



## Guiding Principles and Procedures

July 2019

The founding members of the ABA Coding Coalition (ABACC) are the Association of Professional Behavior Analysts, Autism Speaks State Government Affairs, Behavior Analyst Certification Board, and Council of Autism Service Providers. This document describes the structure, function, objectives, and operating procedures of the ABACC and its Work Group. By signing the document, members agree to abide by the terms and conditions set out herein.

### **I. Structure and Functions**

Each of the participating organizations shall designate a principal and an alternate representative. The principal representatives (or their alternates, if the principal representatives are unavailable) shall serve as the decision-making body for the ABACC. Jenna Minton, Minton Healthcare Strategies, shall serve as a contracted consultant and non-voting member of the ABACC.

The principal representative of any ABACC member may nominate another organization to be considered for participation in the Coalition. That organization must agree to comply with the principles and procedures set out here, and the nomination must be approved by unanimous vote of the existing members. If the organization is approved, it will be invited to nominate a principal and alternate representative to the ABACC. Those nominees must also agree to comply with this policy and complete the Disclosures section (III.D.viii), which shall be reviewed by the principal representatives of the existing members. Any actual or potential conflicts of interest will be discussed with each nominee. If any conflict is not resolved, the nomination shall not go forward. Both nominees must be approved by unanimous vote of the principal representatives.

**Work Group.** The ABACC as a whole and each of the participating organizations shall invite selected applied behavior analysis (ABA) service providers, public and private health insurance plans, health insurance billers, and consumer advocacy organizations to nominate one principal and one alternate representative to serve on a Work Group that will provide the ABACC with information and input related to the objectives outlined in II below. Each nominee shall complete the Disclosures section of this policy, which will be reviewed by the principal representatives to the ABACC. The form shall be reviewed by the ABACC, which will address any actual or potential conflicts of interest with the nominee. If any conflict is not resolved, the nomination shall not go forward. An affirmative vote by 2/3 of the principal representatives is required to approve a nominee to the Work Group.

The ABACC shall strive to have the Work Group comprise representatives of (a) large, medium-sized, and small organizations or agencies that provide ABA services directly to clients, distributed geographically across the U.S.; (b) private health plans; (c) TRICARE; (d) Medicaid; (e) health insurance billers who specialize in ABA services; and (f) consumer organizations in addition to Autism Speaks that evidence a commitment to advocating for ABA services.

The ABACC shall strive to meet with the Work Group electronically once per month or as needed.

### **II. Objectives and Activities**

The objectives and activities of the ABACC include but are not limited to:

- A. Developing and disseminating materials to assist health insurance providers, payers, billers, and consumers with implementing the Category I and Category III CPT<sup>®</sup> codes for adaptive behavior services that went into effect January 1, 2019.

- B. Operating and maintaining a website that will serve as the repository for all print and electronic resources developed by the ABACC and related materials, as well as a portal for inquiries regarding the 2019 adaptive behavior CPT<sup>®</sup> codes and related topics. Examples of the latter are Medically Unlikely Edits (MUEs) on ABA services billing codes, reimbursement rates (within the constraints of antitrust laws), payer policies, and communications among providers and payers.
- C. Responding to inquiries regarding the 2019 adaptive behavior CPT<sup>®</sup> codes and related topics.
- D. Delivering presentations (e.g., at conferences, via webinars) on the 2019 adaptive behavior CPT<sup>®</sup> codes and related topics.

### **III. Operating Procedures**

- A. The principal representatives to the ABACC and their consultant shall meet electronically at least once per month, more often if needed. In-person meetings shall be convened as needed. Alternate representatives are welcome to attend meetings.
- B. Whenever possible, decisions shall be made by consensus of the principal representatives of the participating organizations (or their alternates if the principal representatives are unavailable). When consensus cannot be reached, decisions shall be made by a 2/3 vote of the principal representatives (or their alternates), with each participating organization having one vote.
- C. All written documents produced or used by the ABACC shall be stored on a secure cloud site that is accessible only by members of the ABACC.
- D. Responsibility, disclosures, conflicts of interest, and confidentiality
  - i. ABACC members shall be committed and dedicated to protecting and furthering the best interests of the ABACC. Personnel may serve as employees or on boards or committees of other entities concerned with the practice of ABA or the provision of services that are reimbursed by health insurance plans, provided that such affiliations and activities are disclosed to and reviewed by the ABACC and do not give the appearance of ABACC endorsement or sponsorship or involve disclosure of confidential information about any ABACC matters.
  - ii. When voting or acting on ABACC matters, members shall vote or act to serve the interests and objectives of the ABACC and not other boards, committees, organizations, coalitions, or businesses.
  - iii. Upon commencing service with the ABACC, all members shall complete section III.D.viii of this document, including disclosures of all business, financial, and organizational interests and affiliations that could be construed as related to the interests of the ABACC. That information shall be reviewed verbally with the ABACC, which shall determine if there are any conflicts of interest relating to the interests of the ABACC. Members shall update section III.D.viii whenever information changes, and shall identify to the ABACC any actual or apparent conflict of interest relating to a matter being considered by the ABACC. The disclosure shall be recorded promptly in writing and shall be recorded in the ABACC meeting minutes or other record. Upon each disclosure of a possible conflict of interest, a determination shall be made by the ABACC as to the participation of the individual in the matter and as to participation in voting on the matter. The disclosure and vote shall be recorded in the minutes or other record. A member may recuse himself or herself from voting at any time the member believes he or she may have a conflict of interest.

- iv. ABACC members shall undertake no enterprise to profit personally from their position on the ABACC or to bring their interests into conflict or competition with the interests of the ABACC. Conflicts of interest may be actual, apparent, and/or potential. If a conflict arises, it is incumbent upon members to recuse themselves from the discussion and/or abstain from voting.
- v. All communications, documents, and materials of the ABACC shall be deemed and kept confidential. Members are prohibited from disclosing any confidential ABACC matter, including but not limited to any legal memoranda, policy, other document, consideration, deliberation or discussion unless (a) explicitly authorized by vote of the ABACC or (b) to fulfill their responsibility to report to the governing bodies of their respective organizations, which shall be asked to keep the information confidential unless the ABACC has decided to make it public. Otherwise, all members shall hold all matters pertaining to ABACC activity in the strictest confidence. Members shall not release any materials connected with any ABACC activity to any person or entity, or make materials developed by the ABACC available for any purpose whatsoever, except as specifically authorized by the ABACC.
- vi. All works developed by ABACC personnel as part of their service to the ABACC shall be the property of the ABACC.
- vii. ABACC personnel shall represent themselves and the ABACC in a professional manner in all interactions and at all functions in which they participate in an official ABACC capacity, or where such event or function or their attendance is paid for by the ABACC.
- viii. Disclosures (to be completed in writing and reviewed verbally with the ABACC)

Name:

Position or job title:

Principal employer:

If your principal employer is an organization or company, is it  for profit or  nonprofit?

Other entities that are owned, funded (in whole or in part), or controlled (in whole or in part) by your principal employer (please list all that apply):

Other affiliations (memberships in organizations; seats held on Boards of Directors, Advisory Boards, committees, task forces, work groups, etc. in applied behavior analysis. Please list all that apply):

Business or financial interests in entities or activities that relate to the objectives and activities of the ABACC (please list all that apply):

To the best of your knowledge, are there any other affiliations or matters that would constitute any actual, apparent, or potential conflict of interest in your service to the ABACC?  Yes  No. If yes, explain fully:

Professional credential(s) held:

Professional code of ethics to which you ascribe:

**SIGNATURE OF ABACC OR WORK GROUP MEMBER:**

I have read this document carefully and agree to abide by all conditions described herein.

Name (printed):

Organization represented:

Signature: \_\_\_\_\_ Date: