28   **26-52-102**, as last amended by Laws of Utah 2012, Chapter 402

29   **26-52-201**, as last amended by Laws of Utah 2012, Chapter 402

30   **26-52-202**, as last amended by Laws of Utah 2012, Chapters 242 and 402

31   **26-52-203**, as enacted by Laws of Utah 2012, Chapter 402

32   **49-20-411**, as enacted by Laws of Utah 2012, Chapter 402

33   ══

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

35   Section 1. Section **26-18-407** is amended to read:

36   **26-18-407.   Medicaid waiver for autism spectrum disorder.**

37   (1) [For purposes of] As used in this section ["autism]:

38   (a) "Autism spectrum disorder" [means a pervasive developmental disorder] is as

39   defined by the most recent edition of the Diagnostic and Statistical Manual on Mental

40   Disorders Ĥ➡ **or a recent edition of a professionally accepted diagnostic manual** ⬅Ĥ

40a   [, including:].

41   [(a) autistic disorder;]

42   [(b) asperger's disorder; and]

43   [(c) pervasive developmental disorder not otherwise specified.]

44   (b) "Program" means the autism spectrum disorder program created in Subsection (3).

45   (c) "Qualified child" means a child who is:

46   (i) at least two years of age but less than seven years of age; and

47   (ii) diagnosed with an autism spectrum disorder by a qualified professional.

48   (2) The department shall, [by July 1, 2012,] apply for a Medicaid waiver with the

49   Centers for Medicare and Medicaid Services within the United States Department of Health

50   and Human Services to implement [an autism spectrum disorders program], within the state

51   Medicaid program, the program described in Subsection (3).

52   [(3) The autism spectrum disorders waiver program shall:]

53   [(a) provide services to children between the ages of two years and six years with

54   autism spectrum disorders;]

55   (3) The department shall offer an autism spectrum disorder program that:

56   (a) as funding permits, provides treatment for autism spectrum disorders to qualified

57   children; and

58   (b) [accept] accepts applications for the program during periods of open enrollment[;].

90   (b) provided or supervised by Ĥ→ **, for the purposes of the program,** ←Ĥ a:

91   (i) board certified behavior analyst; or

92   (ii) a licensed psychologist with equivalent university training and supervised

93   experience who is working toward board certification in applied behavior analysis.

94   (3) "Autism spectrum disorder" [means a pervasive developmental disorder] is as

95   defined by the most recent edition of the Diagnostic and Statistical Manual on Mental

96   Disorders Ĥ→ **or a recent edition of a professionally accepted diagnostic manual** ←Ĥ [,

96a   including:].

97   [(a) autistic disorder;]

98   [(b) asperger's disorder; and]

99   [(c) pervasive developmental disorder not otherwise specified.]

100   (4) "Committee" means the Autism Treatment Account Advisory Committee created

101   under Section 26-52-202.

102   (5) "Program" means the services offered by the committee using funds from the

103   account.

104   (6) "Qualified child" means a child who:

105   (a) is at least two years of age but less than seven years of age;

106   (b) is diagnosed with an autism spectrum disorder; and

107   (c) meets the other qualification criteria established by the committee under Subsection

108   26-52-202(4).

109   (7) "Treatment" means the treatment of autism spectrum disorder.

110   Section 3. Section **26-52-201** is amended to read:

111   **26-52-201. Autism Treatment Account -- Medical loss ratio calculation -- Use of**

112   **account.**

113   (1) There is created within the General Fund a restricted account known as the Autism

114   Treatment Account.

115   (2) [(a)] The account shall consist of:

116   [(i)] (a) gifts, grants, devises, donations, and bequests of real property, personal

117   property, or services, from any source, or any other conveyance that may be made to the

118   account from private sources;

119   [(ii)] (b) interest and other earnings derived from the account money; and

120   [(iii)] (c) any additional amounts as appropriated by the Legislature.

245 committee under Subsection 26-52-202(4); and

246   [(ii)] (b) review and pay for services provided to a qualified child under this chapter.

247   [(b)] (2) The department may contract with another state agency or a private entity to

248 [assist with the mechanism to] identify [eligible] qualified children, provide for services, and

249 pay for services.

250   [(2)] (3) The department, or [the entity selected to assist the department] an entity

251 contracted under Subsection [(1)] (2), may negotiate with providers of the services [that are

252 eligible] offered under this chapter to maximize [efficiencies] the efficiency and quality of

253 services offered to qualified children.

254   Section 6. Section **49-20-411** is amended to read:

255   **49-20-411.   Autism Spectrum Disorder Treatment Program.**

256   (1) As used in this section:

257   (a) "Applied behavior analysis" means the design, implementation, and evaluation of

258 environmental modifications using behavioral stimuli and consequences to produce socially

259 significant improvement in human behavior, including the use of direct observation,

260 measurement, and functional analysis of the relationship between environment and behavior

261 that are:

262   (i) necessary to develop, maintain, or restore, to the maximum extent practicable, the

263 functioning of an individual; and

264   (ii) provided or supervised by a board certified behavior analyst or a licensed

265 psychologist with equivalent university training and supervised experience.

266   (b) "Autism spectrum disorder" [means a pervasive developmental disorder,] is as

267 defined by the most recent edition of the Diagnostic and Statistical Manual on Mental

268 Disorders Ĥ➡ **or a recent edition of a professionally accepted diagnostic manual** ⬅Ĥ

268a [, including:].

269   [(i) autistic disorder;]

270   [(ii) asperger's disorder; and]

271   [(iii) a pervasive developmental disorder not otherwise specified.]

272   (c) "Health plan" does not include the health plan offered by the Public Employees

273 Benefit and Insurance Program that is the state's designated essential health benefit package for

274 purposes of the PPACA, as defined in Section 31A-1-401.

275   (d) "Parent" means a parent of a qualified child.