders disorder~~.

8       C. Beginning July 1, 2017, and subject to the availability of  
9 funding, the Authority and partnering agencies shall draft a state  
10 plan amendment for applied behavior analysis treatment of autism  
11 spectrum ~~disorders disorder~~. The provisions of this subsection  
12 shall only apply if the report required by subsection B of this  
13 section demonstrates applied behavioral analysis treatment to be  
14 evidence-based and essential to qualifying participants in the  
15 ~~Oklahoma Medicaid Program~~ state Medicaid program.

16       D. The medical necessity criteria for applied behavior analysis  
17 services covered under the state Medicaid program shall include a  
18 definitive diagnosis of an autism spectrum disorder by one of the  
19 following health care providers, who shall be licensed in this  
20 state:

- 21       1. Pediatric neurologist or neurologist;
- 22       2. Developmental pediatrician;
- 23       3. Psychologist which may include, but is not limited to, a  
24 psychologist working in a school;

1       4. Psychiatrist or neuropsychiatrist;

2       5. Other licensed physician experienced in the diagnosis and

3       treatment of autism spectrum disorder; or

4       6. Interdisciplinary team composed of a licensed psychologist,

5       physician, physician assistant (PA), or Advanced Practice Registered

6       Nurse (APRN).

7       E. The Authority or a contracted entity shall not impose a

8       general policy that requires all Medicaid members receiving covered

9       applied behavior analysis services to be re-diagnosed with or

10       receive subsequent clinical assessments for autism spectrum disorder

11       as a condition of continuation of coverage after the member has

12       already been diagnosed with autism spectrum disorder by a health

13       care provider as described in subsection D of this section. An

14       initial diagnosis of autism spectrum disorder shall remain accepted

15       indefinitely unless otherwise clinically indicated including, but

16       not limited to, by a significant behavioral or developmental change.

17       Nothing in this subsection shall be construed to prohibit a member

18       or member's parent or legal guardian from requesting a subsequent

19       assessment or a qualified provider from conducting a subsequent

20       assessment if he or she deems it necessary.

21       F. 1. All applied behavior analysis services delivered by a

22       contracted provider to a member shall be performed in person by duly

23       qualified professionals as determined by the Authority.

1       2. A contracted provider may use telehealth for supervision of  
2 applied behavior analysis treatment professionals by a board-  
3 certified behavior analyst (BCBA) who is licensed or credentialed in  
4 his or her state of residence. The Authority or a contracted entity  
5 shall not require a supervising BCBA to be located in this state to  
6 perform such supervision.

7       G. As used in this section:

8       1. "Applied behavior analysis" means the design, implementation  
9 and evaluation of environmental modifications, using behavioral  
10 stimuli and consequences, to produce socially significant  
11 improvement in human behavior, including the use of direct  
12 observation, measurement and functional analysis of the relationship  
13 between environment and behavior;

14       2. "Autism spectrum disorder" means any of the pervasive  
15 developmental disorders or autism spectrum disorders as defined by  
16 the most recent edition of the Diagnostic and Statistical Manual of  
17 Mental Disorders (DSM) or the edition that was in effect at the time  
18 of diagnosis;

19       3. "Behavioral health treatment" means counseling and treatment  
20 programs, including applied behavior analysis, that are:

21           a. necessary to develop, maintain or restore, to the  
22                   maximum extent practicable, the functioning of an  
23                   individual, and

- b. provided by a board-certified behavior analyst or by a licensed doctoral-level psychologist so long as the services performed are commensurate with the psychologist's university training and supervised experience; and

4. "Treatment for autism spectrum disorder" means evidence-based care and related equipment prescribed or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician or a licensed doctoral-level psychologist who determines the care to be medically necessary, including, but not limited to:

- a. behavioral health treatment,
- b. pharmacy care,
- c. psychiatric care,
- d. psychological care, and
- e. therapeutic care.

SECTION 2. This act shall become effective November 1, 2026.

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