

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1566

By: Stanley

AS INTRODUCED

An Act relating to the state Medicaid program; amending 56 O.S. 2021, Section 1011.12, which relates to applied behavior analysis treatment of autism spectrum disorder; updating statutory language; requiring medical necessity criteria to include certain diagnosis by specified health care provider; 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 date.

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

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

Section 1011.12. A. The Oklahoma Health Care Authority, in conjunction with the Department of Mental Health and Substance Abuse Services, the State Department of Health and the State Department of Education shall examine the feasibility of a state plan amendment to the ~~Oklahoma Medicaid Program~~ state Medicaid program for applied 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

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

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

- 11           a.   behavioral health treatment,  
12           b.   pharmacy care,  
13           c.   psychiatric care,  
14           d.   psychological care, and  
15           e.   therapeutic care.

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

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