

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 899

By: David of the Senate

and

6 McEntire of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to health insurance; amending Section
11 1, Chapter 230, O.S.L. 2016 (36 O.S. Supp. 2018,
12 Section 6060.21), which relates to the treatment of
13 autism spectrum disorder; adding supervised assistant
14 behavior analyst to covered providers for certain
15 services; modifying definition; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY Section 1, Chapter 230, O.S.L.
19 2016 (36 O.S. Supp. 2018, Section 6060.21), is amended to read as
20 follows:

21 Section 6060.21. A. For all plans issued or renewed on or
22 after November 1, 2016, a health benefit plan and the Oklahoma
23 Employees Health Insurance Plan shall provide coverage for the
24 screening, diagnosis and treatment of autism spectrum disorder in
individuals less than nine (9) years of age, or if an individual is

1 not diagnosed or treated until after three (3) years of age,
2 coverage shall be provided for at least six (6) years, provided that
3 the individual continually and consistently shows sufficient
4 progress and improvement as determined by the health care provider.
5 No insurer shall terminate coverage, or refuse to deliver, execute,
6 issue, amend, adjust or renew coverage to an individual solely
7 because the individual is diagnosed with or has received treatment
8 for an autism spectrum disorder.

9 B. Except as provided in subsection E of this section, coverage
10 under this section shall not be subject to any limits on the number
11 of visits an individual may make for treatment of autism spectrum
12 disorder.

13 C. Coverage under this section shall not be subject to dollar
14 limits, deductibles or coinsurance provisions that are less
15 favorable to an insured than the dollar limits, deductibles or
16 coinsurance provisions that apply to substantially all medical and
17 surgical benefits under the health benefit plan, except as otherwise
18 provided in subsection E of this section.

19 D. This section shall not be construed as limiting benefits
20 that are otherwise available to an individual under a health benefit
21 plan.

22 E. Coverage for applied behavior analysis shall be subject to a
23 maximum benefit of twenty-five (25) hours per week and no more than
24 Twenty-five Thousand Dollars (\$25,000.00) per year. Beginning

1 January 1, 2018, the Oklahoma Insurance Commissioner shall, on an
2 annual basis, adjust the maximum benefit for inflation by using the
3 Medical Care Component of the United States Department of Labor
4 Consumer Price Index for All Urban Consumers (CPI-U). The
5 Commissioner shall submit the adjusted maximum benefit for
6 publication annually before January 1, 2018, and before the first
7 day of January of each calendar year thereafter, and the published
8 adjusted maximum benefit shall be applicable in the following
9 calendar year to the Oklahoma Employees Health Insurance Plan and
10 health benefit plans subject to this section. Payments made by an
11 insurer on behalf of a covered individual for treatment other than
12 applied behavior analysis shall not be applied toward any maximum
13 benefit established under this section.

14 F. Coverage for applied behavior analysis shall include the
15 services ~~of the~~ provided or supervised by a board-certified behavior
16 analyst, a board certified assistant behavior analyst or a licensed
17 doctoral-level psychologist.

18 G. Except for inpatient services, if an insured is receiving
19 treatment for an autism spectrum disorder, an insurer shall have the
20 right to review the treatment plan annually, unless the insurer and
21 the insured's treating physician or psychologist agree that a more
22 frequent review is necessary. Any such agreement regarding the
23 right to review a treatment plan more frequently shall apply only to
24 a particular insured being treated for an autism spectrum disorder

1 and shall not apply to all individuals being treated for autism
2 spectrum disorder by a physician or psychologist. The cost of
3 obtaining any review or treatment plan shall be borne by the
4 insurer.

5 H. This section shall not be construed as affecting any
6 obligation to provide services to an individual under an
7 individualized family service plan, an individualized education
8 program or an individualized service plan.

9 I. Nothing in this section shall apply to nongrandfathered
10 plans in the individual and small group markets that are required to
11 include essential health benefits under the federal Patient
12 Protection and Affordable Care Act, Public Law 111-148, or to
13 Medicare supplement, accident-only, specified disease, hospital
14 indemnity, disability income, long-term care or other limited
15 benefit hospital insurance policies.

16 J. As used in this section:

17 1. "Applied behavior analysis" means the design, implementation
18 and evaluation of environmental modifications, using behavioral
19 stimuli and consequences, to produce socially significant
20 improvement in human behavior, including the use of direct
21 observation, measurement and functional analysis of the relationship
22 between environment and behavior;

23 2. "Autism spectrum disorder" means any of the pervasive
24 developmental disorders or autism spectrum disorders as defined by

1 the most recent edition of the Diagnostic and Statistical Manual of
2 Mental Disorders (DSM) or the edition that was in effect at the time
3 of diagnosis;

4 3. "Behavioral health treatment" means counseling and treatment
5 programs, including applied behavior analysis, that are:

6 a. necessary to develop, maintain or restore, to the
7 maximum extent practicable, the functioning of an
8 individual, and

9 b. provided or supervised by a board-certified behavior
10 analyst, a board-certified assistant behavior analyst
11 or by a licensed doctoral-level psychologist so long
12 as the services performed are commensurate with the
13 psychologist's university training and experience;

14 4. "Diagnosis of autism spectrum disorder" means medically
15 necessary assessment, evaluations or tests to diagnose whether an
16 individual has an autism spectrum disorder;

17 5. "Health benefit plan" means any plan or arrangement as
18 defined in subsection C of Section 6060.4 of Title 36 of the
19 Oklahoma Statutes;

20 6. "Oklahoma Employees Health Insurance Plan" means "Health
21 Insurance Plan" as defined in Section 1303 of Title 74 of the
22 Oklahoma Statutes;

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1 7. "Pharmacy care" means medications prescribed by a licensed
2 physician and any health-related services deemed medically necessary
3 to determine the need or effectiveness of the medications;

4 8. "Psychiatric care" means direct or consultative services
5 provided by a psychiatrist licensed in the state in which the
6 psychiatrist practices;

7 9. "Psychological care" means direct or consultative services
8 provided by a psychologist licensed in the state in which the
9 psychologist practices;

10 10. "Therapeutic care" means services provided by licensed or
11 certified speech therapists, occupational therapists or physical
12 therapists; and

13 11. "Treatment for autism spectrum disorder" means evidence-
14 based care and related equipment prescribed or ordered for an
15 individual diagnosed with an autism spectrum disorder by a licensed
16 physician or a licensed doctoral-level psychologist who determines
17 the care to be medically necessary, including, but not limited to:

- 18 a. behavioral health treatment,
- 19 b. pharmacy care,
- 20 c. psychiatric care,
- 21 d. psychological care, and
- 22 e. therapeutic care.

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SECTION 2. This act shall become effective November 1, 2019.

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