

SENATE BILL NO. 250

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Introduced: 2/1/10

Referred: Health and Social Services, Finance

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) "rehabilitative care" means professional counseling, guidance
3 services, and treatment programs, including applied behavior analysis necessary to
4 develop, restore, and maintain the functioning of an individual to the maximum extent
5 practicable; in this paragraph, "applied behavior analysis" means the design,
6 implementation, and evaluation of environmental modifications, using behavioral
7 stimuli and consequences, including direct observation, measurement, and functional
8 analysis of the relationship between environment and behavior, to produce socially
9 significant improvement in human behavior or to prevent the loss of an attained skill
10 or function;

11 (2) "therapeutic care" means services provided by or under the
12 supervision of a speech-language pathologist licensed under AS 08.11 or an
13 occupational therapist or physical therapist licensed under AS 08.84.

14 (b) Coverage under this section

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

17 (2) must provide a maximum benefit of \$36,000 a year, adjusted
18 annually, beginning January 1, 2012, by the percentage change in the Consumer Price
19 Index for all urban consumers compiled by the United States Department of Labor,
20 Bureau of Labor Statistics; payments made by an insurer on behalf of a covered
21 individual for treatment of a medical condition unrelated to the individual's autism
22 spectrum disorder may not be applied toward the maximum benefit established in this
23 paragraph;

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

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

29 (5) must cover medically necessary treatment that is coordinated with
30 an education program, but may not be contingent on the coordination of treatment
31 with an education program.

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

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

6 (e) In this section,

7 (1) "autism service provider" means an individual who provides direct
8 services to a person with autism spectrum disorder, is licensed, certified, or registered
9 by the applicable state licensing board or by a nationally recognized organization, and
10 who qualifies under one of the following:

11 (A) has received a doctoral degree with a specialty in
12 psychiatry, medicine, or clinical psychology, is actively licensed in the
13 specialty, and has one year of direct experience in behavioral therapies that are
14 consistent with best practice and research on effectiveness for people with
15 autism spectrum disorders;

16 (B) has received a doctoral degree in behavioral or health
17 sciences and has completed one year of experience in behavioral therapies that
18 are consistent with best practice and research on effectiveness for people with
19 autism spectrum disorders;

20 (C) has received a master's degree or higher in behavioral
21 sciences and is nationally certified as a board certified behavior analyst or
22 certified by a similar nationally recognized organization;

23 (D) has received a master's degree or higher in behavior or
24 health sciences, is licensed as a physical therapist, occupational therapist, or
25 speech-language pathologist, and has completed one year of directly
26 supervised experience in behavioral therapies for people with autism spectrum
27 disorders;

28 (E) has received a baccalaureate degree or higher in behavioral
29 sciences and is nationally certified as a board certified associate behavior
30 analyst or certified by a similar nationally recognized organization;

31 (2) "autism spectrum disorders" are those defined by the current

1 edition of the American Psychiatric Association's Diagnostic and Statistical Manual of
2 Mental Disorders, including autistic disorder, Asperger's disorder, and pervasive
3 developmental disorder not otherwise specified;

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

6 (4) "health care insurer" has the meaning given in AS 21.54.500;

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

10 (A) prevent the onset of an illness, condition, injury, or
11 disability;

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

14 (C) assist in achieving or maintaining maximum functional
15 capacity in performing daily activities.

16 * **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to
17 read:

18 **APPLICABILITY.** AS 21.42.397, enacted by sec. 1 of this Act, applies to a health
19 insurance policy that is offered, issued for delivery, delivered, or renewed on or after
20 January 1, 2011.

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