

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.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

# A Bill

SENATE BILL 913

4  
5 By: Senator Salmon  
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7

## For An Act To Be Entitled

8  
9 AN ACT TO PROVIDE HEALTH INSURANCE COVERAGE FOR  
10 AUTISM SPECTRUM DISORDERS; AND FOR OTHER  
11 PURPOSES.  
12

### Subtitle

13  
14 TO PROVIDE HEALTH INSURANCE COVERAGE FOR  
15 AUTISM SPECTRUM DISORDERS.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

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

22 23-99-417. Autism spectrum disorders.

23 As used in this section:

24 (a) As used in this section:

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

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

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

36 (A) Autistic disorder;



1 (B) Asperger's disorder; and

2 (C) Pervasive developmental disorder not otherwise  
3 specified;

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

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

10 (6) "Medically necessary" means reasonably expected to do the  
11 following:

12 (A) Prevent the onset of an illness, condition, injury, or  
13 disability;

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

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

20 (7) "Pharmacy care" means medications prescribed by a licensed  
21 physician and any health-related services deemed medically necessary to  
22 determine the need or effectiveness of the medications;

23 (8) "Psychiatric care" means direct or consultative services  
24 provided by a psychiatrist licensed in the state in which the psychiatrist  
25 practices;

26 (9) "Psychological care" means direct or consultative services  
27 provided by a psychologist licensed in the state in which the psychologist  
28 practices;

29 (10) "Therapeutic care" means services provided by licensed or  
30 certified speech therapists, occupational therapists, or physical therapists;  
31 and

32 (11) "Treatment" includes:

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

- 1                   (i) Applied behavior analysis;
- 2                   (ii) Pharmacy care;
- 3                   (iii) Psychiatric care;
- 4                   (iv) Psychological care; and
- 5                   (v) Therapeutic care; and

6                   (B) Any care for individuals with autism spectrum  
 7 disorders that is determined by the Department of Health, based upon  
 8 the department’s review of best practices or evidence-based research, to be  
 9 medically necessary.

10                  (b)(1) A health benefit plan shall provide coverage for the  
 11 diagnosis and treatment of autism spectrum disorders.

12                  (2) To the extent that the diagnosis and treatment of autism  
 13 spectrum disorders are not already covered by a health benefit plan, coverage  
 14 under this section shall be included in a health benefit plan that is  
 15 delivered, executed, issued, amended, adjusted, or renewed in this state, or  
 16 outside the state if insuring Arkansas residents, on or after October 1,  
 17 2009.

18                  (3) An insurer shall not terminate coverage or refuse to  
 19 deliver, execute, issue, amend, adjust, or renew coverage to an individual  
 20 solely because the individual is diagnosed with one (1) or more autism  
 21 spectrum disorders or has received treatment for one (1) or more autism  
 22 spectrum disorders.

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

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

26                  (2) Dollar limits, deductibles, or coinsurance provisions that  
 27 are less favorable to an insured than the dollar limits, deductibles, or  
 28 coinsurance provisions that apply to a physical illness generally under a  
 29 health benefit plan.

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

32                  (e) Treatment under this section shall not be denied on the basis that  
 33 the treatment is rehabilitative in nature.

34                  (f)(1) Except for inpatient services, if an individual is receiving  
 35 treatment for one (1) or more autism spectrum disorders an insurer may  
 36 request a review of the treatment not more than one (1) time every twelve

1 (12) months unless the insurer and the individual's licensed physician or  
2 licensed psychologist agrees that a more frequent review is necessary.

3 (2) The cost of obtaining the review shall be borne by the  
4 insurer.

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

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9 SECTION 2. Effective date.

10 This act takes effect October 1, 2009.

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