

SENATE BILL 1298

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 56,
Chapter 7, relative to autism spectrum disorders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 56-7-2367, is amended by deleting the section and by substituting instead the following:

(a) As used in this section:

(1) "Autism spectrum disorders" means one (1) of the three (3) following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:

- (A) Autistic disorder;
- (B) Asperger's syndrome; and
- (C) Pervasive developmental disorder;

(2) "Behavioral therapy" means interactive therapies derived from evidence-based research, including applied behavior analysis, which includes discrete trial training, pivotal response training, intensive intervention programs and early intensive behavioral intervention; and

(3) "Treatment" means diagnosis, assessment and other services.

(b)

(1) A contract or policy of an insurer, whether under an individual or group health insurance policy providing coverage on an expense-incurred basis, an individual or group service contract issued by a health maintenance organization, a self-insured group arrangement to the extent not preempted by federal law or a managed health care delivery entity of any type or description

shall provide benefits and coverage for treatment of autism spectrum disorders that are at least as comprehensive as those provided for other neurological disorders. Such benefits and coverage for treatment shall be provided to any person less than sixteen (16) years of age.

(2) The benefits and coverage required by subdivision (b)(1) shall not exclude or deny coverage for a treatment or impose dollar limits, deductibles or coinsurance provisions based solely on the diagnosis of an autism spectrum disorder.

(3) The benefits and coverage required by subdivision (b)(1) shall not exclude or deny coverage for medically necessary behavioral therapy services. To be eligible for coverage, behavioral therapy services shall be provided or supervised by a licensed or certified provider.

(c) Subject to subsection (g), benefits provided for treatment of autism spectrum disorders shall be subject to deductible and copayment requirements and benefit limits that are no more stringent than those established for the treatment of other neurological disorders.

(d) An insurer shall not refuse to renew policies, reissue policies or otherwise terminate or restrict services to a person solely because the person is diagnosed with an autism spectrum disorder.

(e) This section shall be effective upon any contract, policy or plan that is delivered, issued for delivery, amended or renewed on or after the effective date of this act.

(f) Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, medicare supplement, long-term care or other limited benefit hospital insurance policies.

(g) Coverage for behavioral therapy is subject to:

(1) A fifty thousand dollar (\$50,000) maximum benefit per year for an eligible person up to nine (9) years of age; and

(2) A twenty-five thousand dollar (\$25,000) maximum benefit per year for an eligible person between nine (9) years of age and sixteen (16) years of age.

(h) This section does not require coverage for services provided outside of this state.

SECTION 2. This act shall take effect January 1, 2014, the public welfare requiring it, and shall apply to policies and contracts entered into or renewed on and after such date.