

AUTISM COVERAGE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill requires the Department of Health and Human Services to request a state plan amendment for the Medicaid program to provide coverage for autism treatment services.

Highlighted Provisions:

This bill:

- defines terms; and
- requires the Department of Health and Human Services to request a state plan amendment for the Medicaid program to provide coverage for autism treatment services.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-18-29, Utah Code Annotated 1953

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

Section 1. Section **26-18-29** is enacted to read:



28 **26-18-29. Coverage for autism spectrum disorder.**

29 (1) As used in this section:

30 (a) (i) "Applied behavior analysis" means the design, implementation, and evaluation
31 of environmental modifications, using behavioral stimuli and consequences, to produce
32 socially significant improvement in human behavior.

33 (ii) "Applied behavior analysis" includes the use of direct observation, measurement,
34 and functional analysis of the relationship between environment and behavior.

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

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

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

41 (ii) provided or supervised by:

42 (A) a board certified behavior analyst; or

43 (B) an individual licensed under Title 58, Occupations and Professions, whose scope of
44 practice includes mental health services.

45 (d) "Diagnosis of autism spectrum disorder" means medically necessary assessments,
46 evaluations, or tests:

47 (i) performed by:

48 (A) a licensed physician who is board certified in neurology, psychiatry, or pediatrics
49 and has experience diagnosing autism spectrum disorder; or

50 (B) a licensed psychologist with experience diagnosing autism spectrum disorder; and

51 (ii) necessary to diagnose whether an individual has an autism spectrum disorder.

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

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

57 (g) "Psychological care" means direct or consultative services provided by a
58 psychologist licensed in the state in which the psychologist practices.

59 (h) "Therapeutic care" means services provided by a licensed or certified speech
60 therapist, occupational therapist, or physical therapist.

61 (i) (i) "Treatment for autism spectrum disorder" means evidence-based care and related
62 equipment prescribed or ordered for an enrollee diagnosed with an autism spectrum disorder by
63 a physician or a licensed psychologist described in Subsection (1)(d) who determines the care
64 to be medically necessary.

65 (ii) "Treatment for autism spectrum disorder" includes:

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

68 (B) pharmacy care;

69 (C) psychiatric care;

70 (D) psychological care; and

71 (E) therapeutic care.

72 (2) The department shall request a state plan amendment with CMS to provide
73 treatment for autism spectrum disorder for an enrollee diagnosed with autism spectrum
74 disorder.