# PART C, CHAPTER 5.3.c: APPLIED BEHAVIOR ANALYSIS (ABA) SERVICES

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| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part C, Chapter 5.3.c | 34 CFR [§361.5(c)(39)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(39)), [§361.48(b)(5)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(5)), TWC Rule [§856.44](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=44), and [BCBA Handbook 2022](https://www.bacb.com/wp-content/uploads/2022/01/BCBAHandbook_240426-a.pdf) | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Applied Behavior Analysis services.

## DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to ABA services and the providers of those services.

## POLICY

### General Overview

Applied Behavior Analysis (ABA) is the science of applying experimentally derived principles of behavior to improve socially significant behavior. ABA takes what is known about human behavior and uses it to develop and apply strategies that are intended to bring about real-world, meaningful change in the individual's behavior. In ABA, behaviors are defined in observable and measurable terms to assess behavioral changes over time. These behaviors are then analyzed within a real-world environment to identify factors that are influencing the behavior and assess how these factors and/or behaviors can be modified.

ABA is provided through three main services:

1. Pre-ABA Needs Determination Assessment;
2. Social Skills; and
3. Challenging Behavior

ABA is only provided by qualified professionals.

### Additional Policy Considerations

* Comparable Services and Benefits: TWC-VR must not expend funds ABA services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
* Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
* Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
* Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

## PROCEDURES

### Determining the need for ABA

ABA is used to increase skills deficits and decrease behavior excesses that are an impediment to employment.

ABA is used to treat neurodevelopmental disorders such as—

* Autism Spectrum Disorder (ASD);
* Attention Deficit and Hyperactivity Disorder (ADHD);
* Intellectual developmental disorder;
* Anxiety disorders; and
* Schizoid personality disorder (characteristics displayed are very similar to ASD).

ABA is not recommended for the following:

* Depression (without the presence of a neurodevelopmental disorder);
* Bipolar disorder (without the presence of a neurodevelopmental disorder);
* Schizophrenia Spectrum;
* Personality disorders (except Schizoid personality disorder);
* Sexual deviation; and
* Addiction disorders (such as drugs and alcohol).

ABA may be used for—

* Decreasing maladaptive behavior;
* Increasing social and communication skills;
* Increasing self-regulation and emotional intelligence;
* Increasing problem solving and executive functioning; and
* Increasing vocational and life skills.

ABA must—

* Evaluate and treat the environment in which a behavior and/or a skills deficit is occurring;
* Evaluate and treat the customer, as well as pertinent individuals directly involved in the customer's obtaining and maintaining employment; and
* Generalize learned skills in the employment environment.

### Applied Behavior Analysis Provider Qualifications

* Levels of Providers: There are five levels of approved providers that can provide ABA services to VR customers:
  + Board Certified Behavior Analyst (BCBA-D®)—doctorate level
  + Board Certified Behavior Analyst (BCBA®)—master's level
  + Board Certified Assistant Behavior Analyst (BCaBA®)—bachelor's level
  + Registered Behavior Technician (RBT®)
  + Graduate student in behavior analysis program

The following services are completed by a BCBA-D® and BCBA®:

* + Pre-ABA Determination Assessment;
  + Social Skills and Functional Behavior Assessments; and
  + Social Skills and Challenging Behavior Intervention.
* Board Certified Assistant Behavior Analyst, Registered Behavior Technician, and Graduate Student Requirements: BCaBA®, RBT®, and graduate students must be supervised by a BCBA® and are only permitted to provide individual or group intervention services.

Before providing this service—

* + This level of provider must identify the supervisor; and
  + The identified supervisor is required to complete all actions under "Special Requirements for Supervisor."
* Additional Graduate Student Requirements: Before being linked to provide services, a graduate student must—
  + Submit a transcript showing proof of enrollment in a graduate-level behavior analysis program at an accredited university set forth by Behavior Analyst Certification Board (BACB®) or enrolled in a graduate program that contains the acceptable graduate coursework in behavior analysis set forth by BACB®;
  + If the graduate program is completed, be actively engaged in their supervised fieldwork hours required for board certification and/or have met all requirements that qualify them to sit for the board exam;
  + Continue supervision until board certified if they do not pass the board exam or does not take the board exam; and
  + In all scenarios, identify their supervising BCBA®.
* Additional Requirements for a Supervisor of a Board-Certified Assistant Behavior Analyst, Registered Behavior Technician, or Graduate Student: The identified supervisor must be a BCBA® or BCBA-D® and meet the following conditions:
  + Become a VR provider;
  + Hold a current board certification;
  + Meet the 2022 BACB® standards for supervision;
  + Meet the standards for conducting supervision set forth by BACB®;
  + Sign all progress reports verifying that the content of the progress reports are complete and valid; and
  + Intervention provided met supervision requirements set forth by the BACB®.
* Billing Supervision of Applied Behavior Analysis Providers: Supervision of professionals who are providing ABA is a billable service but only while conducting intervention hours (not for Pre-ABA determination assessment or an assessment).

Supervisors may bill up to three hours a month per customer and are paid at their level of provider rate per the service they are supervising. For example, if a provider supervises a customer in a group intervention, a provider will be paid at their group level of provider rate.

### ABA Referrals

A customer must meet the following two conditions to be referred to ABA:

* Have a neurodevelopmental disorder diagnosis;
* Display a maladaptive behavior and/or social skills deficit that creates a barrier to obtaining and/or maintaining employment.

The VR Counselor must submit *Referral Form for Services for Neurodevelopmental Disorders (VR1879)* to the provider to initiate services.

### Pre-Applied Behavior Analysis Needs Determination Assessment

Pre-ABA Needs Determination Assessment is a service—

* Intended to assist a VR Counselor when they are unsure as to which ABA service, if any, is needed; and
* Designed to triage the customer's needs and determine the appropriate service.

The provider must—

* Observe the customer in person; and
* Provide a brief written report of service recommendations.

The report must include information on, but not limited to—

* Interviews, observations, record reviews;
* Service recommendation; and
* Why, or why not, a service is recommended.

Billable time may include the following, but is not to exceed three hours:

* Phone calls, emails, and record reviews;
* Observation of the customer and interviews with pertinent individuals;
* Writing and reviewing service recommendations with the VR Counselor.

### Social Skills Services

Social skills are for customers who—

* Have a social skills deficit and/or display maladaptive behavior; and
* Do not have significant challenging behaviors, such as aggression.

The provider must first conduct either an individual assessment or group assessment (must be for the purpose of attending a social skills group); however, if the VR Counselor is unsure which social skills assessment is needed, purchasing a Pre-ABA Needs Determination Assessment is recommended. This can be purchased using *VR1879*.

Individual Social Skills Assessment: An Individual Social Skills Assessment is intended to be a comprehensive evaluation of a customer's social skills abilities and is most appropriate when a customer has—

* A social skills deficit that requires individualized intervention; and
* The identified deficit is not appropriate to treat in a group setting.

This assessment is intended to provide a comprehensive evaluation of the following, but is not limited to—

* Basic and advanced social and communication skills;
* Self-regulation and emotional intelligence; and
* Problem solving and executive functioning.

The provider must—

* Observe the customer in at least two environments, such as the provider's office, the customer's home, or the community; and
* Reflect the type of environment in which the suspected social skills deficit occurs.

The report must include, but is not limited to—

* + Initial reported concerns;
  + Dates, times, and summary of interviews;
  + Results of direct and indirect observations, assessments, and data collected;
  + Current home life and future living plans;
  + Employment goals and any other interests related to postsecondary options;
  + Current and past education, pertinent medical conditions, medicines, and therapies;
  + Identified skills deficit targeted to increase goals and mastery of criteria;
  + Current baseline for targeted skills deficit;
  + Any procedures, strategies, and supports needed to master identified goals;
  + Method in which progress is monitored; and
  + Recommended number of treatment hours and whether treatment is provided individually, in a group setting, or both.

Billable time must not exceed 12 hours and may include the following:

* Activities required to complete the assessment;
* Phone calls, emails, review of records, meeting with VR Counselor;
* Writing and/or reviewing report with VR Counselor, customer, or pertinent others (report must be reviewed either in person or by phone unless otherwise directed by the VR Counselor).

Group Social Skills: A Group Social Skills plan is a broad and brief evaluation for the purpose of attending a social skills group; however, the VR Counselor must ensure that the provider has, or will have, an available social skills group appropriate for the customer before purchasing this service.

Group Social Skills is most appropriate when a customer—

* Is not in need of a comprehensive social skills assessment; and/or
* Has demonstrated that they are able to acquire skills in a group environment and not require more than a 1:6 provider to customer instructional setting.

The plan is intended to be a brief evaluation of, but is not limited to, the following:

* Basic and advanced social and communication skills;
* Self-regulation and emotional intelligence; and
* Problem solving and executive functioning.

The provider must create a social skills plan for each customer participating in the social skills group.

The plan must include brief information on, but not limited to, the following:

* Interviews and informal assessments and their results;
* How progress is monitored and frequency of progress reported;
* Recommended number of treatment hours; and
* Treatment goals and proposed mastery of criteria.

Billable time is paid at the level of the provider's individual rate, and time spent may include the following, but is not to exceed three hours:

* Activities required to complete the assessment;
* Phone calls, emails, review of records, meeting with VR Counselor; and
* Writing and reviewing the plan.

### Challenging Behavior Services

Challenging Behavior services are for customers—

* Who have significant, persistent maladaptive behaviors that occur in more than one environment; and
* For whom the cause of a maladaptive behavior is unknown.

A provider must first conduct a behavior assessment that is an in-depth evaluation of problem behavior; however, if a VR Counselor is unsure if a behavior assessment is needed, purchasing a Pre-ABA Needs Determination Assessment is recommended.

Functional Behavior Assessment: A Functional Behavior Assessment (FBA) is intended to be a detailed, thorough evaluation of why a problem behavior is occurring.

The provider must—

* Observe the customer in at least two environments, such as in the provider's office, the customer's home, or the community; and
* Reflect the type of environment in which the suspected challenging behavior occurs.
* The FBA section of the report must include the following details, but is not limited to, the following:
  + Initial reported behavior concerns;
  + Targeted behaviors for assessment;
  + Dates, times, and summary of interviews;
  + Results of direct and indirect observations, assessments, and data collected;
  + Current home life and future living plans;
  + Employment goal and any other interests related to postsecondary options;
  + Current and past education, pertinent medical conditions, medicines, and therapies;
  + Preference assessments;
  + Setting events;
  + Precursors;
  + Proposed function of the behavior; and
  + Findings and recommendations.

The results of the FBA section may conclude that treatment is not necessary or that treatment can be provided by another professional (e.g., an Employment Specialist with the Autism Endorsement). If this occurs, completion of the Behavior Intervention Plan (BIP) section is unnecessary. The provider must only submit the FBA section and bill for hours used to complete it.

Behavior Intervention Plan:A BIP uses the findings of the FBA to create a treatment plan.

The BIP section of the report must include, but is not limited to, the following:

* Identified challenging behavior targeted for reduction;
* Replacement behavior goal and mastery of criteria for each challenging behavior;
* Identified skills deficit targeted to increase goals and mastery of criteria;
* Current baseline for targeted challenging behavior and/or skills deficit;
* Any procedures, strategies, supports needed to master identified goals;
* Method in which progress is monitored; and
* Recommended number of treatment hours and whether treatment is provided individually, in a group setting, or both.

Billable time may include the following, but is not to exceed 15 hours:

* Activities required that result in the recommended components of the FBA report and/or BIP report;
* Phone calls, emails, review of records, meeting with the VR Counselor; and
* Writing and/or reviewing the report with the VR Counselor, customer, or others, as applicable (report must be reviewed either in person or by phone, unless otherwise directed by the VR Counselor).

Social Skills/Behavior Intervention: After an assessment is submitted and approved by the VR Counselor, intervention—

* May be provided individually, in a group setting (the ratio between facilitators and customers cannot be greater than one therapist to six customers), or both; and
* Does not ordinarily exceed 60 intervention hours over the lifetime of the case.

If more than 60 intervention hours over the lifetime of the case are required, the VR Counselor must—

* Consult with the state office neurodevelopmental specialist;
* Document the justification in a case note;
* Submit through the RHW Purchase Approval Category; and
* Amend IPE to include additional hours, as applicable.

Hours that are completed for a Pre-ABA Needs Determination Assessment or an Assessment are not included in the 60-hour limit.

Billable direct hours may include direct intervention that is provided either individually, in a group setting, or both. This may not exceed 60 hours.

Billable indirect hours may include the following—

* Meetings, phone calls, and emails exchanged with the VR Counselor;
* Collecting and graphing data and writing progress reports; and
* Group indirect hours paid at the level of provider's individual rate—indirect hours are for an individual in a group (e.g., record review, graphing data, or writing a progress report).

Billable indirect hours are not to exceed three hours per month.

### Required Provider Documentation

To receive payment for ABA assessment services, the provider completes an assessment report that must be submitted and approved by the VR Counselor prior to payment.

To receive payment for ongoing ABA intervention, the provider must submit a progress report at least once a month that is approved by the VR Counselor.

To receive payment for supervision of ABA providers, the supervisor must submit a brief summary report that includes the following information:

* Dates and times that supervision took place;
* Total hours of supervision that reflect the required 5% set forth by BACB®; and
* Type of supervision conducted (type must meet the standards set forth by BACB®).

### Applied Behavior Analysis Fees

Fees for all ABA services are as follows:

| Level of Provider | Pre-Needs Determination Assessment and Assessments | Individual Intervention | Group Intervention |
| --- | --- | --- | --- |
| Level 1: BCBA-D® | $125.00 per hour | $125.00 per hour | $45.00 per hour |
| Level 2: BCBA® | $79.53 per hour | $79.53 per hour | $33.00 per hour |
| Level 3: BCaBA® | N/A | $37.50 per hour | $18.75 per hour |
| Level 4: RBT® | N/A | $37.50 per hour | $18.75 per hour |
| Level 5: Graduate Student | N/A | $37.50 per hour | $18.75 per hour |

If a BCBA® and a BCBA-D® conduct an assessment or provide intervention, the provider must bill at the BCBA® provider rate.

When completing reports and submitting billing, the following descriptions must be used as defined:

* Direct Hours are time spent in person with the customer or actively training a pertinent individual who has direct involvement with the customer for obtaining and maintaining employment.
* Direct Observation of a behavior in the naturally occurring environment and the conditions that occur. Measurement tools such as a scatterplot or ABC chart may be used.
* Indirect Hours are time spent providing services other than in-person support, such as meetings with the VR Counselor, phone calls, emails, collecting and graphing data, and writing progress reports.
* Indirect Observation may include, but is not limited to, interviews with customers or pertinent individuals in their life, informal assessments, or questionnaires.

## APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

* *VR Supervisor approval is required to purchase any of the following assessments or services more than once:*
  + ABA Evaluation (Social Skills or FBA)
  + ASD Supports Plan
  + Autism Psychological Battery
  + Environmental Work Assessment (EWA)

*Consultations*

* *State Office Neurodevelopmental Program Specialist consultation is required for more than 60 intervention hours of ABA over the lifetime of the case.*

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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| **Date** | **Type** | **Change Description** |
| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |