

1 **INSURANCE COVERAGE FOR AUTISM**
2 **SPECTRUM DISORDERS - CLAY'S LAW**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Howard A. Stephenson**

6 House Sponsor: Roger E. Barrus

7
8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Accident and Health Insurance part of the Insurance Code to
11 **§→ [provide] require an insurer that provides a health benefit plan to offer ←§** coverage for
11a treatment of autism spectrum disorders.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ defines terms;

15 ▶ requires that **§→ [an accident or health insurance policy that provides a health insurance**
16 **benefit] an insurer that provides a health benefit plan ←§** shall **§→ [provide] offer ←§** coverage for
16a treatment of autism spectrum disorders;

17 ▶ grants rulemaking authority to the Insurance Commissioner;

18 ▶ describes minimum coverage amounts and limits for the insurance coverage
19 required **§→ [by] to be offered under ←§** this bill; **§→ [and]**

19a **▶ prohibits discrimination against a person who has an autism spectrum disorder as it relates**
19b **to coverage by an insurer that provides accident and health insurance; and ←§**

20 ▶ provides for annual adjustment of the coverage amounts described in the preceding
21 paragraph, based on the Consumer Price Index.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 **§→ [None] This bill coordinates with H.B. 188 by providing substantive amendments. ←§**

26 **Utah Code Sections Affected:**

27 **ENACTS:**



28 **31A-22-636**, Utah Code Annotated 1953



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **31A-22-636** is enacted to read:

32 **31A-22-636. Insurance coverage for autism spectrum disorders.**

33 (1) As used in this section:

34 (a) "Autism spectrum disorder" means a pervasive developmental disorder, as defined
35 by the most recent edition of the Diagnostic and Statistical Manual on Mental Disorders,
36 including:

37 (i) Autistic Disorder;

38 (ii) Asperger's Disorder; and

39 (iii) Pervasive Developmental Disorder Not Otherwise Specified.

40 (b) "Consumer price index" is as described in Section 1(f)(4), Internal Revenue Code,
41 and defined in Section 1(f)(5), Internal Revenue Code.

42 (c) "Early intensive behavior therapy" means therapy that:

43 (i) involves intensive behavioral intervention over an extended period of time;

44 (ii) is evidence-based; and

45 (iii) is generally accepted by the medical community or the American Academy of
46 Pediatrics as an effective treatment for young children with an autism spectrum disorder.

47 (d) "Treatment of autism spectrum disorders" means any treatment generally accepted
48 by the medical community or the American Academy of Pediatrics as an effective treatment for
49 children with an autism spectrum disorder, including:

50 (i) habilitative or rehabilitative treatment;

51 (ii) early intensive behavior therapy;

52 (iii) pharmaceuticals;

53 (iv) psychiatric treatment;

54 (v) psychological treatment;

55 (vi) therapeutic treatment;

56 (vii) occupational therapy;

57 (viii) speech therapy; or

58 (ix) medical treatment.

59 (2) ~~§~~ ~~→~~ ~~[An accident or health insurance policy that provides a health insurance benefit] An~~
 59a ~~insurer that provides a health benefit plan~~ ~~←~~ ~~§~~ shall
 60 ~~§~~ ~~→~~ ~~[provide] offer~~ ~~←~~ ~~§~~ coverage for treatment of autism spectrum disorders in accordance with the
 61 requirements of this section and rules made by the commissioner under this section.

62 (3) The commissioner shall make rules, in accordance with Title 63G, Chapter 3, Utah
 63 Administrative Rulemaking Act, that set minimum standards ~~§~~ ~~→~~ ~~[of] for the~~ ~~←~~ ~~§~~ coverage ~~§~~ ~~→~~ ,
 63a ~~described in this bill,~~ ~~←~~ ~~§~~ for the treatment of
 64 autism spectrum disorders.

65 (4) Subject to Subsection (5), the rules described in Subsection (3) shall ~~§~~ ~~→~~ ~~[establish~~
 66 ~~durational limits, amount limits, deductibles, and coinsurance for the treatment of autism~~
 67 ~~spectrum disorders that are similar to, or identical to, the coverage provided for other illnesses~~
 68 ~~or diseases]~~ provide that all cost sharing provisions for the coverage described in Subsection
 68a (2), including dollar limits, deductibles, and coinsurance, are not less favorable to the insured
 68b than the cost sharing provisions that apply to physical illness generally ~~←~~ ~~§~~ .

69 (5) Subject to Subsection (6), ~~§~~ ~~→~~ ~~[an accident or health insurance policy that provides a~~
 70 ~~health insurance benefit] an insurer that offers a health benefit plan~~ ~~←~~ ~~§~~ shall ~~§~~ ~~→~~ ~~[provide] offer~~ ~~←~~ ~~§~~ .
 70a coverage for the provision of early intensive behavior
 71 therapy for a person with an autism spectrum disorder of at least:

72 (a) ~~§~~ ~~→~~ ~~[\$50,000] \$35,000~~ ~~←~~ ~~§~~ annually for a child who is less than nine years old; and
 73 (b) ~~§~~ ~~→~~ ~~[\$25,000] \$17,500~~ ~~←~~ ~~§~~ annually for a child who is at least nine years old, but less
 73a than 17 years
 74 old.

75 (6) Beginning on July 1, 2010, the commissioner has the authority to annually adjust
 76 the amounts described in Subsection (5) by a percentage equal to the percentage difference
 77 between the consumer price index for the current calendar year and the consumer price index
 78 for the preceding calendar year.

78a1 ~~§~~ ~~→~~ (7) ~~An insurer that provides accident and health insurance:~~

78b1 ~~(a) may not refuse to provide coverage to a person on the grounds that:~~

78c1 ~~(i) the person has an autism spectrum disorder; or~~

78d1 ~~(ii) the person is in need of medical care that results from an autism spectrum disorder; and~~

78e1 ~~(b) shall provide coverage to a person who has an autism spectrum disorder on the same terms,~~
 78f1 ~~and at the same levels, as the insurer would provide to a similarly situated person who does not~~
 78g1 ~~have an autism spectrum disorder.~~

78h1 "Section 2. Coordinating S.B. 43 with H.B. 188 -- Substantive amendments.

78b If this S.B. 43 and H.B. 188, Health System Reform - Insurance Market, both pass, it is
 78c the intent of the Legislature that the Office of Legislative Research and General Counsel shall
 78d prepare the Utah Code database for publication by:

Senate 3rd Reading Amendments 2-27-2009 rd/trv

Senate 3rd Reading Amendments 2-26-2009 rd/trv

Senate Committee Amendments 2-13-2009 rd/trv

78e (1) amending Subsection 31A-22-724(3)(b)(vi) to read as follows:
78f "(vi) coverage mandates enacted after January 1, 2009, except:
78g (A) coverage mandates that are required by federal law; and
78h (B) the insurance mandate related to autism spectrum disorders,
78i described in Section 31A-22-636."; and
78j (2) amending Subsection 31A-30-109(1)(b)(ii) to read as follows:
78k "(ii) excludes some or all of the mandates described in Subsection
78l 31A-22-724(3), except for the mandate related to autism spectrum disorders,
78m described in Section 31A-22-636."." ←§

Legislative Review Note
as of 1-21-09 3:05 PM

Office of Legislative Research and General Counsel

Fiscal Note**S.B. 43 - Insurance Coverage for Autism Spectrum Disorders - Clay's Law -
As Amended**

2009 General Session

State of Utah

State Impact

Enactment of this bill will require an additional appropriation of \$1,300,000 from various funds if the State of Utah were to formulate and offer this additional coverage to employees, however the State of Utah is not required to purchase this additional coverage.

Individual, Business and/or Local Impact

Local governments may be impacted if they provide health insurances to employees. Businesses that purchase health insurance may see increase in the cost of insurance. Individuals may benefit from the additional coverage that is provided under the proposed change in statute.
