



General Assembly

February Session, 2024

Raised Bill No. 320

LCO No. 1559



Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:
(INS)

AN ACT CONCERNING EARLY CHILDHOOD DEVELOPMENTAL DISORDERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-488b of the 2024 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective January 1, 2025*):

4 (a) As used in this section:

5 (1) "Applied behavior analysis" means the design, implementation
6 and evaluation of environmental modifications, using behavioral
7 stimuli and consequences, including the use of direct observation,
8 measurement and functional analysis of the relationship between
9 environment and behavior, to produce socially significant improvement
10 in human behavior.

11 [(2) "Autism spectrum disorder services provider" means any person,
12 entity or group that provides treatment for an autism spectrum disorder
13 pursuant to this section.]

14 [(3)] (2) ["Autism spectrum disorder"] "Autism spectrum disorders"
15 means ["autism spectrum disorder"] one or more pervasive
16 developmental disorders as set forth in the most recent edition of the
17 American Psychiatric Association's "Diagnostic and Statistical Manual
18 of Mental Disorders" or the most recent edition of the International
19 Classification of Diseases.

20 [(4)] (3) "Behavioral therapy" means any interactive behavioral
21 therapies derived from evidence-based research, [and consistent with
22 the services and interventions designated by the Commissioner of Social
23 Services pursuant to subsection (e) of section 17a-215c,] including, but
24 not limited to, applied behavior analysis, cognitive behavioral therapy
25 [,] or other therapies supported by empirical evidence of the effective
26 treatment of individuals diagnosed with [autism spectrum disorder] an
27 early childhood developmental disorder, that are: (A) Provided to
28 children less than twenty-one years of age; and (B) provided or
29 supervised by (i) a licensed behavior analyst, (ii) a licensed physician,
30 or (iii) a licensed psychologist. For the purposes of this subdivision,
31 behavioral therapy is "supervised by" such licensed behavior analyst,
32 licensed physician or licensed psychologist when such supervision
33 entails at least one hour of face-to-face supervision of the [autism
34 spectrum disorder] early childhood developmental disorder services
35 provider by such licensed behavior analyst, licensed physician or
36 licensed psychologist for each ten hours of behavioral therapy provided
37 by the supervised provider.

38 [(5)] (4) ["Diagnosis"] "Diagnosis of early childhood developmental
39 disorders" means the medically necessary assessment, evaluation or
40 testing performed by a licensed physician, licensed psychologist or
41 licensed clinical social worker to determine if an individual has an early
42 childhood developmental delay, including, but not limited to, any
43 autism spectrum [disorder] disorders.

44 (5) "Early childhood developmental disorder" means a childhood
45 mental or physical impairment or combination of such mental or
46 physical impairments, including, but not limited to, autism spectrum

47 disorders, that results in functional limitations in major life activities.
48 "Early childhood developmental disorder" does not include a learning
49 disability, as defined in section 46a-51.

50 (6) "Early childhood developmental disorder services provider"
51 means any person, entity or group that provides treatment for an early
52 childhood developmental disorder pursuant to this section.

53 (b) Each individual health insurance policy providing coverage of the
54 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469
55 that is delivered, issued for delivery, renewed, amended or continued
56 in this state on or after January 1, 2025, shall provide coverage for the
57 diagnosis and treatment of [autism spectrum disorder] any early
58 childhood developmental disorder. For the purposes of this section and
59 section 38a-482a, [autism spectrum disorder] an early childhood
60 developmental disorder shall be considered an illness.

61 (c) Such policy shall provide coverage for the following treatments,
62 provided such treatments are (1) medically necessary, and (2) identified
63 and ordered by a licensed physician, licensed psychologist or licensed
64 clinical social worker for an insured who is diagnosed with [autism
65 spectrum disorder] any early childhood developmental disorder, in
66 accordance with a treatment plan developed by a licensed behavior
67 analyst, licensed physician, licensed psychologist or licensed clinical
68 social worker, pursuant to a comprehensive evaluation or reevaluation
69 of the insured:

70 (A) Behavioral therapy;

71 (B) Prescription drugs, to the extent prescription drugs are a covered
72 benefit for other diseases and conditions under such policy, prescribed
73 by a licensed physician, a licensed physician assistant or an advanced
74 practice registered nurse for the treatment of symptoms and
75 comorbidities of [autism spectrum disorder] such early childhood
76 developmental disorder;

77 (C) Direct psychiatric or consultative services provided by a licensed

78 psychiatrist;

79 (D) Direct psychological or consultative services provided by a
80 licensed psychologist;

81 (E) Physical therapy provided by a licensed physical therapist;

82 (F) Speech and language pathology services provided by a licensed
83 speech and language pathologist; and

84 (G) Occupational therapy provided by a licensed occupational
85 therapist.

86 (d) Such policy shall not impose (1) any limits on the number of visits
87 an insured may make to an [autism spectrum disorder] early childhood
88 developmental disorder services provider pursuant to a treatment plan
89 on any basis other than a lack of medical necessity, or (2) a coinsurance,
90 copayment, deductible or other out-of-pocket expense for such coverage
91 that places a greater financial burden on an insured for access to the
92 diagnosis and treatment of [autism spectrum disorder] such early
93 childhood developmental disorder than for the diagnosis and treatment
94 of any other medical, surgical or physical health condition under such
95 policy.

96 (e) (1) Except for treatments and services received by an insured in an
97 inpatient setting, an insurer, health care center, hospital service
98 corporation, medical service corporation or fraternal benefit society may
99 review a treatment plan developed as set forth in subsection (c) of this
100 section for such insured, in accordance with its utilization review
101 requirements, not more than once every six months unless such
102 insured's licensed physician, licensed psychologist or licensed clinical
103 social worker agrees that a more frequent review is necessary or changes
104 such insured's treatment plan.

105 (2) For the purposes of this section, the results of a diagnosis shall be
106 valid for a period of not less than twelve months, unless such insured's
107 licensed physician, licensed psychologist or licensed clinical social

108 worker determines a shorter period is appropriate or changes the results
109 of such insured's diagnosis.

110 (f) Coverage required under this section may be subject to the other
111 general exclusions and limitations of the individual health insurance
112 policy, including, but not limited to, coordination of benefits,
113 participating provider requirements, restrictions on services provided
114 by family or household members and case management provisions,
115 except that any utilization review shall be performed in accordance with
116 subsection (e) of this section.

117 (g) (1) Nothing in this section shall be construed to limit or affect (A)
118 any other covered benefits available to an insured under (i) such
119 individual health insurance policy, (ii) section 38a-488a, or (iii) section
120 38a-490a, (B) any obligation to provide services to an individual under
121 an individualized education program pursuant to section 10-76d, or (C)
122 any obligation imposed on a public school by the Individual With
123 Disabilities Education Act, 20 USC 1400 et seq., as amended from time
124 to time.

125 (2) Nothing in this section shall be construed to require such
126 individual health insurance policy to provide reimbursement for special
127 education and related services provided to an insured pursuant to
128 section 10-76d, unless otherwise required by state or federal law.

129 Sec. 2. Section 38a-514b of the 2024 supplement to the general statutes
130 is repealed and the following is substituted in lieu thereof (*Effective*
131 *January 1, 2025*):

132 (a) As used in this section:

133 (1) "Applied behavior analysis" means the design, implementation
134 and evaluation of environmental modifications, using behavioral
135 stimuli and consequences, including the use of direct observation,
136 measurement and functional analysis of the relationship between
137 environment and behavior, to produce socially significant improvement
138 in human behavior.

139 [(2) "Autism spectrum disorder services provider" means any person,
140 entity or group that provides treatment for autism spectrum disorder
141 pursuant to this section.]

142 [(3)] (2) ["Autism spectrum disorder"] "Autism spectrum disorders"
143 means ["autism spectrum disorder"] one or more pervasive
144 developmental disorders as set forth in the most recent edition of the
145 American Psychiatric Association's "Diagnostic and Statistical Manual
146 of Mental Disorders" or the most recent edition of the International
147 Classification of Diseases.

148 [(4)] (3) "Behavioral therapy" means any interactive behavioral
149 therapies derived from evidence-based research, [and consistent with
150 the services and interventions designated by the Commissioner of Social
151 Services pursuant to subsection (e) of section 17a-215c,] including, but
152 not limited to, applied behavior analysis, cognitive behavioral therapy
153 [,] or other therapies supported by empirical evidence of the effective
154 treatment of individuals diagnosed with [autism spectrum disorder] an
155 early childhood developmental disorder, that are: (A) Provided to
156 children less than twenty-one years of age; and (B) provided or
157 supervised by (i) a licensed behavior analyst, (ii) a licensed physician,
158 or (iii) a licensed psychologist. For the purposes of this subdivision,
159 behavioral therapy is "supervised by" such licensed behavior analyst,
160 licensed physician or licensed psychologist when such supervision
161 entails at least one hour of face-to-face supervision of the [autism
162 spectrum disorder] early childhood developmental disorder services
163 provider by such licensed behavior analyst, licensed physician or
164 licensed psychologist for each ten hours of behavioral therapy provided
165 by the supervised provider.

166 [(5)] (4) ["Diagnosis"] "Diagnosis of early childhood developmental
167 disorders" means the medically necessary assessment, evaluation or
168 testing performed by a licensed physician, licensed psychologist or
169 licensed clinical social worker to determine if an individual has an early
170 childhood developmental delay, including, but not limited to, any
171 autism spectrum [disorder] disorders.

172 (5) "Early childhood developmental disorder" means a childhood
173 mental or physical impairment or combination of such mental or
174 physical impairments, including, but not limited to, autism spectrum
175 disorders, that results in functional limitations in major life activities.
176 "Early childhood developmental disorder" does not include a learning
177 disability, as defined in section 46a-51.

178 (6) "Early childhood developmental disorder services provider"
179 means any person, entity or group that provides treatment for an early
180 childhood developmental disorder pursuant to this section.

181 (b) Each group health insurance policy providing coverage of the
182 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469
183 that is delivered, issued for delivery, renewed, amended or continued
184 in this state on or after January 1, 2025, shall provide coverage for the
185 diagnosis and treatment of [autism spectrum disorder] any early
186 childhood developmental disorder. For the purposes of this section and
187 section 38a-513c, [autism spectrum disorder] an early childhood
188 developmental disorder shall be considered an illness.

189 (c) Such policy shall provide coverage for the following treatments,
190 provided such treatments are (1) medically necessary, and (2) identified
191 and ordered by a licensed physician, licensed psychologist or licensed
192 clinical social worker for an insured who is diagnosed with [autism
193 spectrum disorder] any early childhood developmental disorder, in
194 accordance with a treatment plan developed by a licensed behavior
195 analyst, licensed physician, licensed psychologist or licensed clinical
196 social worker, pursuant to a comprehensive evaluation or reevaluation
197 of the insured:

198 (A) Behavioral therapy;

199 (B) Prescription drugs, to the extent prescription drugs are a covered
200 benefit for other diseases and conditions under such policy, prescribed
201 by a licensed physician, a licensed physician assistant or an advanced
202 practice registered nurse for the treatment of symptoms and
203 comorbidities of [autism spectrum disorder] such early childhood

204 developmental disorder;

205 (C) Direct psychiatric or consultative services provided by a licensed
206 psychiatrist;

207 (D) Direct psychological or consultative services provided by a
208 licensed psychologist;

209 (E) Physical therapy provided by a licensed physical therapist;

210 (F) Speech and language pathology services provided by a licensed
211 speech and language pathologist; and

212 (G) Occupational therapy provided by a licensed occupational
213 therapist.

214 (d) Such policy shall not impose (1) any limits on the number of visits
215 an insured may make to an [autism spectrum disorder] early childhood
216 developmental disorder services provider pursuant to a treatment plan
217 on any basis other than a lack of medical necessity, or (2) a coinsurance,
218 copayment, deductible or other out-of-pocket expense for such coverage
219 that places a greater financial burden on an insured for access to the
220 diagnosis and treatment of [autism spectrum disorder] such early
221 childhood developmental disorder than for the diagnosis and treatment
222 of any other medical, surgical or physical health condition under such
223 policy.

224 (e) (1) Except for treatments and services received by an insured in an
225 inpatient setting, an insurer, health care center, hospital service
226 corporation, medical service corporation or fraternal benefit society may
227 review a treatment plan developed as set forth in subsection (c) of this
228 section for such insured, in accordance with its utilization review
229 requirements, not more than once every six months unless such
230 insured's licensed physician, licensed psychologist or licensed clinical
231 social worker agrees that a more frequent review is necessary or changes
232 such insured's treatment plan.

233 (2) For the purposes of this section, the results of a diagnosis shall be

234 valid for a period of not less than twelve months, unless such insured's
235 licensed physician, licensed psychologist or licensed clinical social
236 worker determines a shorter period is appropriate or changes the results
237 of such insured's diagnosis.

238 (f) Coverage required under this section may be subject to the other
239 general exclusions and limitations of the group health insurance policy,
240 including, but not limited to, coordination of benefits, participating
241 provider requirements, restrictions on services provided by family or
242 household members and case management provisions, except that any
243 utilization review shall be performed in accordance with subsection (e)
244 of this section.

245 (g) (1) Nothing in this section shall be construed to limit or affect (A)
246 any other covered benefits available to an insured under (i) such group
247 health insurance policy, (ii) section 38a-514, or (iii) section 38a-516a, (B)
248 any obligation to provide services to an individual under an
249 individualized education program pursuant to section 10-76d, or (C)
250 any obligation imposed on a public school by the Individual With
251 Disabilities Education Act, 20 USC 1400 et seq., as amended from time
252 to time.

253 (2) Nothing in this section shall be construed to require such group
254 health insurance policy to provide reimbursement for special education
255 and related services provided to an insured pursuant to section 10-76d,
256 unless otherwise required by state or federal law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2025	38a-488b
Sec. 2	January 1, 2025	38a-514b

Statement of Purpose:

To expand the definition of autism spectrum disorder to include early childhood developmental disorders for purposes of health insurance coverage.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]