

1 **INSURANCE COVERAGE FOR AUTISM SPECTRUM**

2 **DISORDERS**

3 2012 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ronda Rudd Menlove**

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Accident and Health Insurance part of the Insurance Code to
11 provide coverage for treatment of autism spectrum disorders.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ requires that an accident or health insurance policy that provides a health insurance
16 benefit shall provide coverage for treatment of autism spectrum disorders;
- 17 ▶ grants rulemaking authority to the Insurance Commissioner;
- 18 ▶ describes minimum coverage amounts and limits for the insurance coverage
19 required by this bill;
- 20 ▶ provides for annual adjustment of the coverage amounts based on the Consumer
21 Price Index; and
- 22 ▶ limits the coverage if the Patient Protection and Affordable Care Act's
23 determination of essential health benefits would require the state to pay premium
24 subsidies related to autism coverage.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **31A-22-640**, Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **31A-22-640** is enacted to read:

35 **31A-22-640. Insurance coverage for autism spectrum disorders.**

36 (1) As used in this section:

37 (a) "Applied behavior analysis" means the design, implementation, and evaluation of
38 environmental modifications, using behavioral stimuli and consequences, to produce socially
39 significant improvement in human behavior, including the use of direct observation,
40 measurement, and functional analysis of the relationship between environment and behavior
41 that are:

42 (i) necessary to develop, maintain, or restore, to the maximum extent practicable, the
43 functioning of an individual; and

44 (ii) provided or supervised by a board certified behavior analyst or a licensed
45 psychologist with equivalent university training and supervised experience.

46 (b) "Autism spectrum disorder" means a pervasive developmental disorder, as defined
47 by the most recent edition of the Diagnostic and Statistical Manual on Mental Disorders,
48 including:

49 (i) autistic disorder;

50 (ii) asperger's disorder; and

51 (iii) pervasive developmental disorder not otherwise specified.

52 (c) "Consumer price index" is as described in Section 1(f)(4), Internal Revenue Code,
53 and defined in Section 1(f)(5), Internal Revenue Code.

54 (d) "PPACA" means the Patient Protection and Affordable Care Act, Pub. L. No.
55 111-148, the Health Care Education Reconciliation Act of 2010, Pub. L. No. 111-152, and
56 federal regulation to implement the act.

57 (e) "Treatment of autism spectrum disorders" means any treatment generally accepted
58 by the medical community or the American Academy of Pediatrics as an effective treatment for

59 an individual with an autism spectrum disorder, including:

60 (i) applied behavior analysis;

61 (ii) pharmaceuticals;

62 (iii) psychiatric treatment;

63 (iv) psychological treatment;

64 (v) occupational therapy;

65 (vi) speech therapy; and

66 (vii) medical treatment.

67 (2) An accident or health insurance policy issued or renewed on or after January 1,
68 2013, that provides a health insurance benefit shall provide coverage for treatment of autism
69 spectrum disorders in accordance with the requirements of this section and rules made by the
70 commissioner under this section.

71 (3) The commissioner shall make rules, in accordance with Title 63G, Chapter 3, Utah
72 Administrative Rulemaking Act, that set minimum standards of coverage for the treatment of
73 autism spectrum disorders.

74 (4) (a) Subject to Subsections (4)(b), (5), and (6), the rules described in Subsection (3)
75 shall establish durational limits, amount limits, deductibles, and coinsurance for the treatment
76 of autism spectrum disorders that are similar to, or identical to, the coverage provided for other
77 illnesses or diseases.

78 (b) An accident or health insurance policy may not deny treatment of autism spectrum
79 disorder on the basis that the treatment is habilitative or non-restorative in nature.

80 (5) (a) Subject to Subsection (6), an accident or health insurance policy that provides a
81 health insurance benefit shall provide coverage for the provision of applied behavior analysis
82 for a person with an autism spectrum disorder of at least \$50,000 annually.

83 (b) Payments made by an insurer on behalf of a covered individual for treatment other
84 than applied behavior analysis shall not be applied to the annual limit under Subsection (5)(a).

85 (6) (a) Beginning on July 1, 2015, the commissioner has the authority to annually
86 adjust the amounts described in Subsection (5) by a percentage equal to the percentage
87 difference between the consumer price index for the current calendar year and the consumer
88 price index for the preceding calendar year.

89 (b) (i) The commissioner has authority to adjust the coverage required under

90 Subsection (4) for qualified health plans offered in the individual market on the Utah Health
91 Exchange if PPACA would require the state to pay the portion of an individual's premium
92 subsidy that is attributable to the autism spectrum disorder coverage required by Subsections
93 (4) and (5).

94 (ii) If the commissioner adjusts the coverage for autism spectrum disorders under the
95 provisions of Subsection (6)(b), the coverage shall be adjusted only to the extent necessary to
96 keep the state from having to pay premium subsidies associated with coverage of autism
97 spectrum disorders in qualified health plans offered in the individual market on the Utah Health
98 Exchange.

Legislative Review Note
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Office of Legislative Research and General Counsel