

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

198V0775

HOUSE HEALTH AND HUMAN SERVICES ENGROSSED NO. **HB 1257** - 02/20/2014

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on Health and Human Services

1 FOR AN ACT ENTITLED, An Act to clarify certain autism spectrum disorders insurance
2 coverage.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. A health benefit plan shall provide coverage for the screening, diagnosis, and
5 treatment of autism spectrum disorder. To the extent that the screening, diagnosis, and treatment
6 of autism spectrum disorder are not already covered by a health benefit plan, coverage pursuant
7 to this Act must be included in health benefit plans that are delivered, executed, issued,
8 amended, adjusted, or renewed in this state on or after July 1, 2014.

9 Section 2. Coverage provided pursuant to this Act may not be subject to any limits on the
10 number of visits an individual may make for treatment of autism spectrum disorder.

11 Coverage under this Act may not be subject to dollar limits, deductibles, or coinsurance
12 provisions that are less favorable to an insured than the dollar limits, deductibles, or coinsurance
13 provisions that apply to substantially all medical and surgical benefits under the health insurance
14 policy.



1 Section 3. Nothing in this Act may be construed as limiting benefits that are otherwise
2 available to an individual under a health insurance policy.

3 Section 4. Terms used in this Act mean:

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

9 (2) "Autism spectrum disorder," any of the pervasive developmental disorders or autism
10 spectrum disorders as defined by the most recent edition of the Diagnostic and
11 Statistical Manual of Mental Disorders (DSM) or the edition that was in effect at the
12 time of diagnosis;

13 (3) "Diagnosis of autism spectrum disorder," medically necessary assessment,
14 evaluations, or tests to diagnose whether an individual has an autism spectrum
15 disorder;

16 (4) "Behavioral health treatment," counseling and treatment programs, including applied
17 behavior analysis, that are:

18 (a) Necessary to develop, maintain, or restore, to the maximum extent practicable,
19 the functioning of an individual; and

20 (b) Provided or supervised by a board certified behavior analyst or by a licensed
21 psychologist so long as the services performed are commensurate with the
22 psychologists's university training and supervised experience;

23 (5) "Health benefit plan," as defined by § 58-17F-1;

24 (6) "Pharmacy care," medications prescribed by a licensed physician and any health-

1 related services deemed medically necessary to determine the need or effectiveness
2 of the medications;

3 (7) "Psychiatric care," direct or consultative services provided by a psychiatrist licensed
4 in the state in which the psychiatrist practices;

5 (8) "Psychological care," direct or consultative services provided by a psychologist
6 licensed in the state in which the psychologist practices;

7 (9) "Therapeutic care," services provided by licensed or certified speech therapists,
8 occupational therapists, or physical therapists;

9 (10) "Treatment for autism spectrum disorder," evidence-based care and related
10 equipment prescribed or ordered for an individual diagnosed with an autism spectrum
11 disorder by a licensed physician or a licensed psychologist who determines the care
12 to be medically necessary, including behavioral health treatment, pharmacy care,
13 psychiatric care, psychological care, and therapeutic care.

14 Section 5. Coverage for applied behavior analysis shall include the services of the personnel
15 who work under the supervision of the board certified behavior analyst or the licensed
16 psychologist who oversees the program.

17 Section 6. Except for inpatient services, if an insured is receiving treatment for an autism
18 spectrum disorder, an insurer has the right to review the treatment plan annually, unless the
19 insurer and the insured's treating physician or psychologist agree that a more frequent review
20 is necessary. Any such agreement regarding the right to review a treatment plan more frequently
21 applies only to a particular insured being treated for an autism spectrum disorder and does not
22 apply to all individuals being treated for autism spectrum disorder by a physician or
23 psychologist. The cost of obtaining any review or treatment plan shall be borne by the insurer.

24 Section 7. Nothing in the Act may be construed as affecting any obligation to provide

1 services to an individual under an individualized family service plan, an individualized
2 education program, or an individualized service plan.

3 Section 8. Nothing in this Act may apply to non grandfathered plans in the individual and
4 small group markets or to Medicare supplement, accident-only, specified disease, hospital
5 indemnity, disability income, long-term care, or other limited benefit hospital insurance policies.

6 Section 9. By February 1, 2016, and every February first thereafter the Division of Insurance
7 shall submit a report to the Legislature regarding the implementation of the coverage required
8 under this Act. The report shall include the following:

- 9 (1) The total number of insureds diagnosed with autism spectrum disorder;
- 10 (2) The total cost of all claims paid out in the immediately preceding calendar year for
11 coverage required by this Act;
- 12 (3) The cost of such coverage per insured per month; and
- 13 (4) The average cost per insured for coverage of applied behavior analysis.

14 All health carriers and health benefit plans subject to the provisions of this Act shall provide
15 the Division of Insurance with the data requested by the division for inclusion in the annual
16 report.