

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1315

5 By: Representatives Lindsey, Barnett, Cheatham, Hall, Lampkin, Leding, Lenderman, Murdock,
6 Pennartz, T. Steele, T. Thompson, Tyler, Wardlaw, Webb, B. Wilkins, H. Wilkins, Williams, Wren,
7 Wright
8 By: Senator Salmon
9

For An Act To Be Entitled

11 AN ACT TO PROVIDE HEALTH INSURANCE COVERAGE FOR
12 AUTISM SPECTRUM DISORDERS; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO PROVIDE HEALTH INSURANCE COVERAGE FOR
16 AUTISM SPECTRUM DISORDERS.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 23, Chapter 99, Subchapter 4 is amended
23 to add an additional section to read as follows:

24 23-99-418. Coverage for autism spectrum disorders required --

25 Definitions.

26 (a) As used in this section:

27 (1) "Applied behavior analysis" means the design,
28 implementation, and evaluation of environmental modifications by a board-
29 certified behavior analyst using behavioral stimuli and consequences to
30 produce socially significant improvement in human behavior, including the use
31 of direct observation, measurement, and functional analysis of the
32 relationship between environment and behavior;

33 (2) "Autism services provider" means a person, entity, or group
34 that provides diagnostic evaluations and treatment of autism spectrum
35 disorders, including licensed physicians, licensed psychiatrists, licensed
36 speech therapists, licensed occupational therapists, licensed physical



1 therapists, licensed psychologists, and board-certified behavior analysts;

2 (3) "Autism spectrum disorder" means any of the pervasive
 3 developmental disorders as defined by the most recent edition of the
 4 "Diagnostic and Statistical Manual of Mental Disorders", including:

5 (A) Autistic disorder;

6 (B) Asperger's disorder; and

7 (C) Pervasive developmental disorder not otherwise
 8 specified;

9 (4) "Board-certified behavior analyst" means an individual
 10 certified by the nationally accredited Behavior Analyst Certification Board
 11 or other equivalent nationally accredited nongovernmental agency that
 12 certifies individuals who have completed academic, examination, training, and
 13 supervision requirements in applied behavior analysis;

14 (5)(A) "Diagnosis" means medically necessary assessment,
 15 evaluations, or tests to diagnose whether or not an individual has an autism
 16 spectrum disorder.

17 (B) Diagnostic evaluations do not need to be completed
 18 concurrently to diagnosis autism spectrum disorder;

19 (6) "Evidence-based treatment" means treatment subject to
 20 research that applies rigorous, systematic, and objective procedures to
 21 obtain valid knowledge relevant to autism spectrum disorders;

22 (7)(A) "Health benefit plan" means any group or blanket plan,
 23 policy, or contract for health care services issued or delivered in this
 24 state by health care insurers, including indemnity and managed care plans and
 25 the plans providing health benefits to state and public school employees
 26 under § 21-5-401 et seq., but excluding plans providing health care services
 27 under Arkansas Constitution, Article 5, § 32, the Workers' Compensation Law,
 28 § 11-9-101 et seq., and the Public Employee Workers' Compensation Act, § 21-
 29 5-601 et seq.

30 (B) "Health benefit plan" does not include an accident
 31 only, specified disease, hospital indemnity, Medicare supplement, long-term
 32 care, disability income, or other limited benefit health insurance policy;

33 (8) "Health care insurer" means any insurance company, hospital
 34 and medical service corporation, or health maintenance organization issuing
 35 or delivering health benefit plans in this state and subject to any of the
 36 following laws:

1 (A) The insurance laws of this state;

2 (B) Section 23-75-101 et seq., pertaining to hospital and
 3 medical service corporations; and

4 (C) Section 23-76-101 et seq., pertaining to health
 5 maintenance organizations;

6 (9) "Medically necessary" means reasonably expected to do the
 7 following:

8 (A) Prevent the onset of an illness, condition, injury, or
 9 disability;

10 (B) Reduce or ameliorate the physical, mental, or
 11 developmental effects of an illness, condition, injury, or disability; or

12 (C) Assist to achieve or maintain maximum functional
 13 capacity in performing daily activities, taking into account both the
 14 functional capacity of the individual and the functional capacities that are
 15 appropriate for individuals of the same age;

16 (10) "Pharmacy care" means medications prescribed by a licensed
 17 physician and any health-related services deemed medically necessary to
 18 determine the need or effectiveness of the medications;

19 (11) "Psychiatric care" means direct or consultative services
 20 provided by a psychiatrist licensed in the state in which the psychiatrist
 21 practices;

22 (12) "Psychological care" means direct or consultative services
 23 provided by a psychologist licensed in the state in which the psychologist
 24 practices;

25 (13) "Therapeutic care" means services provided by licensed
 26 speech therapists, occupational therapists, or physical therapists; and

27 (14) "Treatment" includes:

28 (A) The following care prescribed, provided, or ordered
 29 for an individual diagnosed with an autism spectrum disorder by a licensed
 30 physician or a licensed psychologist who determines the care to be medically
 31 necessary:

32 (i) Applied behavior analysis when provided by or
 33 supervised by a Board Certified Behavior Analyst;

34 (ii) Pharmacy care;

35 (iii) Psychiatric care;

36 (iv) Psychological care;

1 (v) Therapeutic care; and

2 (vi) Equipment; and

3 (B) Any care for an individual with autism spectrum
4 disorder that is determined by a licensed physician to be medically necessary
5 and evidence-based treatment for autism spectrum disorders.

6 (b) To the extent that the diagnosis and treatment of autism spectrum
7 disorders are not already covered by a health benefit plan, coverage under
8 this section shall be included in a health benefit plan that is delivered,
9 executed, issued, amended, adjusted, or renewed in this state on or after
10 October 1, 2011.

11 (c) The coverage required by this section is not subject to:

12 (1) Any limits on the number of visits an individual may make to
13 an autism services provider; or

14 (2) Dollar limits, deductibles, or coinsurance provisions that
15 are less favorable to an insured than the dollar limits, deductibles, or
16 coinsurance provisions that apply to a physical illness generally under a
17 health benefit plan.

18 (d) This section does not limit benefits that are otherwise available
19 to an individual under a health benefit plan.

20 (e) Coverage for treatment under this section shall not be denied on
21 the basis that the treatment is habilitative in nature.

22 (f)(1) Except for inpatient services, if an individual is receiving
23 treatment for an autism spectrum disorder, an insurer may request a review of
24 the treatment not more than one (1) time within a calendar year unless the
25 insurer and the individual's licensed physician agree that a more frequent
26 review is necessary. Any agreement regarding the right to a review of the
27 treatment for an autism spectrum disorder more frequently shall apply to the
28 particular treatment of the insured for an autism spectrum disorder and shall
29 not apply to all individuals being treated for autism spectrum disorders by a
30 physician or psychologist;

31 (2) The cost of obtaining the review shall be borne by the
32 insurer.

33 (g) This section does not affect any obligation to provide services to
34 an individual under an individualized family service plan, an individualized
35 education program, or an individualized service plan.

36 (h) On and after January 1, 2014:

1 (1) To the extent that this section requires benefits that
2 exceed the essential health benefits specified under section 1302(b) of the
3 Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended,
4 the specific benefits that exceed the specified essential health benefits
5 shall not be required of a health benefit plan when the plan is offered by a
6 health care insurer in this state through the state medical exchange; and

7 (2) This section continues to apply to plans offered outside the
8 state medical exchange.

9
10 SECTION 2. Effective date.

11 This act is effective on and after October 1, 2011.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36