



## ABA is covered Let WAAA help you

### Medicaid

Regarding Medicaid coverage, the providers can refer the MCOs to the Washington Administrative Code (WAC) sections that were written as a result of WAAA's settlement with the Health Care Authority. These new rules describe Medicaid coverage of ABA in Washington State under the EPSDT benefit. It is clear that the coverage is not limited to kids with an autism diagnosis. Under the WAC, ABA is defined as an *"approach to improve behavior and skills related to core impairments associated with autism and a number of other developmental disabilities."* Furthermore, the rules state that to be eligible for ABA services, a child must have a *"qualifying diagnosis"* and must establish the medical necessity of the ABA therapy, among other requirements. The rules do NOT require a specific diagnosis of autism and coverage should NOT be limited to that diagnosis.

For more details, the rules are listed in WAC 182-531A:

( <http://apps.leg.wa.gov/wac/default.aspx?cite=182-531A&full=true> )

### Private Insurance

Coverage of ABA by private insurance is not so clearly defined, but the argument is the same whether it is a diagnosis of autism or another DSM condition. Under both state and federal mental health parity laws, medically necessary treatments of mental health conditions must be covered at the same level as medical/surgical treatments. Courts have found that exclusions of a specific mental health treatment altogether, such as ABA, violate this requirement. However, it still may take going through the appeals process and possibly even litigation to convince an insurer to provide the coverage. That's where WAAA comes in.

*\*This argument would not apply if the child does not have a diagnosis of a DSM condition. In that case, the appeal would be based on medical necessity.*