

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 453

Representative Lorenz

To amend sections 1751.84, 3923.84, 4783.01, and 1
4783.02 and to enact sections 3901.92 and 2
4783.40 of the Revised Code regarding insurance 3
and Medicaid coverage of applied behavior 4
analysis therapy for autism treatment and to 5
permit exam-eligible technicians to engage in 6
the practice of applied behavior analysis. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1751.84, 3923.84, 4783.01, and 8
4783.02 be amended and sections 3901.92 and 4783.40 of the 9
Revised Code be enacted to read as follows: 10

Sec. 1751.84. (A) Notwithstanding section 3901.71 of the 11
Revised Code, each individual and group health insuring 12
corporation policy, contract, or agreement providing basic 13
health care services that is delivered, issued for delivery, or 14
renewed in this state shall provide coverage for the screening, 15
diagnosis, and treatment of autism spectrum disorder. A health 16
insuring corporation shall not terminate an individual's 17
coverage, or refuse to deliver, execute, issue, amend, adjust, 18
or renew coverage to an individual solely because the individual 19
is diagnosed with or has received treatment for an autism 20
spectrum disorder. Nothing in this section shall be applied to 21

nongrandfathered plans in the individual and small group markets 22
or to medicare supplement, accident-only, specified disease, 23
hospital indemnity, disability income, long-term care, or other 24
limited benefit hospital insurance policies. Except as otherwise 25
provided in division (B) of this section, coverage under this 26
section shall not be subject to dollar limits, deductibles, or 27
coinsurance provisions that are less favorable to an enrollee 28
than the dollar limits, deductibles, or coinsurance provisions 29
that apply to substantially all medical and surgical benefits 30
under the policy, contract, or agreement. 31

(B) Benefits provided under this section shall cover, at 32
minimum, all of the following: 33

(1) ~~For speech~~ Speech and language therapy or occupational 34
therapy ~~for an enrollee under the age of fourteen that is~~ 35
performed by a licensed therapist, ~~twenty visits per year for~~ 36
~~each service;~~ 37

(2) ~~For clinical~~ Clinical therapeutic intervention ~~for an~~ 38
~~enrollee under the age of fourteen that is~~ provided by or under 39
the supervision of a professional who is licensed, certified, or 40
registered by an appropriate agency of this state to perform 41
such services in accordance with a health treatment plan, ~~twenty~~ 42
~~hours per week;~~ 43

(3) ~~For mental~~ Mental or behavioral health outpatient 44
services ~~for an enrollee under the age of fourteen that are~~ 45
performed by any of the following providing consultation, 46
assessment, development, or oversight of treatment plans, ~~thirty~~ 47
~~visits per year:~~ 48

(a) A licensed psychologist; 49

(b) A licensed physician, including a psychiatrist; 50

(c) A clinical nurse specialist or certified nurse practitioner, including a psychiatric-mental health advanced practice registered nurse or a clinical nurse specialist or certified nurse practitioner specializing in pediatric or family health. 51
52
53
54
55

(4) Adaptive behavior services that are performed by a certified Ohio behavior analyst under Chapter 4783. of the Revised Code, or an exam-eligible technician pursuant to section 4783.40 of the Revised Code. 56
57
58
59

(C) (1) Except as provided in division (C) (2) of this section, this section shall not be construed as limiting benefits that are otherwise available to an individual under a policy, contract, or agreement. 60
61
62
63

(2) A policy, contract, or agreement shall stipulate that coverage provided under this section be contingent upon both of the following: 64
65
66

(a) The covered individual receiving prior authorization for the services in question; 67
68

(b) The services in question being prescribed or ordered by a psychologist trained in autism, a developmental pediatrician, or a clinical nurse specialist or certified nurse practitioner specializing in pediatric health. 69
70
71
72

(D) (1) Except for inpatient services, if an enrollee is receiving treatment for an autism spectrum disorder, a health insuring corporation may review the treatment plan annually, unless the health insuring corporation and the enrollee's treating physician, clinical nurse specialist, certified nurse practitioner, or psychologist agree that a more frequent review is necessary. 73
74
75
76
77
78
79

(2) Any such agreement as described in division (D) (1) of 80
this section shall apply only to a particular enrollee being 81
treated for an autism spectrum disorder and shall not apply to 82
all individuals being treated for autism spectrum disorder by a 83
physician, clinical nurse specialist, certified nurse 84
practitioner, or psychologist. 85

(3) The health insuring corporation shall cover the cost 86
of obtaining any review or treatment plan. 87

(E) A health insuring corporation shall use the industry 88
standards of care set forth in the applied behavior analysis 89
practice guidelines for the treatment of autism spectrum 90
disorder published by the council of autism service providers to 91
inform decision-making regarding the use of applied behavioral 92
analysis as a medically necessary treatment service. 93

(F) This section shall not be construed as affecting any 94
obligation to provide services to an enrollee under an 95
individualized family service plan, an individualized education 96
program, or an individualized service plan. 97

~~(F)~~ (G) As used in this section: 98

(1) "Applied behavior analysis" means the design, 99
implementation, and evaluation of environmental modifications, 100
using behavioral stimuli and consequences, to produce socially 101
significant improvement in human behavior, including the use of 102
direct observation, measurement, and functional analysis of the 103
relationship between environment and behavior. 104

(2) "Autism spectrum disorder" means any of the pervasive 105
developmental disorders or autism spectrum disorder as defined 106
by the most recent edition of the diagnostic and statistical 107
manual of mental disorders published by the American psychiatric 108

association available at the time an individual is first 109
evaluated for suspected developmental delay. 110

(3) "Clinical therapeutic intervention" means therapies 111
supported by empirical evidence, which include, but are not 112
limited to, applied behavioral analysis, that satisfy both of 113
the following: 114

(a) Are necessary to develop, maintain, or restore, to the 115
maximum extent practicable, the function of an individual; 116

(b) Are provided by or under the supervision of any of the 117
following: 118

(i) A certified Ohio behavior analyst as defined in 119
section 4783.01 of the Revised Code; 120

(ii) An individual licensed under Chapter 4732. of the 121
Revised Code to practice psychology; 122

(iii) An individual licensed under Chapter 4757. of the 123
Revised Code to practice professional counseling, social work, 124
or marriage and family therapy. 125

(4) "Diagnosis of autism spectrum disorder" means 126
medically necessary assessments, evaluations, or tests to 127
diagnose whether an individual has an autism spectrum disorder. 128

(5) "Pharmacy care" means prescribed medications and any 129
health-related services considered medically necessary to 130
determine the need or effectiveness of the medications. 131

(6) "Psychiatric care" means direct or consultative 132
services provided by a psychiatrist or psychiatric-mental health 133
advanced practice registered nurse who is licensed in the state 134
in which the psychiatrist or nurse practices. 135

(7) "Psychiatric-mental health advanced practice
registered nurse" means an advanced practice registered nurse
who is either of the following:

(a) A clinical nurse specialist who is certified as a
psychiatric-mental health CNS, or the equivalent of such title,
by the American nurses credentialing center;

(b) A certified nurse practitioner who is certified as a
psychiatric-mental health NP, or the equivalent of such title,
by the American nurses credentialing center or American academy
of nurse practitioners certification board.

(8) "Psychological care" means direct or consultative
services provided by a psychologist licensed in the state in
which the psychologist practices.

(9) "Therapeutic care" means services provided by a speech
therapist, occupational therapist, or physical therapist
licensed or certified in the state in which the person
practices.

(10) "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 who is a developmental pediatrician,
licensed psychologist trained in autism, clinical nurse
specialist or certified nurse practitioner specializing in
pediatric health, or clinical nurse specialist or certified
nurse practitioner trained in autism who determines the care and
related equipment to be medically necessary, including any of
the following:

(a) Clinical therapeutic intervention;

(b) Pharmacy care;

(c) Psychiatric care; 165

(d) Psychological care; 166

(e) Therapeutic care. 167

~~(G)~~ (H) If any provision of this section or the application 168
thereof to any person or circumstances is for any reason held to 169
be invalid, the remainder of the section and the application of 170
such remainder to other persons or circumstances shall not be 171
affected thereby. 172

Sec. 3901.92. (A) Third-party payers shall reimburse 173
providers of applied behavior analysis services for performing 174
adaptive behavior assessment and treatment procedures at not 175
less than one hundred per cent of the medicaid fee schedule in 176
effect at the time of service. 177

(B) Nothing in this section prohibits a third-party payer 178
from reimbursing a provider of applied behavior analysis 179
services more than one hundred per cent of the medicaid fee 180
schedule in effect at the time of service. 181

Sec. 3923.84. (A) Notwithstanding section 3901.71 of the 182
Revised Code, each individual and group sickness and accident 183
insurance policy that is delivered, issued for delivery, or 184
renewed in this state shall provide coverage for the screening, 185
diagnosis, and treatment of autism spectrum disorder. A sickness 186
and accident insurer shall not terminate an individual's 187
coverage, or refuse to deliver, execute, issue, amend, adjust, 188
or renew coverage to an individual solely because the individual 189
is diagnosed with or has received treatment for an autism 190
spectrum disorder. Nothing in this section shall be applied to 191
nongrandfathered plans in the individual and small group markets 192
or to medicare supplement, accident-only, specified disease, 193

hospital indemnity, disability income, long-term care, or other 194
limited benefit hospital insurance policies. Except as otherwise 195
provided in division (B) of this section, coverage under this 196
section shall not be subject to dollar limits, deductibles, or 197
coinsurance provisions that are less favorable to an insured 198
than the dollar limits, deductibles, or coinsurance provisions 199
that apply to substantially all medical and surgical benefits 200
under the policy. 201

(B) Benefits provided under this section shall cover, at 202
minimum, all of the following: 203

(1) ~~For speech~~ Speech and language therapy or occupational 204
therapy ~~for an insured under the age of fourteen that is~~ 205
performed by a licensed therapist, ~~twenty visits per year for~~ 206
~~each service;~~ 207

(2) ~~For clinical~~ Clinical therapeutic intervention ~~for an~~ 208
~~insured under the age of fourteen that is~~ provided by or under 209
the supervision of a professional who is licensed, certified, or 210
registered by an appropriate agency of this state to perform 211
such services in accordance with a health treatment plan, ~~twenty~~ 212
~~hours per week;~~ 213

(3) ~~For mental~~ Mental or behavioral health outpatient 214
services ~~for an insured under the age of fourteen that are~~ 215
performed by any of the following providing consultation, 216
assessment, development, or oversight of treatment plans, ~~thirty~~ 217
~~visits per year:~~ 218

(a) A licensed psychologist; 219

(b) A licensed physician, including a psychiatrist; 220

(c) A clinical nurse specialist or certified nurse 221
practitioner, including a psychiatric-mental health advanced 222

practice registered nurse or a clinical nurse specialist or 223
certified nurse practitioner specializing in pediatric or family 224
health. 225

(4) Adaptive behavior services that are performed by a 226
certified Ohio behavior analyst under Chapter 4783. of the 227
Revised Code, or an exam-eligible technician pursuant to section 228
4783.40 of the Revised Code. 229

(C) (1) Except as provided in division (C) (2) of this 230
section, this section shall not be construed as limiting 231
benefits that are otherwise available to an insured under a 232
policy. 233

(2) A policy of sickness and accident insurance shall 234
stipulate that coverage provided under this section be 235
contingent upon both of the following: 236

(a) The covered individual receiving prior authorization 237
for the services in question; 238

(b) The services in question being prescribed or ordered 239
by a psychologist trained in autism, a developmental 240
pediatrician, or a clinical nurse specialist or certified nurse 241
practitioner specializing in pediatric health. 242

(D) (1) Except for inpatient services, if an insured is 243
receiving treatment for an autism spectrum disorder, a sickness 244
and accident insurer may review the treatment plan annually, 245
unless the insurer and the insured's treating physician, 246
clinical nurse specialist, certified nurse practitioner, or 247
psychologist agree that a more frequent review is necessary. 248

(2) Any such agreement as described in division (D) (1) of 249
this section shall apply only to a particular insured being 250
treated for an autism spectrum disorder and shall not apply to 251

all individuals being treated for autism spectrum disorder by a 252
physician, clinical nurse specialist, certified nurse 253
practitioner, or psychologist. 254

(3) The insurer shall cover the cost of obtaining any 255
review or treatment plan. 256

(E) A sickness and accident insurer shall use the industry 257
standards of care set forth in the applied behavior analysis 258
practice guidelines for the treatment of autism spectrum 259
disorder published by the council of autism service providers to 260
inform decision-making regarding the use of applied behavioral 261
analysis as a medically necessary treatment service. 262

(F) This section shall not be construed as affecting any 263
obligation to provide services to an insured under an 264
individualized family service plan, an individualized education 265
program, or an individualized service plan. 266

~~(F)~~ (G) As used in this section: 267

(1) "Applied behavior analysis" means the design, 268
implementation, and evaluation of environmental modifications, 269
using behavioral stimuli and consequences, to produce socially 270
significant improvement in human behavior, including the use of 271
direct observation, measurement, and functional analysis of the 272
relationship between environment and behavior. 273

(2) "Autism spectrum disorder" means any of the pervasive 274
developmental disorders or autism spectrum disorder as defined 275
by the most recent edition of the diagnostic and statistical 276
manual of mental disorders published by the American psychiatric 277
association available at the time an individual is first 278
evaluated for suspected developmental delay. 279

(3) "Clinical therapeutic intervention" means therapies 280

supported by empirical evidence, which include, but are not 281
limited to, applied behavioral analysis, that satisfy both of 282
the following: 283

(a) Are necessary to develop, maintain, or restore, to the 284
maximum extent practicable, the function of an individual; 285

(b) Are provided by or under the supervision of any of the 286
following: 287

(i) A certified Ohio behavior analyst as defined in 288
section 4783.01 of the Revised Code; 289

(ii) An individual licensed under Chapter 4732. of the 290
Revised Code to practice psychology; 291

(iii) An individual licensed under Chapter 4757. of the 292
Revised Code to practice professional counseling, social work, 293
or marriage and family therapy. 294

(4) "Diagnosis of autism spectrum disorder" means 295
medically necessary assessment, evaluations, or tests to 296
diagnose whether an individual has an autism spectrum disorder. 297

(5) "Industry standards of care" means the standards of 298
care used in the applied behavior analysis practice guidelines 299
for the treatment of autism spectrum disorder published by the 300
council of autism service providers. 301

(6) "Pharmacy care" means prescribed medications and any 302
health-related services considered medically necessary to 303
determine the need or effectiveness of the medications. 304

~~(6)~~ (7) "Psychiatric care" means direct or consultative 305
services provided by a psychiatrist or psychiatric-mental health 306
advanced practice registered nurse who is licensed in the state 307
in which the psychiatrist or nurse practices. 308

~~(7)~~(8) "Psychiatric-mental health advanced practice
registered nurse" means an advanced practice registered nurse
who is either of the following:

(a) A clinical nurse specialist who is certified as a
psychiatric-mental health CNS, or the equivalent of such title,
by the American nurses credentialing center;

(b) A certified nurse practitioner who is certified as a
psychiatric-mental health NP, or the equivalent of such title,
by the American nurses credentialing center or American academy
of nurse practitioners certification board.

~~(8)~~(9) "Psychological care" means direct or consultative
services provided by a psychologist licensed in the state in
which the psychologist practices.

~~(9)~~(10) "Therapeutic care" means services provided by a
speech therapist, occupational therapist, or physical therapist
licensed or certified in the state in which the person
practices.

~~(10)~~(11) "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 who is a developmental pediatrician,
licensed psychologist trained in autism, clinical nurse
specialist or certified nurse practitioner specializing in
pediatric health, or clinical nurse specialist or certified
nurse practitioner trained in autism who determines the care and
related equipment to be medically necessary, including any of
the following:

(a) Clinical therapeutic intervention;

(b) Pharmacy care;

(c) Psychiatric care;	338
(d) Psychological care;	339
(e) Therapeutic care.	340
(G) (H) If any provision of this section or the application	341
thereof to any person or circumstances is for any reason held to	342
be invalid, the remainder of the section and the application of	343
such remainder to other persons or circumstances shall not be	344
affected thereby.	345
Sec. 4783.01. As used in this chapter:	346
(A) "Certified Ohio behavior analyst" means an individual	347
holding a current, valid certificate issued under section	348
4783.04 of the Revised Code.	349
(B) (1) (B) "Exam-eligible technician" means an individual	350
<u>who has met the requirements of division (B) of section 4783.40</u>	351
<u>of the Revised Code.</u>	352
<u>(C) (1)</u> "Practice of applied behavior analysis" means the	353
design, implementation, and evaluation of instructional and	354
environmental modifications to produce socially significant	355
improvements in human behavior and includes the following:	356
(a) The empirical identification of functional relations	357
between behavior and environmental factors, known as functional	358
assessment and analysis;	359
(b) Interventions based on scientific research and the	360
direct observation and measurement of behavior and the	361
environment;	362
(c) Utilization of contextual factors, motivating	363
operations, antecedent stimuli, positive reinforcement, and	364

other consequences to help people develop new behaviors, 365
increase or decrease existing behaviors, and emit behaviors 366
under specific environmental conditions. 367

(2) "Practice of applied behavior analysis" does not 368
include psychological testing, diagnosis of a mental or physical 369
disorder, neuropsychology, psychotherapy, cognitive therapy, sex 370
therapy, psychoanalysis, hypnotherapy, and long-term counseling 371
as treatment modalities. 372

Sec. 4783.02. (A) Except as otherwise provided in division 373
(B) of this section and section 4783.40 of the Revised Code, no 374
person shall do either of the following: 375

(1) Engage in the practice of applied behavior analysis in 376
this state without holding a certificate issued under section 377
4783.04 of the Revised Code; 378

(2) Hold the person's self out to be a certified Ohio 379
behavior analyst unless the person holds a certificate issued 380
under section 4783.04 of the Revised Code. 381

(B) This chapter does not apply to any of the following: 382

(1) An individual licensed under Chapter 4732. of the 383
Revised Code to practice psychology, if the practice of applied 384
behavior analysis engaged in by the licensed psychologist is 385
within the licensed psychologist's education, training, and 386
experience; 387

(2) An individual licensed under Chapter 4757. of the 388
Revised Code to practice counseling, social work, or marriage 389
and family therapy, if the practice of applied behavior analysis 390
engaged in by the licensed professional counselor, licensed 391
professional clinical counselor, licensed social worker, or 392
licensed marriage and family therapist is within the licensee's 393

education, training, and experience; 394

(3) An individual acting under the authority and direction 395
of an individual described in division (B)(1) or (2) of this 396
section; 397

(4) An individual practicing applied behavior analysis who 398
is supervised by a certified Ohio behavior analyst and acting 399
under the authority and direction of that certified Ohio 400
behavior analyst; 401

(5) The delivery of interventions by a direct care 402
provider or family member to implement components of an applied 403
behavior analysis treatment plan. 404

(6) A behavior analyst who practices with nonhuman or 405
nonpatient clients or consumers, including applied animal 406
behaviorists and practitioners of organizational behavior 407
management; 408

(7) A licensed professional authorized to practice in this 409
state who, in the offering or rendering of services, does not 410
represent oneself in any printed materials or verbally by 411
incorporating the term "applied behavior analyst," if the 412
services of the licensed professional are within the scope of 413
practice of the licensing law governing the licensed 414
professional and the services performed are commensurate with 415
the licensed professional's education, training, and experience; 416

(8) A matriculated graduate student or postdoctoral 417
trainee whose activities are part of a defined program of study 418
or professional training; 419

(9) An individual employed by the department of 420
developmental disabilities, a county board of developmental 421
disabilities, or a council of government consisting of county 422

boards of developmental disabilities, when the individual is 423
acting in the scope of that employment; 424

(10) A professional employed in a school or other setting 425
that falls under the regulation of the state board of education 426
when the professional is acting within the scope of that 427
employment. 428

(C) For purposes of division (B) (3) or (4) of this 429
section, an individual is not subject to this chapter only if 430
the licensed psychologist, the licensed professional counselor, 431
the licensed professional clinical counselor, the licensed 432
social worker, the licensed marriage and family therapist, or 433
the certified Ohio behavior analyst under whose authority and 434
direction the individual is acting pursuant to division (B) (3) 435
or (4) of this section signs an attestation stating that the 436
licensed psychologist, licensed professional counselor, licensed 437
professional clinical counselor, licensed social worker, 438
licensed marriage and family therapist, or certified Ohio 439
behavior analyst is responsible for the care provided by the 440
individual. 441

Sec. 4783.40. (A) Notwithstanding section 4783.02 of the 442
Revised Code, an exam-eligible technician may engage in the 443
practice of applied behavior analysis in this state in 444
accordance with this section. 445

(B) To be eligible to practice as an exam-eligible 446
technician pursuant to this section, an individual must be 447
either of the following: 448

(1) The individual is in the process of becoming a 449
registered behavior technician certified by the behavior analyst 450
certification board and is practicing under the supervision of a 451

certified Ohio behavior analyst or a board certified assistant 452
behavior analyst holding a valid certification from the behavior 453
analyst certification board. 454

(2) The individual has satisfied all of the following 455
criteria: 456

(a) The individual holds a high school diploma or higher 457
degree. 458

(b) The individual has completed any equivalent coursework 459
or training requirements for registered behavior technicians 460
required by the behavior analyst certification board or its 461
successor organization. 462

(c) The individual has passed an initial competency 463
assessment, or otherwise been found eligible, to sit for a 464
psychometrically valid examination administered by a nationally 465
accredited credentialing organization. 466

(C) An exam-eligible technician meeting the requirements 467
of this section may engage in the practice of applied behavior 468
analysis in this state under the supervision of a certified Ohio 469
behavior analyst for a period of ninety days after the date the 470
individual meets the requirements of division (B) (1) of this 471
section. If the individual does not achieve certification as a 472
certified Ohio behavior analyst by the end of that ninety-day 473
period, the individual is no longer eligible to engage in the 474
practice of applied behavior analysis as an exam-eligible 475
technician. 476

Section 2. That existing sections 1751.84, 3923.84, 477
4783.01, and 4783.02 of the Revised Code are hereby repealed. 478

Section 3. PAYMENT RATES FOR ABA THERAPY SERVICES 479

For fiscal year 2027, the Department of Medicaid shall 480
establish payment rates under the care management system 481
established under section 5167.03 of the Revised Code, for 482
applied behavior analysis therapy services used to treat 483
Medicaid enrollees with a diagnosis of autism spectrum disorder. 484
These payment rates shall equal one hundred per cent of the fee- 485
for-service rate for current procedural terminology codes 97151 486
through 97158. 487