

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1364

By: Bice

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5
6 AS INTRODUCED

7 An Act relating to autism insurance coverage;
8 creating the Autism Spectrum Disorder Coverage Act;
9 defining terms; requiring certain coverage;
10 specifying coverage terms; requiring treatment
11 providers to furnish certain documentation upon
12 request of insurer; prohibiting certain acts;
13 specifying certain diagnosis procedures; providing
14 codification; and providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 6060.4b of Title 36, unless
18 there is created a duplication in numbering, reads as follows:

19 A. This act shall be known and may be cited as the "Autism
20 Spectrum Disorder Coverage Act".

21 B. As used in this section:

22 1. "Autism spectrum disorders" means pervasive developmental
23 disorders as defined in the most recent edition of the Diagnostic
24 and Statistical Manual of Mental Disorders, including autism,
Asperger's disorder and pervasive developmental disorders not
otherwise specified;

1 2. "Diagnosis of autism spectrum disorders" means one or more
2 tests, evaluations or assessments to diagnose whether an individual
3 has an autism spectrum disorder that is prescribed, performed or
4 ordered by a physician licensed to practice medicine in all its
5 branches or a licensed clinical psychologist with expertise in
6 diagnosing autism spectrum disorders;

7 3. "Medically necessary" means any care, treatment,
8 intervention, service or item which will or is reasonably expected
9 to do any of the following:

- 10 a. prevent the onset of an illness, condition, injury,
11 disease or disability,
- 12 b. reduce or ameliorate the physical, emotional or
13 development effects of an illness, condition, injury,
14 disease or disability, or
- 15 c. assist to achieve or maintain maximum functional
16 activity in performing daily activities.

17 4. "Treatment for autism spectrum disorders" shall include the
18 following care prescribed, provided or ordered for an individual
19 diagnosed with an autism spectrum disorder by a physician licensed
20 to practice medicine in all its branches or a certified, registered
21 or licensed health care professional with expertise in treating
22 effects of autism spectrum disorders when the care is determined to
23 be medically necessary and ordered by a physician licensed to
24 practice medicine in all its branches:

- 1 a. psychiatric care, meaning direct, consultative or
2 diagnostic services provided by a licensed
3 psychiatrist,
- 4 b. psychological care, meaning direct or consultative
5 services provided by a licensed psychologist,
- 6 c. habilitative or rehabilitative care, meaning
7 professional, counseling, and guidance services and
8 treatment programs, including applied behavioral
9 analysis, that are intended to develop, maintain and
10 restore the functioning of an individual. As used in
11 this subsection, "applied behavior analysis" means the
12 design, implementation and evaluation of environmental
13 modifications using behavioral stimuli and
14 consequences to produce socially significant
15 improvement in human behavior, including the use of
16 direct observation, measurement and functional
17 analysis of the relations between environment and
18 behavior,
- 19 d. therapeutic care, including behavioral, speech,
20 occupational and physical therapies that provide
21 treatment in the following areas:
- 22 (1) self-care and feeding,
23 (2) pragmatic, receptive and expressive language,
24 (3) cognitive functioning,

- 1 (4) applied behavior analysis, intervention and
- 2 modification,
- 3 (5) motor planning, and
- 4 (6) sensory processing.

5 C. A group or individual policy of accident and health
6 insurance or managed care plan amended, delivered, issued or renewed
7 after the effective date of this act must provide individuals under
8 eighteen (18) years of age coverage for the diagnosis to the extent
9 that the diagnosis and treatment of autism spectrum disorders are
10 not already covered by the policy of accident and health insurance
11 or managed care plan.

12 D. Coverage provided under this section shall be subject to a
13 maximum benefit of Thirty-six Thousand Dollars (\$36,000.00) per
14 year, but shall not be subject to any limits on the number of visits
15 to a service provider. Payments made by an insurer on behalf of a
16 covered individual for any care, treatment, intervention, service or
17 item, the provision of which was for the treatment of a health
18 condition not diagnosed as an autism spectrum disorder, shall not be
19 applied toward any maximum benefit established under this
20 subsection.

21 E. Coverage under this section shall be subject to copayment,
22 deductible and coinsurance provisions of a policy of accident and
23 health insurance or managed care plan to the extent that other
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1 medical services covered by the policy of accident and health
2 insurance or managed care plan are subject to these provisions.

3 F. This section shall not be construed as limiting benefits
4 that are otherwise available to an individual under a policy of
5 accident and health insurance or managed care plan and benefits
6 provided under this section may not be subject to dollar limits,
7 deductibles, copayments or coinsurance provisions that are less
8 favorable to the insured than the dollar limits, deductibles or
9 coinsurance provisions that apply to physical illness generally.

10 G. An insurer may not deny or refuse to provide otherwise
11 covered services, or refuse to renew, refuse to reissue or otherwise
12 terminate or restrict coverage under an individual contract to
13 provide services to an individual because the individual or the
14 individual's dependent is diagnosed with an autism spectrum disorder
15 or due to the individual utilizing benefits in this section.

16 H. Upon request of the reimbursing insurer, a provider of
17 treatment for autism spectrum disorders shall furnish medical
18 records, clinical notes or other necessary data that substantiate
19 that initial or continued medical treatment is medically necessary
20 and is resulting in improved clinical status. When treatment is
21 anticipated to require continued services to achieve demonstrable
22 progress, the insurer may request a treatment plan consisting of
23 diagnosis, proposed treatment by type, frequency, anticipated

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1 duration of treatment, the anticipated outcomes stated as goals and
2 the frequency by which the treatment plan will be updated.

3 I. When making a determination of medical necessity for a
4 treatment modality for autism spectrum disorders, an insurer shall
5 make the determination in a manner that is consistent with the
6 manner used to make that determination with respect to other
7 diseases or illnesses covered under the policy, including an appeals
8 process. During the appeals process, any challenge to medical
9 necessity must be viewed as reasonable only if the review includes a
10 physician with expertise in the current and effective treatment
11 modalities for autism spectrum disorders.

12 J. Coverage for medically necessary early intervention services
13 must be delivered by certified early intervention specialists.

14 SECTION 2. This act shall become effective November 1, 2016.

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