

2016 State Autism Profiles VIRGINIA

DEMOGRAPHICS

In 2000, 2,205 or 1.32% of children ages 3-21 who received special education services in Virginia have autism. In 2013-2014, 16,933 or 10.44% of children with disabilities ages 3-21 who received special education services have autism.

Table 1-1: IDEA Part B - Children with Autism in Virginia for 2000-2001 and 2014-2015
(Child Count by Age Group)

	2000-2001	2014-2015
Age 3-5	222	1,388
Age 6-21	1,983	15,545
Age 3-21	2,205	16,933

Source: Reported by the Commonwealth of Virginia in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs

Table 1-2: IDEA Part B - Children with Disabilities in Virginia for 2000-2001 and 2014-2015
(Child Count by Age Group)

	2000-2001	2014-2015
Age 3-5	14,363	16,394
Age 6-11	76,260	66,494
Age 12-17	70,019	70,130
Age 18-21	6,936	9,147
Age 6-21	153,215	145,771
Age 3-21	167,578	162,165

Source: Reported by the Commonwealth of Virginia in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs

STATE TASK FORCE

Autism Advisory Council

On March 28, 2011, Governor Robert McDonnell signed S.B. 1269 into law, creating an Autism Advisory Council in the legislative branch to promote coordination of services and supports among the many groups that deliver services to people with autism spectrum disorder. The Council is made up of lawmakers who are charged with identifying problems and making recommendations to the General Assembly about how to make state programs more effective. Their most recent report summarizes activities and recommendations from 2013. H.B. 538, passed March 5, 2014, extended the life of the Council from a sunset date of July 1, 2014 to July 1, 2016.

<http://dls.virginia.gov/commissions/aac.htm>

http://services.dlas.virginia.gov/User_db/frmView.aspx?ViewId=4119&s=26

[http://leg2.state.va.us/dls/h&sdocs.nsf/fc86c2b17a1cf388852570f9006f1299/b52f6fc0b0e55fc985257b6a004d3a57/\\$FILE/RD373.pdf](http://leg2.state.va.us/dls/h&sdocs.nsf/fc86c2b17a1cf388852570f9006f1299/b52f6fc0b0e55fc985257b6a004d3a57/$FILE/RD373.pdf)

STATE INSURANCE COVERAGE

On April 29, 2011 Governor Robert McDonnell signed H.B. 2467 into law, requiring that health plans in Virginia provide for the diagnosis and treatment of autism spectrum disorder in children ages two to six years old. The requirement applies to the state employees' health insurance plan and to the local choice health program, and does not apply to an insurer, corporation, or health maintenance organization, or to government employee programs, if the costs associated with coverage exceed one percent of premiums charged over the experience period. Treatment includes behavioral health treatment, pharmacy, psychiatric, psychological, and therapeutic care, as well as applied behavior analysis (ABA). Coverage is limited to an annual maximum benefit of \$35,000 for ABA unless the insurer elects to provide coverage in a greater amount. Coverage is not subject to any visit limits.

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In 2015, Governor Terry McAuliffe signed an expansion of the autism insurance legislation to expand coverage for the diagnosis and treatment of autism spectrum disorder from the previously covered ages two through six to two through ten. The new coverage in H.B. 1940 does not apply to plans issued in the individual market or the small group market which is now defined as employers with no more than 100 employees.

<http://lis.virginia.gov/cgi-bin/legp604.exe?151+sum+HB1940>

In 2016, H.B. 984 was introduced to expand coverage for the diagnosis and treatment of autism spectrum disorder in individuals from ages two to ten to ages two through 14. The measure would not apply to plans issued in the individual or the small group market. The bill was stricken by the Commerce and Labor Committee by voice vote in February 2016.

Virginia continues to have a mental health parity law, which states that individuals who suffer from biologically-based mental illnesses, including autism, are entitled to group health insurance coverage, as with coverage for other illnesses. Small employers with 25 employees or fewer, individual policies, and short-term policies are exempted. (*VA Code §38.2-3412.1:01*)

The legislature amended the parity law in 2015 to require that group and individual health insurance coverage provide mental health and substance use disorder benefits in parity with the medical and surgical benefits contained in the coverage even where those requirements would not otherwise apply directly. H.B. 1747 also requires the Bureau of Insurance to develop reporting requirements regarding denied claims, complaints, and appeals in an annual report.

<http://lis.virginia.gov/cgi-bin/legp604.exe?151+sum+HB1747>

ESSENTIAL HEALTH BENEFITS

Virginia's benchmark plan does not offer any autism services on its federally-run plan. Since Virginia's autism mandate applies only to large group plans, the benchmark for small and individual plans does not fall within it.

(Anthem Health Plans of VA – Anthem BCBS; PPO, KeyCare 30)

MEDICAID

Virginia Home Community Based Services Waiver: VA Individual & Family DD Support

Implemented on July 1, 2013, this HCBS waiver helps individuals with developmental disabilities including those with autism to continue to live at home and within their communities. Services provided include: day support, in-home residential, personal care, prevocational, respite care, supported employment that is group/individual/consumer directed, adult companion, assistive technology, crisis stabilization, crisis supervision, environmental modifications, family and caregiver training, PERS, skilled and private duty nursing, therapeutic consultation, and transition. The waiver expires on June 30, 2018 and applies only to individuals ages 6 and older.

<http://easyaccess.virginia.gov/waiver-ifdds.shtml>

http://www.medicaid.gov/medicaid-chip-program-information/by-topics/waivers/waivers_faceted.html

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EDUCATION

Behavior Analyst Licensing

Governor McDonnell signed H.B. 1106 – an amendment to H.B. 2467 – into law in February 2012, relating to the licensure of behavior analysts and assistant behavior analysts. *2011 Va. Act, Chap. 876 and 2011 Va. Act, Chap. 878 (H.B. 2467 of 2011, S.B. 1062 of 2011)*

In the 2015 legislative session, S.B. 1045 was passed and signed by the Governor requiring the Board of Medicine to provide information on autism spectrum disorder developed by the Board together with the Department of Behavioral Health and Developmental Services and other stakeholders on its website and to notify licensees regarding the availability of such information.

An Ad Hoc Committee to implement S.B. 1045 was formed with input from the stakeholders and a variety of resources have been vetted and posted on to the website.

<http://www.dhp.virginia.gov/medicine/default.htm>

Teacher Endorsements

In the 2011 session, H.B. 1720 was introduced to change the requirements for teachers seeking an endorsement for special education to include demonstration of proficiency in student behavior management. Also, local school districts would be required to provide 80 hours of training in behavior management to any aid assigned to work with a teacher who primarily has responsibility for children with autism spectrum disorder, within the first 60 days of being assigned. H.B. 1720 was referred to the Appropriations Committee; no further action was taken.

Autism Tuition Assistance Grant Program

H.B. 1985 and S.B. 956 were introduced on January 13, 2009 to create an autism tuition assistance program of up to \$20,000 for an eligible student with autism with an individualized education plan to attend a participating Virginia private school instead of the public school in his/her district. The eligible student must have received special education services within the Virginia public school system for at least one year, and the parents of the eligible student must have obtained admission to a participating Virginia private school. H.B. 1985 was incorporated by voice vote in the Appropriations Committee on February 4, 2009. No further action was taken. S.B. 1544, similar to S.B. 956, was introduced on January 6, 2009. It was defeated in the Finance Committee on February 5.

EDUCATION PROGRAMS AND ACTIVITIES

Autism Priority Project – Training & Technical Assistance Centers

The Virginia Department of Education's Autism Priority Project provides training and technical support to educators of students with autism. Eight regional centers have been established throughout Virginia.

<http://ttac.odu.edu/spp/autism.php>

Virginia Commonwealth University Autism Center for Excellence (VCU-ACE)

The Virginia Commonwealth University Autism Center for Excellence (VCU-ACE) is the state's university-based autism training and technical assistance center. The website contains an array of online training opportunities from credit and non-credit courses to one time 5 to 45 minute topical lectures. The VCU-ACE website has information specific to the diagnosis of Autism Spectrum Disorder (ASD) in adults and children, the role of health care providers in identifying and diagnosing ASD, services available to adults and children, and other sources of information related to research and evidence based practices for children and adults.

<http://www.vcuautismcenter.org/>

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OTHER STATE RESOURCES

Autism Study

In March 2008, H.J. 105 passed, which authorizes the Joint Audit and Review Commission to study the current level of support and services available to individuals with autism spectrum disorders and how to best provide services. The commission evaluated services and training programs across different areas, such as education, law enforcement, and mental health, and compared the results to different states. Based upon its findings, the commission proposed recommendations and best practices for improving service delivery to individuals with autism. The Joint Audit and Review Commission presented its “Assessment of Services for Virginians with Autism Spectrum Disorders” report in June 2009.

<http://jlarc.virginia.gov/pdfs/reports/Rpt388.pdf>

Additionally, the Department of Behavioral Health and Developmental Services will be including in its yearly report to the Joint Legislative Audit and Review Commission a summary outlining a plan and specific goals for autism spectrum disorders employment programs to obtain and sustain employment.

<http://leg2.state.va.us/dls/h&sdocs.nsf/0/20f1200285ab472c85257dcf00603ec8?OpenDocument>

STATE LEGISLATIVE CALENDAR

The Virginia General Assembly meets annually beginning the second Wednesday in January. The assembly meets for 60 days in even-numbered years and 30-days in odd number years. The 2016 session convened on January 13, 2016 and adjourned on March 12, 2016. The 2017 session is expected to convene on January 11, 2017 and adjourn in February 2017.

<http://viriniageneralassembly.gov/>

Sponsors of Autism Legislation

Sen. Jill Holtzman Vogel (R-Winchester) District 27
Sen. Janet D. Howell (D-Fairfax County) District 32

Del. Robert G. Marshall (R-Loudon) District 13
Del. Thomas Greason (R-Potomac Falls) District 32
Del. Timothy D. Hugo (R-Centreville) District 40
Del. David B. Albo (R-Springfield) District 42
Del. Patrick Hope (D-Arlington) District 47
Del. John M. O’Bannon, III (R- Henrico, Richmond) District 73