

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 coverage for 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 shall provide coverage for 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 this bill; 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

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 shall
60 provide 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 coverage 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.

69 (5) Subject to Subsection (6), an accident or health insurance policy that provides a
70 health insurance benefit shall provide 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 annually for a child who is less than nine years old; and

73 (b) \$25,000 annually for a child who is at least nine years old, but less 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.

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

Office of Legislative Research and General Counsel

S.B. 43 - Insurance Coverage for Autism Spectrum Disorders - Clay's Law

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will require an additional appropriation of \$1,900,000 from various funds as shown in the table in order to pay for increased coverage of autism spectrum disorders.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$917,900	\$917,900	\$0	\$0	\$0
General Fund Restricted	\$0	\$144,000	\$144,000	\$0	\$0	\$0
Uniform School Fund	\$0	\$88,600	\$88,600	\$0	\$0	\$0
Transportation Fund	\$0	\$140,000	\$140,000	\$0	\$0	\$0
Transportation Fund Restricted	\$0	\$28,000	\$28,000	\$0	\$0	\$0
Federal Funds	\$0	\$378,000	\$378,000	\$0	\$0	\$0
Federal Mineral Lease	\$0	\$4,700	\$4,700	\$0	\$0	\$0
Dedicated Credits	\$0	\$117,400	\$117,400	\$0	\$0	\$0
Trust Funds	\$0	\$61,200	\$61,200	\$0	\$0	\$0
Transfers	\$0	\$20,200	\$20,200	\$0	\$0	\$0
Total	\$0	\$1,900,000	\$1,900,000	\$0	\$0	\$0

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.