

LB 706

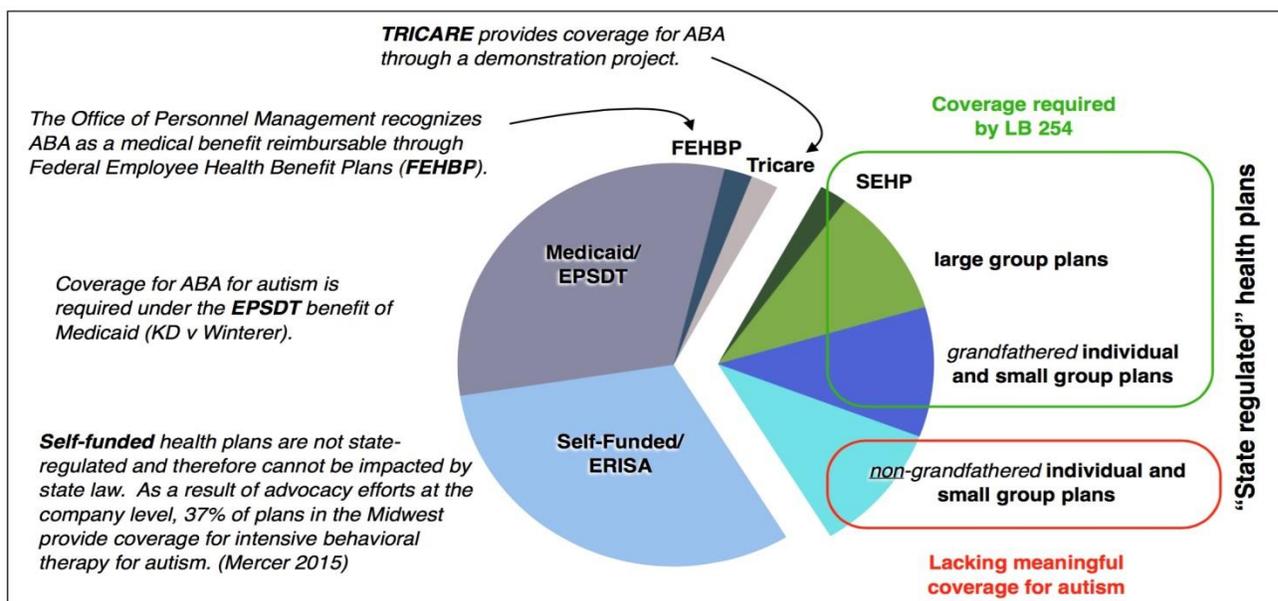
Habilitative Services

Introduced by Senator Colby Coash

- “Habilitative Services” is one of ten categories of Essential Health Benefits (EHBs) that must be covered in each State’s benchmark plan. The federal definition of habilitative services is, “health care services that help a person keep, learn, or improve skills and functioning for daily living.”
- Applied Behavior Analysis (ABA) is the most commonly prescribed evidence based treatment for autism. ABA increases developmentally appropriate skills in individuals with autism and reduces behaviors that may cause harm or interfere with daily living. ABA is clearly a habilitative service as defined by federal law.
- However, Nebraska’s 2017 benchmark plan specifically excludes coverage for Applied Behavior Analysis, and lists ABA is a service that is “not habilitative.”
- EHB final rules by the federal government provide States the flexibility to define “habilitative” services to include benefits that can be considered habilitative as long as the State definition does not prevent the application of the federal definition. LB 706 proposes that Nebraska adopt the federal definition of “habilitative services” with the clarification that Applied Behavior Analysis is included as a habilitative service, i.e.,

“ Health care services that help a person keep, learn, or improve skills and functioning for daily living, including applied behavior analysis.”

- Passage of LB 254 in in 2014 Nebraska Legislative Session required insurance coverage for ABA and other medically necessary treatments for autism in state employee health plans, large group plans and grandfathered plans in the individual and small group markets.
- LB 706 would close the gap in coverage for ABA treatment if medically necessary in all State-regulated insurance plans: non-grandfathered plans in the individual and small group markets, including those sold on the Health Insurance Marketplace.



- Defining ABA as an essential health benefit in Nebraska would also provide the availability of coverage for ABA through the purchase of “child only” Health Insurance Marketplace plans for families with self-funded health plans that are not state regulated and not covered by state law.
- After a successful lawsuit last fall, the State of Nebraska must provide ABA to children covered by Medicaid.
- Passage of LB 706 would ensure that families in certain private plans are not discriminated against if their child has been diagnosed on the autism spectrum and it is determined by a medical professional that ABA is medically necessary to enable the child to be the best they can be to succeed in school and in society.