

HOUSE BILL NO. 187

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES PETERSEN, Dahlstrom, Peggy Wilson, Gruenberg, Muñoz, Kerttula, Gara, Kawasaki, Johansen, Tuck, Millett, Crawford, Holmes, Neal Foster, Salmon, Guttenberg, Edgmon, Cissna, Buch, Gardner, Olson, Doogan

Introduced: 3/12/09

Referred: Health and Social Services, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring insurance coverage for autism spectrum disorders, describing the**
2 **method for establishing a treatment plan for those disorders, and defining the treatment**
3 **required for those disorders; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 21.42 is amended by adding a new section to read:

6 **Sec. 21.42.397. Coverage for autism spectrum disorders.** (a) Except for a
7 fraternal benefit society, a health care insurer that offers, issues for delivery, delivers,
8 or renews a health care insurance plan in this state shall provide coverage for the costs
9 of the diagnosis and treatment of autism spectrum disorders. Coverage for the cost of
10 treatment required by this subsection must cover the treatment of the disorders
11 prescribed by a licensed physician or psychologist and provided by an autism service
12 provider as identified in a treatment plan developed following a comprehensive
13 evaluation. A treatment plan developed under this subsection must identify the
14 medically necessary pharmacy care, psychiatric care, psychological care, rehabilitative

1 care, and therapeutic care required. In this subsection,

2 (1) "medically necessary" means any care, treatment, intervention,
3 service, or item prescribed by a licensed physician or psychologist in accordance with
4 accepted standards of practice that will, or is reasonably expected to,

5 (A) prevent the onset of an illness, condition, injury, or
6 disability;

7 (B) reduce or ameliorate the physical, mental, or developmental
8 effects of an illness, condition, injury, or disability;

9 (C) assist in achieving or maintaining maximum functional
10 capacity in performing daily activities;

11 (2) "rehabilitative care" means professional counseling, guidance
12 services, and treatment programs, including applied behavior analysis necessary to
13 develop, restore, and maintain the functioning of an individual to the maximum extent
14 practicable; in this paragraph, "applied behavior analysis" means the design,
15 implementation, and evaluation of environmental modifications, using behavioral
16 stimuli and consequences, including direct observation, measurement, and functional
17 analysis of the relationship between environment and behavior, to produce socially
18 significant improvement in human behavior or to prevent the loss of an attained skill
19 or function;

20 (3) "therapeutic care" means services provided by or under the
21 supervision of a speech-language pathologist licensed under AS 08.11 or an
22 occupational therapist or physical therapist licensed under AS 08.84.

23 (b) Coverage under this section

24 (1) is required to be provided only to individuals under 21 years of
25 age;

26 (2) must provide a maximum benefit of \$36,000 a year, adjusted
27 annually, beginning January 1, 2011, by the percentage change in the Consumer Price
28 Index for all urban consumers compiled by the United States Department of Labor,
29 Bureau of Labor Statistics; payments made by an insurer on behalf of a covered
30 individual for treatment of a medical condition unrelated to the individual's autism
31 spectrum disorder may not be applied toward the maximum benefit established in this

1 paragraph;

2 (3) may not limit the number of visits to an autism service provider for
3 treatment;

4 (4) is subject to copayment, deductible, and coinsurance provisions,
5 and other general exclusions or limitations included in a health insurance policy to the
6 same extent as other health care services covered by the policy; and

7 (5) must cover treatment that is coordinated with an education
8 program, but may not be contingent on the coordination of treatment with an
9 education program.

10 (c) This section does not limit benefits that are otherwise available to an
11 individual under a health care insurance plan.

12 (d) A health care insurer may not terminate, refuse to deliver, execute, issue,
13 amend, or renew coverage to an individual because the individual is diagnosed with or
14 received treatment of autism spectrum disorders.

15 (e) In this section,

16 (1) "autism service provider" means a person, entity, or group
17 providing treatment of autism spectrum disorders;

18 (2) "autism spectrum disorders" are those defined by the current
19 edition of the American Psychiatric Association's Diagnostic and Statistical Manual of
20 Mental Disorders, including autistic disorder, Asperger's disorder, and pervasive
21 developmental disorder not otherwise specified;

22 (3) "health care insurance plan" has the meaning given in
23 AS 21.54.500;

24 (4) "health care insurer" has the meaning given in AS 21.54.500.

25 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 **APPLICABILITY.** AS 21.42.397, enacted by sec. 1 of this Act, applies to a health
28 insurance policy that is offered, issued for delivery, delivered, or renewed on or after
29 January 1, 2010.

30 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).