

ANNUAL REPORT
OF THE
INDIANA COMMISSION ON AUTISM



Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204

November, 2013

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2013

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Francine Rowley-Lacy
Attorney for the Commission

Chris Baker
Fiscal Analyst for the Commission

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

I. STATUTORY AND LEGISLATIVE COUNCIL DIRECTIVES

The Commission is required by IC 12-11-7-5 to do the following:

- (1) Study the service delivery system for individuals with autism and the families of individuals with autism, including the following:
 - (A) An analysis of the number of Indiana citizens believed to have autism.
 - (B) Funding amounts and sources.
 - (C) Types of expenditures and services provided.
 - (D) The number of clients served.
 - (E) Relationships among agencies and organizations.
 - (F) Residential options for individuals with autism.
- (2) Study the need and effectiveness of programs for individuals with autism.
- (3) Oversee and update the development of a comprehensive plan for services for individuals of all ages with autism.

The Legislative Council directed the Commission to study the effects of current and potential insurance coverage reductions on autism patients, families, and schools.

II. SUMMARY OF WORK PROGRAM

The Commission met on the following dates during the 2013 interim:

- (1) August 20, 2013.
- (2) September 25, 2013.
- (3) October 28, 2013.

III. SUMMARY OF TESTIMONY

Medicaid Waivers, State Services, and Projects and Goals for Individuals Diagnosed with Autism Spectrum Disorder (ASD)

Nicole Norvell, Division of Disability and Rehabilitative Services, Family and Social Services Administration (FSSA), updated the Commission on the availability of state services for ASD.

The Indiana Comprehensive Plan on Autism Issues

Dana Renay, Executive Director, Autism Society of Indiana, gave an overview of the Indiana State Comprehensive Plan for Individuals with ASD, including its guiding principles, goals, successes, and challenges. Ms. Renay explained the components of the Allies program and informed the Commission that the program is funded through FSSA.

The Affordable Care Act and Its Impact on Those With ASD

Logan Harrison, Chief Deputy Commissioner of Insurance, Indiana Department of Insurance (IDOI), gave an overview of IDOI Bulletin 136, IDOI Bulletin 179, IDOI Bulletin 197, and the Indiana Essential Health Benefit Benchmark Plan. He also presented information on the implications of the Affordable Care Act on Indiana. His testimony highlighted the responsibilities of Indiana as a participant in the federally facilitated marketplace.

The Indiana Birth Defects and Problems Registry

Robert Bowman, Director of the Maternal and Child Health Division, Indiana State Department of Health (ISDH), presented information concerning the Indiana Birth Defects and Problems Registry. He described the purpose and goals of the Indiana Birth Defects and Problems Registry. He explained how data (including autism data) is collected and utilized by ISDH.

The Continuation of Services For Those Diagnosed With ASD in Criminal Justice Settings

Suzanne O'Malley, Assistant Executive Director, Indiana Prosecuting Attorneys Council, provided information concerning the definition of insanity and how it is used in prosecuting criminal cases.

Carolyn Elliott, Board Member, Indiana Sheriffs' Association, testified on the mandatory autism training provided to law enforcement under IC 5-2-1-9.

Tim Brown, Director of Legislative Services, Indiana Department of Correction (IDOC), gave an overview of the mission and vision of IDOC. He gave statistics concerning the following:

- (A) The population of adults and juveniles within IDOC.
- (B) The recidivism rate.
- (C) The ASD population within IDOC.

Carol Missetic, Corizon Health Services, stated that Corizon performs medical and mental health evaluations for IDOC. She gave an overview of the types of treatments provided and programs available to inmates within IDOC facilities.

Craig Hanks, Director of Mental Health and Special Populations, IDOC, gave testimony concerning how IDOC manages inmates with mental health disorders.

Kelly Whitcomb, Executive Director of Juvenile Services, IDOC, testified concerning how information about juvenile inmates is obtained prior to their commitment to an IDOC facility.

Indiana Resource Center For Autism Annual Report

Dr. Cathy Pratt, Ph.D. Director, Indiana Resource Center for Autism, summarized the activities

of the Center in the areas of professional development, university course work and supervision, information development and dissemination, research, grant writing, and community service. She noted that Indiana was one of the first states to have an autism Medicaid waiver, an autism insurance mandate, and mandatory first responder training.

Insurance Issues Regarding Applied Behavior Analysis Therapy

Dana Renay, Executive Director, Autism Society of Indiana (ASI), discussed the Indiana Interagency Autism Coordination Council Insurance Project. The project involved the collaboration of ASI, Arc of Indiana, IDOI, the Indiana Department of Education, Anthem, and other stakeholders to identify suggestions and solutions on the following issues:

- (A) Standardization of structure of treatment plans, process of approving treatment plans, billing codes, etc.
- (B) Normalization of defining "medical necessity" as related to Applied Behavior Analysis (ABA) therapy and the standards used in determining necessity.
- (C) Establish a means of effectively resolving issues when the ABA provider and the payor disagree on items such as:
 - (1) the number of hours of treatment;
 - (2) acceptable standards of care; and
 - (3) determination of progress.
- (D) Quality assurance and accountability issues, including possible licensure of ABA professionals.
- (E) Accessing appropriate behavioral support services, including ABA therapy, in the school setting when identified in a child's individual education plan or individual support plan.

Caryl Auslander, Indiana Parents for Applied Behavior Analysis, discussed ABA therapy and insurance coverage issues.

Brian Alverson described the challenges of obtaining insurance coverage for ABA therapy for a child with severe autism.

John Willey, Anthem, testified that Anthem offers insurance coverage to individuals with autism for services that are considered medically necessary by a doctor.

Rebecca Bowman, Director of Special Education, Indiana Department of Education, discussed protecting the due process rights of special education students. She stated that the legislature allocated \$24 million dollars to schools to help pay for alternate placement for severely disabled children. Director Bowman added that schools can bill Medicaid for some services, including ABA therapy, provided to disabled children.

IV. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Commission finds that further study is needed regarding the Indiana Birth Defects and Problems Registry.

The Commission recommended that the Legislative Council direct the Criminal Law and Sentencing Policy Study Committee to meet with the Indiana Commission on Autism to jointly study criminal justice issues concerning individuals with autism spectrum disorder.

WITNESS LIST

Brian Alverson, Parent of a 14 year old daughter with severe autism
Caryl Auslander, Indiana Parents for Applied Behavior Analysis
Rebecca Bowman, Director of Special Education Services
Robert Bowman, Director of the Maternal and Child Health Division, Indiana State
Department of Health
Tim Brown, Director of Legislative Services, Indiana Department of Corrections
Carolyn Elliott, Board Member, Indiana Sheriffs' Association
Craig Hanks, Director of Mental Health and Special Populations, Indiana Department of
Corrections
Logan Harrison, Chief Deputy Commissioner of Insurance, Indiana Department of
Insurance
Carol Misetich, Corizon Health Services
Nicole Norvell, Division of Disability and Rehabilitative Services, Indiana Family and Social
Services Administration
Suzanne O'Malley, Assistant Executive Director, Indiana Prosecuting Attorneys Council
Cathy Pratt, Ph.D., Director, Indiana Resource Center for Autism
Dana Renay, Executive Director, Autism Society of Indiana
Kelly Whitcomb, Executive Director of Juvenile Services, Indiana Department of
Corrections
John Willey, Anthem