

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2009-155

State of Arkansas

*As Engrossed: S3/25/09*

87th General Assembly

**A Bill**

Regular Session, 2009

SENATE BILL 913

By: Senators Salmon, G. Jeffress, Madison, Faris, P. Malone, H. Wilkins

By: Representatives Lindsey, Reep

Filed with: Senate Interim Committee on Children and Youth  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

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

**Subtitle**

TO PROVIDE HEALTH INSURANCE COVERAGE FOR  
AUTISM SPECTRUM DISORDERS.

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

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

23-99-417. Autism spectrum disorders.

As used in this section:

(a) As used in this section:

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

(2)(A) "Autism services provider" means a person, entity, or group that provides treatment of autism spectrum disorders.



1 (B) If the treatment provided by an autism services  
2 provider is applied behavior analysis, the autism services provider shall be  
3 certified as a behavior analyst by the Behavior Analyst Certification Board;

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

7 (A) Autistic disorder;

8 (B) Asperger's disorder; and

9 (C) Pervasive developmental disorder not otherwise  
10 specified;

11 (4) "Diagnosis" means medically necessary assessment,  
12 evaluations, or tests to diagnose whether an individual has one (1) or more  
13 autism spectrum disorders;

14 (5) "Evidence-based research" means research that applies  
15 rigorous, systematic, and objective procedures to obtain valid knowledge  
16 relevant to autism spectrum disorders;

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

20 (7) "Medically necessary" means reasonably expected to do the  
21 following:

22 (A) Prevent the onset of an illness, condition, injury, or  
23 disability;

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

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

30 (8) "Pharmacy care" means medications prescribed by a licensed  
31 physician and any health-related services deemed medically necessary to  
32 determine the need or effectiveness of the medications;

33 (9) "Psychiatric care" means direct or consultative services  
34 provided by a psychiatrist licensed in the state in which the psychiatrist  
35 practices;

36 (10) "Psychological care" means direct or consultative services

1 provided by a psychologist licensed in the state in which the psychologist  
2 practices;

3 (11) "Therapeutic care" means services provided by licensed or  
4 certified speech therapists, occupational therapists, or physical therapists;  
5 and

6 (12) "Treatment" includes:

7 (A) The following care prescribed, provided, or ordered  
8 for an individual diagnosed with one (1) or more autism spectrum disorders by  
9 a licensed physician or a licensed psychologist who determines the care to be  
10 medically necessary:

11 (i) Applied behavior analysis;

12 (ii) Pharmacy care;

13 (iii) Psychiatric care;

14 (iv) Psychological care; and

15 (v) Therapeutic care; and

16 (B) Any care for individuals with autism spectrum  
17 disorders that is determined by the Department of Health, based upon  
18 the department's review of best practices or evidence-based research, to be  
19 medically necessary.

20 (b)(1) A health benefit plan shall provide coverage not to exceed a  
21 maximum annual benefit of fifty thousand dollars (\$50,000) for the diagnosis  
22 and treatment of autism spectrum disorders.

23 (2) To the extent that the diagnosis and treatment of autism  
24 spectrum disorders are not already covered by a health benefit plan, coverage  
25 under this section shall be included in a health benefit plan that is  
26 delivered, executed, issued, amended, adjusted, or renewed in this state, or  
27 outside the state if insuring Arkansas residents, on or after October 1,  
28 2009.

29 (3) An insurer shall not terminate coverage or refuse to  
30 deliver, execute, issue, amend, adjust, or renew coverage to an individual  
31 solely because the individual is diagnosed with one (1) or more autism  
32 spectrum disorders or has received treatment for one (1) or more autism  
33 spectrum disorders.

34 (c) Unless the coverage required by this section will exceed the  
35 maximum annual benefit provided by subdivision (b)(1) of this section, the  
36 coverage required by this section is not subject to:

