

Texas Behavioral Technician Misclassification

Annotations, Footnotes, and Legal References

Purpose of This Reference Document

This document provides source-based annotations and references supporting claims regarding the misclassification of Attendants and Behavioral Technicians under Texas Medicaid and HHSC policy. These references are intended for advocacy, compliance review, and documentation.

Texas Role Definitions and Scope

Behavioral Technician (BT): Texas Medicaid defines Behavioral Technicians as paraprofessionals delivering Applied Behavior Analysis (ABA) services under the supervision of a Licensed Behavior Analyst (LBA). BTs must hold a recognized credential such as RBT, BCAT, or ABAT. Source: Texas Administrative Code §354.5003; Texas Medicaid Provider Procedures Manual.

Attendant (Personal/Community Attendant Services): Attendants provide non-clinical personal care services including activities of daily living. The role does not include behavioral intervention, clinical decision-making, or treatment implementation. Source: Texas HHSC Community Attendant Services definitions.

ABA Service Authorization in Texas

Applied Behavior Analysis services are covered under Texas Medicaid for individuals under 21 with Autism Spectrum Disorder when medically necessary. Effective February 1, 2022, ABA became a statewide Medicaid benefit subject to authorization and supervision requirements. Source: Texas Medicaid Provider Communications; Managed Care Organization policy bulletins.

Credentialing Requirements and Barriers

To become a Registered Behavior Technician (RBT), individuals must complete required training, competency assessment, and exam under BCBA supervision. Texas Medicaid requires credentialed BTs for ABA service delivery. Structural barriers include sponsorship requirements that may necessitate reassignment away from existing clients. Sources: BACB certification requirements; Texas ABA provider orientation materials.

Misclassification and Financial Incentives

Misclassification of BT-level labor as attendant services allows agencies to pay lower wages, avoid benefits, and retain a higher portion of reimbursement while still billing for ABA-related outcomes. This creates ethical and compliance risks for agencies and service systems. Source: Comparative analysis of Texas Medicaid reimbursement structures and role definitions.

Primary Legal and Policy Sources

1. Texas Administrative Code §354.5003 – Definitions related to ABA services.
2. Texas Administrative Code §354.5011 – ABA provider and service delivery requirements.
3. Texas Administrative Code §354.5021 – Prior authorization and supervision rules for ABA.
4. Texas Medicaid Provider Procedures Manual – ABA Services.
5. Texas Health and Human Services Commission (HHSC) – Community Attendant Services definitions.
6. Behavior Analyst Certification Board (BACB) – RBT credentialing requirements.
7. Managed Care Organization policy bulletins announcing ABA Medicaid benefit implementation (2022).

Use and Disclaimer

This document is provided for informational and advocacy purposes. It does not constitute legal advice. Individuals and agencies should consult qualified legal counsel or HHSC compliance offices for formal determinations.