

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
FOR
4 SENATE BILL NO. 1566

By: Stanley of the Senate

5 and

6 Stinson of the House

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9 COMMITTEE SUBSTITUTE

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

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

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

21 Section 1011.12. A. The Oklahoma Health Care Authority, in
22 conjunction with the Department of Mental Health and Substance Abuse
23 Services, the State Department of Health and the State Department of
24 Education shall examine the feasibility of a state plan amendment to

1 the ~~Oklahoma Medicaid Program~~ state Medicaid program for applied
2 behavior analysis treatment of autism spectrum ~~disorders~~ disorder.

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

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

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

23 1. Pediatric neurologist or neurologist;

24 2. Developmental pediatrician;

1 3. Psychologist which may include, but is not limited to, a
2 psychologist working in a school;
3 4. Psychiatrist or neuropsychiatrist;
4 5. Other licensed physician experienced in the diagnosis and
5 treatment of autism spectrum disorder; or
6 6. Interdisciplinary team composed of a licensed psychologist,
7 physician, physician assistant (PA), or Advanced Practice Registered
8 Nurse (APRN).

9 E. The Authority or a contracted entity shall not impose a
10 general policy that requires all Medicaid members receiving covered
11 applied behavior analysis services to be re-diagnosed with or
12 receive subsequent clinical assessments for autism spectrum disorder
13 as a condition of continuation of coverage after the member has
14 already been diagnosed with autism spectrum disorder by a health
15 care provider as described in subsection D of this section. An
16 initial diagnosis of autism spectrum disorder shall remain accepted
17 indefinitely unless otherwise clinically indicated including, but
18 not limited to, by a significant behavioral or developmental change.
19 Nothing in this subsection shall be construed to prohibit a member
20 or member's parent or legal guardian from requesting a subsequent
21 assessment or a qualified provider from conducting a subsequent
22 assessment if he or she deems it necessary.

1 F. 1. All applied behavior analysis services provided by a
2 contracted provider to a Medicaid member shall be performed by duly
3 qualified professionals as determined by the Authority.

4 2. A registered behavior technician (RBT), board-certified
5 assistant behavior analyst (BCABA), or other professional whose
6 credentials are less than a board-certified behavior analyst (BCBA),
7 as determined by the Authority, may only provide applied behavior
8 analysis services to members in person.

9 3. A BCBA may use telehealth to provide applied behavior
10 analysis services to members or to supervise the provision of
11 applied behavior analysis services by a BCABA or other professional
12 described in paragraph 2 of this subsection. The Authority or a
13 contracted entity shall not require a BCBA to be located in this
14 state or within a certain distance of the state border to perform
15 such services or supervision; provided, however, the BCBA shall be
16 licensed in this state under Section 1928 of Title 59 of the
17 Oklahoma Statutes or licensed or credentialed in his or her state of
18 residence.

19 G. As used in this section:

20 1. "Applied behavior analysis" means the design, implementation
21 and evaluation of environmental modifications, using behavioral
22 stimuli and consequences, to produce socially significant
23 improvement in human behavior, including the use of direct

1 observation, measurement and functional analysis of the relationship
2 between environment and behavior;

3 2. "Autism spectrum disorder" means any of the pervasive
4 developmental disorders or autism spectrum disorders as defined by
5 the most recent edition of the Diagnostic and Statistical Manual of
6 Mental Disorders (DSM) or the edition that was in effect at the time
7 of diagnosis;

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

10 a. necessary to develop, maintain or restore, to the
11 maximum extent practicable, the functioning of an
12 individual, and

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

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

23 a. behavioral health treatment,
24 b. pharmacy care,

1 c. psychiatric care,
2 d. psychological care, and
3 e. therapeutic care.

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

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