

Karen Kwan proposes the following substitute bill:

Health Insurance Coverage Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Kwan

House Sponsor:

LONG TITLE

General Description:

This bill addresses the diagnosing of an autism spectrum disorder.

Highlighted Provisions:

This bill:

- amends the definition of "diagnosis of autism spectrum disorder" in Title 31A, Insurance Code, to include assessments, evaluations, or tests performed by additional licensed professional; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

31A-22-642, as last amended by Laws of Utah 2022, Chapter 415

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

Section 1. Section **31A-22-642** is amended to read:

31A-22-642 . Insurance coverage for autism spectrum disorder.

(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 pervasive developmental disorders as defined by

- 30 the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders
31 (DSM).
- 32 (c) "Behavioral health treatment" means counseling and treatment programs, including
33 applied behavior analysis, that are:
- 34 (i) necessary to develop, maintain, or restore, to the maximum extent practicable, the
35 functioning of an individual; and
- 36 (ii) provided or supervised by[-a]:
- 37 (A) a board certified behavior analyst; or
- 38 (B) a person licensed under Title 58, Chapter 1, Division of Professional
39 Licensing Act, whose scope of practice includes mental health services.
- 40 (d) "Diagnosis of autism spectrum disorder" means [~~medically necessary~~]assessments,
41 evaluations, or tests:
- 42 [~~(i) performed by a licensed physician who is board certified in neurology;~~
43 ~~psychiatry, or pediatrics and has experience diagnosing autism spectrum disorder;~~
44 ~~or a licensed psychologist with experience diagnosing autism spectrum disorder;~~
45 ~~and]~~
- 46 (i) performed by an individual who by education, training, and experience is qualified
47 to administer diagnostic assessments, evaluations, or tests for an autism spectrum
48 disorder;
- 49 (ii) subject to Subsection (7), performed by an individual who is licensed as:
- 50 (A) an advanced practice registered nurse specializing in psychiatric mental health
51 nursing, under Title 58, Chapter 31b, Nurse Practice Act;
- 52 (B) a clinical social worker under Title 58, Chapter 60, Part 2, Social Worker
53 Licensing Act;
- 54 (C) a marriage and family therapist under Title 58, Chapter 60, Part 3, Marriage
55 and Family Therapist Act;
- 56 (D) a clinical mental health counselor under Title 58, Chapter 60, Part 4, Clinical
57 Mental Health Counselor Licensing Act;
- 58 (E) a psychologist under Title 58, Chapter 61, Psychologist Licensing Act;
- 59 (F) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
60 Chapter 68, Utah Osteopathic Medical Practice Act; or
- 61 (G) a physician assistant specializing in mental health care under Title 58, Chapter
62 70a, Utah Physician Assistant Act; and
- 63 [(~~ii~~)] (iii) generally accepted within the medical and mental health professions to be

- 64 appropriate and necessary to diagnose whether an individual has an autism
65 spectrum disorder.
- 66 (e) "Pharmacy care" means medications prescribed by a licensed physician and any
67 health-related services considered medically necessary to determine the need or
68 effectiveness of the medications.
- 69 (f) "Psychiatric care" means direct or consultative services provided by a psychiatrist
70 licensed in the state in which the psychiatrist practices.
- 71 (g) "Psychological care" means direct or consultative services provided by a
72 psychologist licensed in the state in which the psychologist practices.
- 73 (h) "Therapeutic care" means services provided by licensed or certified speech
74 therapists, occupational therapists, or physical therapists.
- 75 (i) "Treatment for autism spectrum disorder":
- 76 (i) means evidence-based care and related equipment prescribed or ordered for an
77 individual diagnosed with an autism spectrum disorder by [~~a physician or a~~
78 ~~licensed psychologist~~] an individual described in Subsection (1)(d) who determines
79 the care to be medically necessary; and
- 80 (ii) includes:
- 81 (A) behavioral health treatment, provided or supervised by a person described in
82 Subsection (1)(c)(ii);
- 83 (B) pharmacy care;
- 84 (C) psychiatric care;
- 85 (D) psychological care; and
- 86 (E) therapeutic care.
- 87 (2)(a) Notwithstanding the provisions of Section 31A-22-618.5, a health benefit plan
88 offered in the individual market or the large group market and entered into or
89 renewed on or after January 1, 2016, and before January 1, 2020, shall provide
90 coverage for the diagnosis and treatment of autism spectrum disorder:
- 91 (i) for a child who is at least two years old, but younger than 10 years old; and
- 92 (ii) in accordance with the requirements of this section and rules made by the
93 commissioner.
- 94 (b) Notwithstanding the provisions of Section 31A-22-618.5, a health benefit plan
95 offered in the individual market or the large group market and entered into or
96 renewed on or after January 1, 2020, shall provide coverage for the diagnosis and
97 treatment of autism spectrum disorder in accordance with the requirements of this

98 section and rules made by the commissioner.

- 99 (3) The commissioner may adopt rules in accordance with Title 63G, Chapter 3, Utah
100 Administrative Rulemaking Act, to set the minimum standards of coverage for the
101 treatment of autism spectrum disorder.
- 102 (4) Subject to Subsection (5), the rules described in Subsection (3) shall establish durational
103 limits, amount limits, deductibles, copayments, and coinsurance for the treatment of
104 autism spectrum disorder that are similar to, or identical to, the coverage provided for
105 other illnesses or diseases.
- 106 (5)(a) Coverage for behavioral health treatment for a person with an autism spectrum
107 disorder shall cover at least 600 hours a year.
- 108 (b) Notwithstanding Subsection (5)(a), for a health benefit plan offered in the individual
109 market or the large group market and entered into or renewed on or after January 1,
110 2020, coverage for behavioral health treatment for a person with an autism spectrum
111 disorder may not have a limit on the number of hours covered.
- 112 (c) Other terms and conditions in the health benefit plan that apply to other benefits
113 covered by the health benefit plan apply to coverage required by this section.
- 114 (d) Notwithstanding Section 31A-45-303, a health benefit plan providing treatment
115 under Subsections (5)(a) and (b) shall include in the plan's provider network both
116 board certified behavior analysts and mental health providers qualified under
117 Subsection (1)(c)(ii).
- 118 (6) A health care provider shall submit a treatment plan for autism spectrum disorder to the
119 insurer within 14 business days of starting treatment for an individual. If an individual
120 is receiving treatment for an autism spectrum disorder, an insurer shall have the right to
121 request a review of that treatment not more than once every three months. A review of
122 treatment under this Subsection (6) may include a review of treatment goals and
123 progress toward the treatment goals. If an insurer makes a determination to stop
124 treatment as a result of the review of the treatment plan under this subsection, the
125 determination of the insurer may be reviewed under Section 31A-22-629.
- 126 (7) Nothing in this section may be construed to limit, modify, or expand the lawful scopes
127 of practice for any individual licensed under Title 58, Occupations and Professions.

128 Section 2. **Effective Date.**

129 This bill takes effect on January 1, 2026.