

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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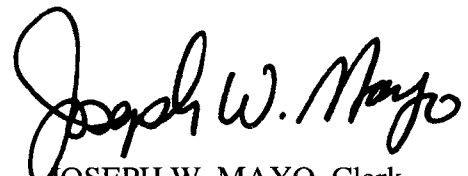
H.P. 1354

House of Representatives, March 18, 1999

**An Act to Categorize Pervasive Developmental Disorder as a  
Neurological Disorder rather than a Mental Illness under the Insurance  
Laws.**

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Reference to the Committee on Banking and Insurance suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative MacDOUGALL of North Berwick.  
Cosponsored by Representatives: BROOKS of Winterport, SNOWE-MELLO of Poland,  
Senator: PARADIS of Aroostook.

Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 24 MRSA §2325-A, sub-§5-C, ¶A, as amended by PL 1995, c. 637, §1, is further amended to read:

A. All group contracts must provide, at a minimum, benefits according to paragraph B, subparagraph (1) for a person receiving medical treatment for any of the following mental illnesses diagnosed by a licensed allopathic or osteopathic physician or a licensed psychologist who is trained and has received a doctorate in psychology specializing in the evaluation and treatment of human behavior:

- (1) Schizophrenia;
- (2) Bipolar disorder;
- ~~(3) Pervasive-developmental-disorder, or autism;~~
- (4) Paranoia;
- (5) Panic disorder;
- (6) Obsessive-compulsive disorder; or
- (7) Major depressive disorder.

Sec. 2. 24 MRSA §2325-A, sub-§5-D, ¶A, as amended by PL 1995, c. 637, §2, is further amended to read:

A. All individual and group contracts must make available coverage providing, at a minimum, benefits according to paragraph B, subparagraph (1) for a person receiving medical treatment for any of the following mental illnesses diagnosed by a licensed allopathic or osteopathic physician or a licensed psychologist who is trained and has received a doctorate in psychology specializing in the evaluation and treatment of human behavior:

- (1) Schizophrenia;
- (2) Bipolar disorder;
- ~~(3) Pervasive-developmental-disorder, or autism;~~
- (4) Paranoia;
- (5) Panic disorder;
- (6) Obsessive-compulsive disorder; or

2 (7) Major depressive disorder.

4 Sec. 3. 24 MRSA §2325-D is enacted to read:

6 **§2325-D. Coverage of pervasive developmental disorder**

8 **1. Mandated offer of coverage.** Except as otherwise  
10 provided in subsection 2, all individual and group nonprofit  
12 hospital and medical service organization plan contracts and all  
14 nonprofit health care service organization plan contracts must  
16 make available coverage providing, at a minimum, benefits  
according to subsection 3, for a person receiving treatment for  
pervasive developmental disorder, or autism, diagnosed by a  
licensed allopathic or osteopathic physician.

18 **2. Mandated benefit.** All group nonprofit hospital and  
20 medical service organization plan contracts and all nonprofit  
22 health care service organization plan contracts must provide, at  
24 a minimum, benefits according to subsection 3, for a person  
26 receiving treatment for pervasive developmental disorder, or  
autism, diagnosed by a licensed allopathic or osteopathic  
physician. This subsection does not apply to policies, contracts  
and certificates covering employees of employers with fewer than  
20 employees, whether the group policy is issued to the employer,  
to an association, to a multiple-employer trust or to another  
entity.

28 **3. Minimum benefits.** The contracts must provide benefits  
30 for the treatment and diagnosis of pervasive developmental  
32 disorder, or autism, under terms and conditions that are no less  
34 extensive than the benefits provided for medical treatment for  
36 physical illnesses. At the request of a nonprofit hospital or  
38 medical service organization, a provider of medical treatment for  
40 pervasive developmental disorder, or autism, shall furnish data  
substantiating that initial or continued treatment is medically  
necessary and appropriate. When making the determination of  
whether treatment is medically necessary and appropriate, the  
provider shall use the same criteria for medical treatment for  
pervasive developmental disorder, or autism, as for medical  
treatment for physical illness under the contract.

42 **Sec. 4. 24-A MRSA §2749-C, sub-§1, ¶A,** as amended by PL 1995,  
44 c. 637, §3, is further amended to read:

46 A. All individual policies must make available coverage  
48 providing, at a minimum, benefits according to paragraph B,  
50 subparagraph (1) for a person receiving medical treatment  
for any of the following mental illnesses diagnosed by a  
licensed allopathic or osteopathic physician or a licensed

2 psychologist who is trained and has received a doctorate in  
3 psychology specializing in the evaluation and treatment of  
4 human behavior:

- 6 (1) Schizophrenia;
- 8 (2) Bipolar disorder;
- 10 ~~(3) Pervasive developmental disorder, or autism;~~
- 12 (4) Paranoia;
- 14 (5) Panic disorder;
- 16 (6) Obsessive-compulsive disorder; or
- 18 (7) Major depressive disorder.

20 **Sec. 5. 24-A MRSA §2749-D** is enacted to read:

22 **§2749-D. Coverage of pervasive developmental disorder**

24 1. Mandated offer of coverage. All individual insurance  
26 policies and contracts must make available coverage providing, at  
28 a minimum, benefits according to subsection 2, for a person  
receiving treatment for pervasive developmental disorder, or  
autism, diagnosed by a licensed allopathic or osteopathic  
physician.

30 2. Minimum benefits. The contracts must provide benefits  
32 for the treatment and diagnosis of pervasive developmental  
34 disorder, or autism, under terms and conditions that are no less  
36 extensive than the benefits provided for medical treatment for  
38 physical illnesses. At the request of a reimbursing insurer, a  
40 provider of medical treatment for pervasive developmental  
42 disorder, or autism, shall furnish data substantiating that  
initial or continued treatment is medically necessary and  
appropriate. When making the determination of whether treatment  
is medically necessary and appropriate, the provider shall use  
the same criteria for medical treatment for pervasive  
developmental disorder, or autism, as for medical treatment for  
physical illness under the contract.

44 **Sec. 6. 24-A MRSA §2843, sub-§5-C, ¶A,** as amended by PL 1995,  
46 c. 637, §4, is further amended to read:

48 A. All group contracts must provide, at a minimum, benefits  
50 according to paragraph B, subparagraph (1) for a person  
receiving medical treatment for any of the following mental  
illnesses diagnosed by a licensed allopathic or osteopathic

2 physician or a licensed psychologist who is trained and has  
received a doctorate in psychology specializing in the  
evaluation and treatment of human behavior:

- 4 (1) Schizophrenia;  
6 (2) Bipolar disorder;  
8 ~~(3) Pervasive developmental disorder, or autism;~~  
10 (4) Paranoia;  
12 (5) Panic disorder;  
14 (6) Obsessive-compulsive disorder; or  
16 (7) Major depressive disorder.

18 **Sec. 7. 24-A M RSA §2843, sub-§5-D, ¶A**, as amended by PL 1995,  
20 c. 637, §5, is further amended to read:

22 A. All group contracts must make available coverage  
24 providing, at a minimum, benefits according to paragraph B,  
subparagraph (1) for a person receiving medical treatment  
26 for any of the following mental illnesses diagnosed by a  
licensed allopathic or osteopathic physician or a licensed  
28 psychologist who is trained and has received a doctorate in  
psychology specializing in the evaluation and treatment of  
human behavior:

- 30 (1) Schizophrenia;  
32 (2) Bipolar disorder;  
34 ~~(3) Pervasive developmental disorder, or autism;~~  
36 (4) Paranoia;  
38 (5) Panic disorder;  
40 (6) Obsessive-compulsive disorder; or  
42 (7) Major depressive disorder.

44 **Sec. 8. 24-A M RSA §2843-A** is enacted to read:

46 **§2843-A. Coverage of pervasive developmental disorder**

48 **1. Mandated offer of coverage. Except as otherwise**  
50 **provided in subsection 2, all group insurance policies and**

2 contracts must make available coverage providing, at a minimum,  
3 benefits according to subsection 3, for a person receiving  
4 treatment for pervasive developmental disorder, or autism,  
5 diagnosed by a licensed allopathic or osteopathic physician.

6 2. Mandated benefit. All group insurance policies and  
7 contracts must provide, at a minimum, benefits according to  
8 subsection 3, for a person receiving treatment for pervasive  
9 developmental disorder, or autism, diagnosed by a licensed  
10 allopathic or osteopathic physician. This subsection does not  
11 apply to policies, contracts and certificates covering employees  
12 of employers with fewer than 20 employees, whether the group  
13 policy is issued to the employer, to an association, to a  
14 multiple-employer trust or to another entity.

15 3. Minimum benefits. The contracts must provide benefits  
16 for the treatment and diagnosis of pervasive developmental  
17 disorder, or autism, under terms and conditions that are no less  
18 extensive than the benefits provided for medical treatment for  
19 physical illnesses. At the request of a reimbursing insurer, a  
20 provider of medical treatment for pervasive developmental  
21 disorder, or autism, shall furnish data substantiating that  
22 initial or continued treatment is medically necessary and  
23 appropriate. When making the determination of whether treatment  
24 is medically necessary and appropriate, the provider shall use  
25 the same criteria for medical treatment for pervasive  
26 developmental disorder, or autism, as for medical treatment for  
27 physical illness under the contract.

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29 **Sec. 9. 24-A MRSA §4234-A, sub-§6, ¶A,** as amended by PL 1995,  
30 c. 637, §6, is further amended to read:

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32 A. All group contracts must provide, at a minimum, benefits  
33 according to paragraph B, subparagraph (1) for a person  
34 receiving medical treatment for any of the following mental  
35 illnesses diagnosed by a licensed allopathic or osteopathic  
36 physician or a licensed psychologist who is trained and has  
37 received a doctorate in psychology specializing in the  
38 evaluation and treatment of human behavior:

- 39 (1) Schizophrenia;
- 40 (2) Bipolar disorder;
- 41 (3) ~~Pervasive developmental disorder, or autism;~~
- 42 (4) Paranoia;
- 43 (5) Panic disorder;

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(6) Obsessive-compulsive disorder; or

(7) Major depressive disorder.

**Sec. 10. 24-A MRSA §4234-A, sub-§7, ¶A,** as amended by PL 1995, c. 637, §7, is further amended to read:

A. All individual and group contracts must make available coverage providing, at a minimum, benefits according to paragraph B, subparagraph (1) for a person receiving medical treatment for any of the following mental illnesses diagnosed by a licensed allopathic or osteopathic physician or a licensed psychologist who is trained and has received a doctorate in psychology specializing in the evaluation and treatment of human behavior:

(1) Schizophrenia;

(2) Bipolar disorder;

~~(3) Pervasive developmental disorder, or autism;~~

(4) Paranoia;

(5) Panic disorder;

(6) Obsessive-compulsive disorder; or

(7) Major depressive disorder.

**Sec. 11. 24-A MRSA §4234-F** is enacted to read:

**§4234-F. Coverage of pervasive developmental disorder**

**1. Mandated offer of coverage.** Except as otherwise provided in subsection 2, all individual and group health maintenance organization plan contracts must make available coverage providing, at a minimum, benefits according to subsection 3, for a person receiving treatment for pervasive developmental disorder, or autism, diagnosed by a licensed allopathic or osteopathic physician.

**2. Mandated benefit.** All group health maintenance organization plan contracts must provide, at a minimum, benefits according to subsection 3, for a person receiving treatment for pervasive developmental disorder, or autism, diagnosed by a licensed allopathic or osteopathic physician. This subsection does not apply to policies, contracts and certificates covering employees of employers with fewer than 20 employees, whether the



2 group policy is issued to the employer, to an association, to a  
multiple-employer trust or to another entity.

4 3. Minimum benefits. The contracts must provide benefits  
for the treatment and diagnosis of pervasive developmental  
6 disorder, or autism, under terms and conditions that are no less  
extensive than the benefits provided for medical treatment for  
8 physical illnesses. At the request of a health maintenance  
organization, a provider of medical treatment for pervasive  
10 developmental disorder, or autism, shall furnish data  
substantiating that initial or continued treatment is medically  
12 necessary and appropriate. When making the determination of  
whether treatment is medically necessary and appropriate, the  
14 provider shall use the same criteria for medical treatment for  
pervasive developmental disorder, or autism, as for medical  
16 treatment for physical illness under the contract.

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### SUMMARY

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22 This bill categorizes pervasive developmental disorder, or  
autism, as a neurological condition rather than a mental illness.  
24 Under current law, pervasive developmental disorder, or autism,  
is categorized as one of seven biologically based mental  
26 illnesses. The bill retains the requirement that pervasive  
developmental disorder, or autism, be covered by health insurance  
28 under the same terms and conditions as other physical illnesses  
and conditions.