

SB0055S01 compared with SB0055

~~deleted text~~ shows text that was in SB0055 but was deleted in SB0055S01.

inserted text shows text that was not in SB0055 but was inserted into SB0055S01.

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Senator Brian E. Shiozawa proposes the following substitute bill:

INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian E. Shiozawa

House Sponsor: _____

LONG TITLE

General Description:

This bill amends the Insurance Code to provide health benefit plan coverage for the treatment of autism spectrum disorder.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a health benefit plan to provide coverage for the treatment of autism spectrum disorder;
- ▶ grants rulemaking authority to the insurance commissioner;
- ▶ describes minimum coverage amounts and limits for the insurance coverage;

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- ▶ provides for the annual adjustment of the coverage amounts based on the Consumer Price Index; and
- ▶ provides an exemption for small employers if premium costs increase by more than a certain percentage.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

31A-22-641, Utah Code Annotated 1953

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

Section 1. Section **31A-22-641** is enacted to read:

31A-22-641. Insurance coverage for autism spectrum disorders.

(1) As used in this section:

(a) "Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

(b) "Autism spectrum disorder" means any of the pervasive developmental disorders or autism spectrum disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM).

(c) "Behavioral health treatment" means counseling and treatment programs, including applied behavior analysis, that are:

(i) necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual; and

(ii) provided or supervised by a:

(A) person licensed under Title 58, Division of Occupational and Professional Licensing, whose scope of practice includes mental health services; or

(B) Board Certified Behavior Analyst; ~~or~~

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~~(B) licensed psychologist so long as the services performed are commensurate with the psychologist's formal university training and supervised experience}.~~

(d) "Diagnosis of autism spectrum disorder" means medically necessary assessment, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder.

(e) "Pharmacy care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(f) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(g) "Psychological care" means direct or consultative services provided by a ~~psychologist~~ person licensed in the state ~~in which the psychologist practices~~ to provide mental health services.

(h) "Therapeutic care" means services provided by licensed or certified speech therapists, occupational therapists, or physical therapists.

(i) "Treatment for autism spectrum disorder":

(i) means evidence-based care and related equipment prescribed or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician or a licensed psychologist who determines the care to be medically necessary; and

(ii) includes:

(A) behavioral health treatment, provided or supervised by a person described in Subsection (1)(c)(ii);

(B) pharmacy care;

(C) psychiatric care;

(D) psychological care; and

(E) therapeutic care.

(2) Notwithstanding the provisions of Section 31A-22-618.5, a health benefit plan entered into or renewed on or after July 1, 2013, shall provide coverage for the treatment for autism spectrum disorder in accordance with the requirements of this section and the rules made by the commissioner under this section.

(3) The commissioner may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to set the minimum standards of coverage for the treatment

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for autism spectrum disorder.

(4) Subject to Subsection (5), the rules described in Subsection (3) shall establish durational limits, amount limits, deductibles, copayments, and coinsurance for the treatment for autism spectrum disorder that are similar to, or identical to, the coverage provided for other illnesses or diseases.

(5) ~~(a)~~ Subject to Subsection (6), coverage for behavioral health treatment for a person with an autism spectrum disorder is subject to a maximum benefit of:

~~(i)~~a \$50,000 annually for a child who is younger than nine years old; and

~~(ii)~~b \$25,000 annually for a child who is at least nine years old, but younger than 18 years old.

~~(b) A health benefit plan providing treatment under Subsection (5)(a) shall include in the plan's provider network both board certified behavior analysts and psychologists qualified under Subsection (1)(c)(ii).~~

~~(6) Beginning on July 1, 2015, the commissioner has authority to annually adjust the amounts described in Subsection (5) by a percentage equal to the percentage difference between the Consumer Price Index for the current calendar year and the Consumer Price Index for the preceding calendar year.~~

(7) The commissioner shall grant a small employer with a group health benefit plan a waiver from the provisions of this section if the small employer demonstrates to the commissioner by actual claims experience over any consecutive 12-month period that compliance with this section has increased the cost of the health benefit plan by an amount of 2-1/2% or greater over the period of a calendar year in premium costs to the small employer.

~~(8)~~

Legislative Review Note

~~as of 1-30-13 1:20 PM~~

~~Office of Legislative Research and General Counsel~~