

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1198

S.P. 446

In Senate, March 25, 2009

An Act To Reform Insurance Coverage To Include Diagnosis for Autism Spectrum Disorders

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BOWMAN of York.

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

2 **Sec. 1. 24 MRSA §2317-B, sub-§19**, as enacted by PL 1999, c. 256, Pt. M, §10,
3 is amended to read:

4 **19. Title 24-A, chapter 67.** Medicare supplement insurance policies, Title 24-A,
5 chapter 67; and

6 **Sec. 2. 24 MRSA §2317-B, sub-§20**, as amended by PL 2003, c. 428, Pt. G, §1,
7 is further amended to read:

8 **20. Title 24-A, chapters 68 and 68-A.** Long-term care insurance, nursing home
9 care insurance and home health care insurance, Title 24-A, chapters 68 and 68-A.; and

10 **Sec. 3. 24 MRSA §2317-B, sub-§21** is enacted to read:

11 **21. Title 24-A, sections 2847-Q and 4257. Coverage for diagnosis and treatment of**
12 **autism spectrum disorders, Title 24-A, sections 2847-Q and 4257.**

13 **Sec. 4. 24-A MRSA §2847-Q** is enacted to read:

14 **§2847-Q. Coverage for the diagnosis and treatment of autism spectrum disorders**

15 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
16 following terms have the following meanings.

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

22 **B. "Autism spectrum disorders" means any of the pervasive developmental disorders**
23 **as defined by the Diagnostic and Statistical Manual of Mental Disorders, 4th edition,**
24 **published by the American Psychiatric Association, including autistic disorder,**
25 **Asperger's disorder and pervasive developmental disorder not otherwise specified.**

26 **C. "Treatment of autism spectrum disorders" includes the following types of care**
27 **prescribed, provided or ordered for an individual diagnosed with an autism spectrum**
28 **disorder:**

29 **(1) Habilitative or rehabilitative services, including applied behavior analysis or**
30 **other professional or counseling services necessary to develop, maintain and**
31 **restore the functioning of an individual to the extent possible;**

32 **(2) Prescribed pharmaceuticals;**

33 **(3) Counseling services provided by a licensed psychiatrist, psychologist,**
34 **clinical professional counselor or clinical social worker; and**

35 **(4) Therapy services provided by a licensed or certified speech therapist,**
36 **occupational therapist or physical therapist.**

1 2. Required coverage. All group health insurance policies, contracts and
2 certificates must provide coverage for autism spectrum disorders for an individual
3 covered under the policy, contract or certificate who is 21 years of age or under in
4 accordance with the following.

5 A. The policy, contract or certificate must provide coverage for any assessments,
6 evaluations or tests by a licensed physician or licensed psychologist to diagnose
7 whether an individual has an autism spectrum disorder.

8 B. The policy, contract or certificate must provide coverage for the treatment of
9 autism spectrum disorders when a licensed physician or licensed psychologist has
10 submitted documentation that the treatment is medically necessary health care as
11 defined in section 4301-A, subsection 10-A. A licensed physician or licensed
12 psychologist may be required to confirm and document ongoing medical necessity for
13 coverage provided under this section at least annually.

14 C. The policy, contract or certificate may not include any limits on the number of
15 visits.

16 D. The policy, contract or certificate may limit coverage to \$36,000 per year, except
17 that, beginning January 1, 2011, the maximum benefit must be adjusted annually for
18 inflation using the medical care component of the United States Department of Labor
19 Consumer Price Index for urban wage earners. An insurer may not apply payments
20 for coverage unrelated to autism spectrum disorders to any maximum benefit
21 established under this paragraph.

22 3. Limits; coinsurance; deductibles. Except as otherwise provided in this section,
23 any policy, contract or certificate that provides coverage for services under this section
24 may contain provisions for maximum benefits and coinsurance and reasonable
25 limitations, deductibles and exclusions to the extent that these provisions are not
26 inconsistent with the requirements of this section.

27 4. Individualized education plan. This section may not be construed to affect any
28 obligation to provide services to an individual with an autism spectrum disorder under an
29 individualized education plan or an individualized family service plan.

30 5. Exceptions. This section does not apply to employee group insurance policies
31 issued to employers with fewer than 50 employees insured under the group policy.

32 **Sec. 5. 24-A MRSA §4257 is enacted to read:**

33 **§4257. Coverage for the diagnosis and treatment of autism spectrum disorders**

34 1. Definitions. As used in this section, unless the context otherwise indicates, the
35 following terms have the following meanings.

36 A. "Applied behavior analysis" means the design, implementation and evaluation of
37 environmental modifications using behavioral stimuli and consequences to produce
38 socially significant improvement in human behavior, including the use of direct
39 observation, measurement and functional analysis of the relations between
40 environment and behavior.

1 B. "Autism spectrum disorders" means any of the pervasive developmental disorders
2 as defined by the Diagnostic and Statistical Manual of Mental Disorders, 4th edition,
3 published by the American Psychiatric Association, including autistic disorder,
4 Asperger's disorder and pervasive developmental disorder not otherwise specified.

5 C. "Treatment of autism spectrum disorders" includes the following types of care
6 prescribed, provided or ordered for an individual diagnosed with an autism spectrum
7 disorder:

8 (1) Habilitative or rehabilitative services, including applied behavior analysis or
9 other professional or counseling services necessary to develop, maintain and
10 restore the functioning of an individual to the extent possible;

11 (2) Prescribed pharmaceuticals;

12 (3) Counseling services provided by a licensed psychiatrist, psychologist,
13 clinical professional counselor or clinical social worker; and

14 (4) Therapy services provided by a licensed or certified speech therapist,
15 occupational therapist or physical therapist.

16 **2. Required coverage.** All group health maintenance organization contracts and
17 certificates must provide coverage for autism spectrum disorders for an individual
18 covered under the contract or certificate who is 21 years of age or under in accordance
19 with the following.

20 A. The contract or certificate must provide coverage for any assessments,
21 evaluations or tests by a licensed physician or licensed psychologist to diagnose
22 whether an individual has an autism spectrum disorder.

23 B. The contract or certificate must provide coverage for the treatment of autism
24 spectrum disorders when a licensed physician or licensed psychologist has submitted
25 documentation that the treatment is medically necessary health care as defined in
26 section 4301-A, subsection 10-A. A licensed physician or licensed psychologist may
27 be required to confirm and document ongoing medical necessity for coverage
28 provided under this section at least annually.

29 C. The contract or certificate may not include any limits on the number of visits.

30 D. The contract or certificate may limit coverage to \$36,000 per year, except that,
31 beginning January 1, 2011, the maximum benefit must be adjusted annually for
32 inflation using the medical care component of the United States Department of Labor
33 Consumer Price Index for urban wage earners. A health maintenance organization
34 may not apply payments for coverage unrelated to autism spectrum disorders to any
35 maximum benefit established under this paragraph.

36 **3. Limits; coinsurance; deductibles.** Except as otherwise provided in this section,
37 any contract or certificate that provides coverage for services under this section may
38 contain provisions for maximum benefits and coinsurance and reasonable limitations,
39 deductibles and exclusions to the extent that these provisions are not inconsistent with the
40 requirements of this section.

