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HOUSE BILL 148

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Bill B. O'Neill

AN ACT

RELATING TO HEALTH CARE COVERAGE; ENACTING A NEW SECTION OF THE HEALTH CARE PURCHASING ACT TO REQUIRE THAT GROUP HEALTH COVERAGE INCLUDE COVERAGE FOR DIAGNOSIS AND TREATMENT OF AUTISM SPECTRUM DISORDER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"[NEW MATERIAL] COVERAGE FOR AUTISM SPECTRUM DISORDER DIAGNOSIS AND TREATMENT--PERMISSIBLE LIMITATIONS.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act shall provide coverage for an eligible individual who is nineteen years of age or younger, or an eligible individual who is twenty-two years of age or younger

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1 and is enrolled in high school, for:

2 (1) well-baby and well-child screening for
3 diagnosing the presence of autism spectrum disorder; and

4 (2) treatment of autism spectrum disorder
5 through speech therapy, occupational therapy, physical therapy
6 and applied behavioral analysis.

7 B. Coverage required pursuant to Subsection A of
8 this section:

9 (1) shall be limited to treatment that is
10 prescribed by the insured's treating physician in accordance
11 with a treatment plan;

12 (2) shall not be denied on the basis that the
13 services are habilitative or rehabilitative in nature;

14 (3) may be subject to other general exclusions
15 of the group health coverage, including coordination of
16 benefits, participating provider requirements, restrictions on
17 services provided by family or household members and
18 utilization review of health care services, including the
19 review of medical necessity, case management and other managed
20 care provisions; and

21 (4) may be limited to exclude coverage for
22 services received under the federal Individuals with
23 Disabilities Education Improvement Act of 2004 and related
24 state laws that place responsibility on state and local school
25 boards for providing specialized education and related services

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1 to children three to twenty-two years of age who have autism
2 spectrum disorder.

3 C. The coverage required pursuant to Subsection A
4 of this section shall not be subject to deductibles or
5 coinsurance provisions that are less favorable to a covered
6 individual than the deductibles or coinsurance provisions that
7 apply to physical illnesses that are generally covered under
8 the group health coverage, except as otherwise provided in
9 Subsection B of this section.

10 D. A group health plan shall not deny or refuse
11 health coverage for medically necessary services or refuse to
12 contract with, renew, reissue or otherwise terminate or
13 restrict health coverage for an individual because the
14 individual is diagnosed as having autism spectrum disorder.

15 E. The treatment plan required pursuant to
16 Subsection B of this section shall include all elements
17 necessary for the group health coverage to pay claims
18 appropriately. These elements include, but are not limited to:

- 19 (1) the diagnosis;
20 (2) the proposed treatment by types;
21 (3) the frequency and duration of treatment;
22 (4) the anticipated outcomes stated as goals;
23 (5) the frequency with which the treatment
24 plan will be updated; and
25 (6) the signature of the treating physician.

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1 F. This section shall not be construed as limiting
2 benefits and coverage otherwise available to an insured under
3 group health coverage.

4 G. The provisions of this section shall not apply
5 to policies intended to supplement major medical group-type
6 coverages such as medicare supplement, long-term care,
7 disability income, specified disease, accident-only, hospital
8 indemnity or other limited-benefit health insurance policies.

9 H. As used in this section:

10 (1) "autism spectrum disorder" means a
11 condition that meets the diagnostic criteria for the pervasive
12 developmental disorders published in the *Diagnostic and*
13 *Statistical Manual of Mental Disorders*, fourth edition, text
14 revision, also known as DSM-IV-TR, published by the American
15 psychiatric association, including autistic disorder;
16 Asperger's disorder; pervasive development disorder not
17 otherwise specified; Rett's disorder; and childhood
18 disintegrative disorder;

19 (2) "habilitative or rehabilitative services"
20 means treatment programs that are necessary to develop,
21 maintain and restore to the maximum extent practicable the
22 functioning of an individual; and

23 (3) "high school" means a school providing
24 instruction for any of the grades nine through twelve."