

2010 -- S 2422

LC01432

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY -- THE RHODE ISLAND AUTISM SPECTRUM
DISORDER INTERVENTION AND TREATMENT ACT

Introduced By: Senators E O'Neill, Pinga, Cote, Raptakis, and Maher

Date Introduced: February 11, 2010

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 84

4 THE RHODE ISLAND AUTISM SPECTRUM DISORDER INTERVENTION AND

5 TREATMENT ACT

6 **23-84-1. Short title.** – This chapter shall be known and may be cited as “The Rhode
7 Island Autism Spectrum Disorder Intervention and Treatment Act.”

8 **23-84-2. Legislative findings.** – It is hereby found and declared as follows:

9 (1) Despite earlier efforts, the number of diagnoses of Autism Spectrum Disorder
10 ("ASD") continues to increase. At the same time, programs have developed which impose layers
11 of response and treatment which are unnecessarily delay and prolong the entry of children into
12 treatment and the delivery of that treatment.

13 (2) Existing protocols for the delivery of treatment need to be revised to allow referral by
14 primary care physicians directly to those who will provide treatment.

15 **23-84-3. Implementation.** – (a) The department of health and the department of human
16 services are directed to revise their protocols for the delivery of Autism Spectrum Disorder
17 treatment to eliminate unnecessary layers of response and allow referral by primary care
18 physicians directly to those who will actually provide treatment. In implementing this goal, said

1 protocols shall provide for treatment to begin within one week after the initial diagnosis.

2 (b) The state institutions of higher education are directed to evaluate whether its current
3 nursing, physical therapy (PT), occupational therapy (OT) and occupational therapy assistant
4 (OTA) programs offer sufficient preparation for those who may be called upon to interact with
5 ASD patients and their families, and to present a plan on or before January 1, 2011 to address any
6 deficiencies, including whether scholarship or other financial assistance incentives are needed to
7 encourage study in this field.

8 SECTION 2. Title 27 of the General Laws entitled "INSURANCE" is hereby amended
9 by adding thereto the following chapter:

10 CHAPTER 38.3

11 INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER

12 **27-38.3-1. Autism spectrum disorder coverage.** -- Every health care insurer that
13 delivers or issues for delivery or renews in this state a contract, plan, or policy except contracts
14 providing supplemental coverage to Medicare or other governmental programs, shall provide
15 coverage for the medical treatment of Autism Spectrum Disorder (ASD) under the same terms
16 and conditions as that coverage is provided for other illnesses and diseases. Insurance coverage
17 offered pursuant to this statute must include the same durational limits, amount limits,
18 deductibles, and co-insurance factors for mental illness as for other illnesses and diseases.

19 **27-38.3-2. Definitions.** -- For the purposes of this chapter, the following words and terms
20 have the following meanings:

21 (1) "Health insurers" means all persons, firms, corporations, or other organizations
22 offering and assuring health services on a prepaid or primarily expense-incurred basis, including,
23 but not limited to, policies of accident or sickness insurance, as defined by chapter 18 of this title,
24 nonprofit hospital or medical service plans, whether organized under chapter 19 or 20 of this title
25 or under any public law or by special act of the general assembly, health maintenance
26 organizations, or any other entity which insures or reimburses for diagnostic, therapeutic, or
27 preventive services to a determined population on the basis of a periodic premium. Provided, this
28 chapter does not apply to insurance coverage providing benefits for:

- 29 (i) Hospital confinement indemnity;
- 30 (ii) Disability income;
- 31 (iii) Accident only;
- 32 (iv) Long-term care;
- 33 (v) Medicare supplement;
- 34 (vi) Limited benefit health;

- 1 (vii) Specific disease indemnity;
- 2 (viii) Sickness or bodily injury or death by accident or both; and
- 3 (ix) Other limited benefit policies.

4 (2) "Autism Spectrum Disorder (ASD)" is hereby defined as a neurological and
5 developmental disorder, and not a "mental illness" as defined in section 27-38.2-2, and health
6 insurers are directed to adopt a separate code for ASD.

7 **27-38.3-3. Medical necessity and appropriateness of treatment. --** (a) Upon request of
8 the reimbursing health insurers, all providers of treatment of Autism Spectrum Disorder (ASD)
9 shall furnish medical records or other necessary data which substantiates that initial or continued
10 treatment is at all times medically necessary and appropriate. When the provider cannot establish
11 the medical necessity and/or appropriateness of the treatment modality being provided, neither
12 the health insurer nor the patient shall be obligated to reimburse for that period or type of care
13 that was not established. The exception to the preceding can only be made if the patient has been
14 informed of the provisions of this subsection and has agreed in writing to continue to receive
15 treatment at his or her own expense.

16 (b) The health insurers, when making the determination of medically necessary and
17 appropriate treatment, must do so in a manner consistent with that used to make the determination
18 for the treatment of other diseases or injuries covered under the health insurance policy or
19 agreement.

20 (c) Any subscriber who is aggrieved by a denial of benefits provided under this chapter
21 may appeal a denial in accordance with the rules and regulations promulgated by the department
22 of health pursuant to chapter 17.12 of title 23.

23 **27-38.3-4. Limitations of coverage. --** The health care benefits outlined in this chapter
24 apply only to services delivered within the State of Rhode Island; provided, that all health
25 insurers shall be required to provide coverage for those benefits mandated by this chapter outside
26 of the State of Rhode Island where it can be established through a pre-authorization process that
27 the required services are not available in the State of Rhode Island from a provider in the health
28 insurer's network.

29 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- THE RHODE ISLAND AUTISM SPECTRUM
DISORDER INTERVENTION AND TREATMENT ACT

- 1 This act would direct the departments of health and human services to prepare an
- 2 accelerated intervention plan for dealing with Autism Spectrum Disorder (ASD) and would
- 3 further provide that health insurance policies must cover ASD treatment.
- 4 This act would take effect upon passage.

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