

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0894.01 Debbie Haskins

SENATE BILL 09-244

SENATE SPONSORSHIP

Shaffer B.,

HOUSE SPONSORSHIP

Primavera,

Senate Committees
Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING HEALTH INSURANCE BENEFITS FOR THE TREATMENT OF**
102 **AUTISM SPECTRUM DISORDERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Directs that all individual and group sickness and accident insurance policies, health service or indemnity contracts, and managed care plans providing coverage in Colorado (policy or policies) that are issued or renewed on or after July 1, 2010, shall provide coverage for the assessment, diagnosis, and treatment of autism spectrum disorders (ASD). Defines what type of coverage is required for the treatment of ASD, including applied behavior analysis. States that nothing in the statute

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

shall be construed to require or permit a carrier to reduce benefits provided for ASD if a policy already provides coverage that exceeds the requirements of the statute and that nothing shall be construed to prevent an insurance carrier from increasing benefits provided for ASD. States that nothing in the statute shall be construed to limit coverage for physical or mental health benefits covered under a policy.

States that coverage for ASD is subject to the same copayment, deductible, and coinsurance provisions that are applicable under the policy for other medical services for physical injury or sickness covered by the policy. Directs that benefits provided by an insurance carrier for care or treatment of a health condition not diagnosed as ASD are not to be applied toward any ASD maximum benefit amount established under the policy.

Prohibits a carrier from denying or refusing to provide otherwise covered services, refusing to renew or reissue, or otherwise restricting or terminating coverage under a policy to an individual because the individual or his or her dependent is diagnosed with ASD or due to utilization of services for which coverage is mandated. Requires prescribed treatment to be continued during a treatment review or appeal of a decision regarding treatment.

Specifies that services for the treatment of ASD are the primary services for a child who is also eligible for early intervention services, and that early intervention services supplement, but do not replace, services provided under the required coverage for ASD.

Makes issuance or renewal of a policy that excludes coverage for the assessment, diagnosis, and treatment of ASD by an insurance carrier that is subject to the mandated coverage requirement for the treatment for ASD an unfair method of competition and unfair or deceptive act or practice in the business of insurance.

Repeals the statute that provides that treatment for autism was not mandated and, if covered by a policy, was not to be treated as a mental illness.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 10-16-104 (1.3), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **10-16-104. Mandatory coverage provisions - definitions.**

5 (1.3) **Early intervention services.** (f) EARLY INTERVENTION SERVICES
6 SHALL BE PROVIDED AS SPECIFIED IN THE ELIGIBLE CHILD'S IFSP, AND
7 SUCH SERVICES SHALL NOT DUPLICATE OR REPLACE TREATMENT FOR

1 AUTISM SPECTRUM DISORDERS PROVIDED IN ACCORDANCE WITH
2 SUBSECTION (1.4) OF THIS SECTION. SERVICES FOR THE TREATMENT OF
3 AUTISM SPECTRUM DISORDERS PROVIDED IN ACCORDANCE WITH
4 SUBSECTION (1.4) OF THIS SECTION SHALL BE CONSIDERED THE PRIMARY
5 SERVICE TO AN ELIGIBLE CHILD, AND EARLY INTERVENTION SERVICES
6 PROVIDED UNDER THIS SUBSECTION (1.3) SHALL SUPPLEMENT, BUT NOT
7 REPLACE, SERVICES PROVIDED UNDER SUBSECTION (1.4) OF THIS SECTION.

8 **SECTION 2.** 10-16-104, Colorado Revised Statutes, is amended
9 BY THE ADDITION OF A NEW SUBSECTION to read:

10 **10-16-104. Mandatory coverage provisions - definitions.**

11 (1.4) **Autism spectrum disorders.** (a) AS USED IN THIS SUBSECTION
12 (1.4), UNLESS THE CONTEXT OTHERWISE REQUIRES:

13 (I) "APPLIED BEHAVIOR ANALYSIS" MEANS THE DESIGN,
14 IMPLEMENTATION, AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS
15 USING BEHAVIORAL STIMULI AND CONSEQUENCES TO PRODUCE SOCIALLY
16 SIGNIFICANT IMPROVEMENT IN HUMAN BEHAVIOR, INCLUDING THE USE OF
17 DIRECT OBSERVATION, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF
18 THE RELATIONS BETWEEN ENVIRONMENT AND BEHAVIOR.

19 (II) "AUTISM SERVICES PROVIDER" MEANS ANY PERSON, ENTITY,
20 OR GROUP THAT PROVIDES SERVICES AS DESCRIBED IN SUBPARAGRAPHS
21 (X) TO (XIII) OF THIS PARAGRAPH (a) AS MEDICALLY NECESSARY FOR THE
22 TREATMENT OF AUTISM SPECTRUM DISORDERS. WHEN THE TREATMENT
23 PROVIDED BY THE AUTISM SERVICES PROVIDER IS APPLIED BEHAVIOR
24 ANALYSIS, SUCH PROVIDER SHALL BE PROFESSIONALLY CERTIFIED AS A
25 BEHAVIOR ANALYST BY THE NATIONAL BEHAVIOR ANALYST
26 CERTIFICATION BOARD OR ITS SUCCESSOR ORGANIZATION OR SHALL
27 PROVIDE, IF REQUESTED, DOCUMENTED EVIDENCE OF EQUIVALENT

1 EDUCATION, PROFESSIONAL TRAINING, AND SUPERVISED EXPERIENCE IN
2 APPLIED BEHAVIOR ANALYSIS. THE PERSON CERTIFIED TO PROVIDE
3 APPLIED BEHAVIOR ANALYSIS OR THE EQUIVALENT PROVIDER SHALL
4 DIRECTLY PROVIDE OR SUPERVISE THE IMPLEMENTATION OF SERVICES TO
5 THE PERSON WITH AUTISM SPECTRUM DISORDER.

6 (III) "AUTISM SPECTRUM DISORDERS" OR "ASD" MEANS
7 PERVASIVE DEVELOPMENTAL DISORDERS AS DEFINED IN THE MOST RECENT
8 EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL
9 DISORDERS, INCLUDING AUTISM, ASPERGER'S DISORDER, AND PERVASIVE
10 DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED.

11 (IV) "INDIVIDUALIZED EDUCATION PLAN" SHALL HAVE THE SAME
12 MEANING AS PROVIDED IN SECTION 22-20-103, C.R.S.

13 (V) "INDIVIDUALIZED FAMILY SERVICE PLAN" SHALL HAVE THE
14 SAME MEANING AS PROVIDED IN SECTION 27-10.5-102, C.R.S.

15 (VI) "INDIVIDUALIZED PLAN" SHALL HAVE THE SAME MEANING AS
16 PROVIDED IN SECTION 27-10.5-102, C.R.S.

17 (VII) "MEDICALLY NECESSARY" OR "MEDICAL NECESSITY" MEANS
18 ANY CARE, TREATMENT, INTERVENTION, SERVICE, OR ITEM WHICH WILL OR
19 IS REASONABLY EXPECTED TO DO ANY OF THE FOLLOWING:

20 (A) PREVENT THE ONSET OF AN ILLNESS, CONDITION, INJURY,
21 DISEASE, OR DISABILITY;

22 (B) REDUCE OR AMELIORATE THE PHYSICAL, MENTAL, OR
23 DEVELOPMENTAL EFFECTS OF AN ILLNESS, CONDITION, INJURY, DISEASE,
24 OR DISABILITY AND MANAGE A CHRONIC CONDITION; OR

25 (C) ASSIST TO ACHIEVE OR MAINTAIN MAXIMUM FUNCTIONAL
26 ACTIVITY IN PERFORMING DAILY ACTIVITIES.

27 (VIII) "PHARMACY CARE" MEANS MEDICATIONS PRESCRIBED BY A

1 PHYSICIAN LICENSED BY THE STATE BOARD OF MEDICAL EXAMINERS
2 UNDER THE "COLORADO MEDICAL PRACTICE ACT", ARTICLE 36 OF TITLE
3 12, C.R.S.

4 (IX) "POLICY" OR "POLICIES" MEANS ALL INDIVIDUAL AND GROUP
5 SICKNESS AND ACCIDENT INSURANCE POLICIES PROVIDING COVERAGE
6 WITHIN THIS STATE BY AN ENTITY SUBJECT TO PART 2 OF THIS ARTICLE,
7 ALL INDIVIDUAL AND GROUP HEALTH SERVICE OR INDEMNITY CONTRACTS
8 ISSUED OR RENEWED BY AN ENTITY SUBJECT TO PART 3 OR 4 OF THIS
9 ARTICLE, AND ALL MANAGED CARE PLANS PROVIDING COVERAGE WITHIN
10 THIS STATE.

11 (X) "PSYCHIATRIC CARE" MEANS DIRECT OR CONSULTATIVE
12 SERVICES PROVIDED BY A PSYCHIATRIST LICENSED BY THE STATE BOARD
13 OF MEDICAL EXAMINERS UNDER THE "COLORADO MEDICAL PRACTICE
14 ACT", ARTICLE 36 OF TITLE 12, C.R.S.

15 (XI) "PSYCHOLOGICAL CARE" MEANS DIRECT OR CONSULTATIVE
16 SERVICES PROVIDED BY A PSYCHOLOGIST LICENSED BY THE STATE BOARD
17 OF PSYCHOLOGIST EXAMINERS PURSUANT TO PART 3 OF ARTICLE 43 OF
18 TITLE 12, C.R.S., OR A SOCIAL WORKER LICENSED BY THE STATE BOARD OF
19 SOCIAL WORK EXAMINERS PURSUANT TO PART 4 OF ARTICLE 43 OF TITLE
20 12, C.R.S., OR BY A MARRIAGE AND FAMILY THERAPIST LICENSED BY THE
21 STATE BOARD OF MARRIAGE AND FAMILY THERAPIST EXAMINERS
22 PURSUANT TO PART 5 OF ARTICLE 43 OF TITLE 12, C.R.S.

23 (XII) "THERAPEUTIC CARE" MEANS SERVICES PROVIDED BY A
24 SPEECH THERAPIST, AN OCCUPATIONAL THERAPIST REGISTERED TO
25 PRACTICE OCCUPATIONAL THERAPY PURSUANT TO ARTICLE 40.5 OF TITLE
26 12, C.R.S., A PHYSICAL THERAPIST LICENSED TO PRACTICE PHYSICAL
27 THERAPY PURSUANT TO ARTICLE 41 OF TITLE 12, C.R.S., OR AN AUTISM

1 SERVICES PROVIDER WHO IS PROFESSIONALLY CERTIFIED AS A BEHAVIOR
2 ANALYST OR HAS THE EQUIVALENT EDUCATION, TRAINING, AND
3 EXPERIENCE AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a).
4 THERAPEUTIC CARE INCLUDES, BUT IS NOT LIMITED TO, BEHAVIORAL,
5 SPEECH, OCCUPATIONAL, AND PHYSICAL THERAPIES THAT PROVIDE
6 TREATMENT IN THE FOLLOWING AREAS:

- 7 (A) SELF-CARE, SELF-SUPPORT NEEDS, AND FEEDING;
- 8 (B) PRAGMATIC, RECEPTIVE, AND EXPRESSIVE LANGUAGE;
- 9 (C) COGNITIVE FUNCTIONING;
- 10 (D) APPLIED BEHAVIOR ANALYSIS, INTERVENTION, AND
11 MODIFICATION;
- 12 (E) MOTOR PLANNING;
- 13 (F) SOCIAL SKILLS TRAINING RELATED TO HYGIENE AND PERSONAL
14 SAFETY; AND
- 15 (G) SENSORY PROCESSING.

16 (XIII) "TREATMENT FOR AUTISM SPECTRUM DISORDERS" SHALL
17 INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING CARE:

- 18 (A) EVALUATION AND ASSESSMENT SERVICES;
- 19 (B) BEHAVIOR TRAINING AND BEHAVIOR MANAGEMENT,
20 INCLUDING BUT NOT LIMITED TO CONSULTATIONS AND DIRECT CARE AND
21 TREATMENT FOR AUTISM SPECTRUM DISORDERS PROVIDED BY AUTISM
22 SERVICE PROVIDERS. SUCH COVERAGE SHALL BE AT A LEVEL SUFFICIENT
23 TO REDUCE OR AMELIORATE THE PHYSICAL, MENTAL, OR DEVELOPMENTAL
24 EFFECTS OF AN ILLNESS, CONDITION, INJURY, DISEASE, OR DISABILITY AND
25 MANAGE THE CHRONIC CONDITION OR ASSIST AN INDIVIDUAL TO ACHIEVE
26 OR MAINTAIN MAXIMUM FUNCTIONAL ACTIVITY IN PERFORMING DAILY
27 LIVING ACTIVITIES.

1 (C) HABILITATIVE OR REHABILITATIVE CARE, INCLUDING, BUT NOT
2 LIMITED TO, OCCUPATIONAL THERAPY, PHYSICAL THERAPY, OR SPEECH
3 THERAPY, OR ANY COMBINATION OF THOSE THERAPIES;

4 (D) PHARMACY CARE AND MEDICATION;

5 (E) PSYCHIATRIC CARE;

6 (F) PSYCHOLOGICAL CARE, INCLUDING FAMILY COUNSELING; AND

7 (G) THERAPEUTIC CARE.

8 (XIV) "TREATMENT PLAN" MEANS A PLAN FOR AN INDIVIDUAL
9 CONSISTING OF THE INDIVIDUAL'S DIAGNOSIS; PROPOSED TREATMENT BY
10 TYPE, FREQUENCY, AND ANTICIPATED TREATMENT; THE ANTICIPATED
11 OUTCOMES STATED AS GOALS; AND THE FREQUENCY BY WHICH THE
12 TREATMENT PLAN WILL BE UPDATED.

13 (b) (I) ON OR AFTER JULY 1, 2010, ALL POLICIES ISSUED OR
14 RENEWED IN THIS STATE SHALL PROVIDE COVERAGE FOR THE ASSESSMENT,
15 DIAGNOSIS, AND TREATMENT OF AUTISM SPECTRUM DISORDERS.

16 (II) NOTHING IN THIS SUBSECTION (1.4) SHALL BE CONSTRUED TO:

17 (A) REQUIRE OR PERMIT A CARRIER TO REDUCE BENEFITS
18 PROVIDED FOR AUTISM SPECTRUM DISORDERS IF A POLICY ALREADY
19 PROVIDES COVERAGE THAT EXCEEDS THE REQUIREMENTS OF THIS
20 SUBSECTION (1.4);

21 (B) PREVENT A CARRIER FROM INCREASING BENEFITS PROVIDED
22 FOR AUTISM SPECTRUM DISORDERS; OR

23 (C) LIMIT COVERAGE FOR PHYSICAL OR MENTAL HEALTH BENEFITS
24 COVERED UNDER A POLICY.

25 (c) TREATMENT FOR AUTISM SPECTRUM DISORDERS SHALL BE
26 PRESCRIBED OR ORDERED BY A LICENSED PHYSICIAN OR LICENSED
27 CLINICAL PSYCHOLOGIST, OR BY A DOCTORAL DEGREEED PROFESSIONAL

1 WITH A MINIMUM OF FIVE YEARS EXPERIENCE DESIGNING, IMPLEMENTING,
2 AND EVALUATING APPLIED BEHAVIORAL TREATMENT FOR INDIVIDUALS
3 WITH AUTISM SPECTRUM DISORDERS AND THEIR FAMILIES.

4 (d) A POLICY OFFERED TO RESIDENTS OF THIS STATE PROVIDING
5 BASIC HEALTH CARE SERVICES THAT IS DELIVERED, ISSUED FOR DELIVERY,
6 OR RENEWED IN THIS STATE SHALL NOT PROVIDE SPECIFIC EXCLUSIONS FOR
7 AUTISM SPECTRUM DISORDERS OR IMPOSE ADDITIONAL REQUIREMENTS FOR
8 AUTHORIZATION OF SERVICES THAT OPERATE TO EXCLUDE COVERAGE FOR
9 THE ASSESSMENT, DIAGNOSIS, AND TREATMENT OF AUTISM SPECTRUM
10 DISORDERS. A VIOLATION OF THIS PARAGRAPH (d) SHALL BE AN UNFAIR
11 AND DECEPTIVE PRACTICE PURSUANT TO SECTION 10-3-1104 (1) (gg).

12 (e) COVERAGE UNDER THIS SUBSECTION (1.4) SHALL BE SUBJECT
13 TO COPAYMENT, DEDUCTIBLE, NETWORK ADEQUACY, AND COINSURANCE
14 PROVISIONS OF A POLICY OF SICKNESS AND ACCIDENT INSURANCE TO THE
15 SAME EXTENT THAT OTHER MEDICAL SERVICES OR PHYSICAL INJURY OR
16 ILLNESS COVERED BY THE POLICY OF SICKNESS AND ACCIDENT INSURANCE
17 ARE SUBJECT TO THESE PROVISIONS.

18 (f) BENEFITS PROVIDED BY A CARRIER ON BEHALF OF A COVERED
19 INDIVIDUAL FOR ANY CARE, TREATMENT, INTERVENTION, SERVICE, OR
20 ITEM, THE PROVISION OF WHICH WAS FOR THE TREATMENT OF A HEALTH
21 CONDITION NOT DIAGNOSED AS AN AUTISM SPECTRUM DISORDER, SHALL
22 NOT BE APPLIED TOWARD ANY MAXIMUM BENEFIT AMOUNT ESTABLISHED
23 UNDER THIS SUBSECTION (1.4).

24 (g) A CARRIER MAY NOT DENY OR REFUSE TO PROVIDE OTHERWISE
25 COVERED SERVICES, REFUSE TO RENEW OR REISSUE, OR OTHERWISE
26 RESTRICT OR TERMINATE COVERAGE UNDER A POLICY BECAUSE THE
27 INDIVIDUAL OR HIS OR HER COVERED DEPENDENT IS DIAGNOSED WITH AN

1 AUTISM SPECTRUM DISORDER OR DUE TO THE INDIVIDUAL'S OR
2 DEPENDENT'S UTILIZATION OF SERVICES FOR WHICH BENEFITS ARE
3 MANDATED BY THIS SUBSECTION (1.4).

4 (h) UPON REQUEST OF THE CARRIER, AN AUTISM SERVICES
5 PROVIDER SHALL FURNISH MEDICAL RECORDS, CLINICAL NOTES, OR OTHER
6 NECESSARY DATA THAT SUBSTANTIATE THAT CONTINUED MEDICAL
7 TREATMENT IS MEDICALLY NECESSARY AND CONSISTENT WITH THE GOALS
8 OF THE INDIVIDUALIZED TREATMENT PLAN. WHEN TREATMENT IS
9 ANTICIPATED TO REQUIRE CONTINUED SERVICES TO ACHIEVE
10 DEMONSTRABLE PROGRESS OR TO TREAT REGRESSION, THE CARRIER MAY
11 REQUEST A TREATMENT PLAN EXCEPT FOR INPATIENT SERVICES, A
12 CARRIER SHALL HAVE THE RIGHT TO REQUEST A REVIEW OF THE
13 TREATMENT PLAN NOT MORE THAN ONCE EVERY SIX MONTHS, THE COST OF
14 WHICH SHALL BE BORNE BY THE CARRIER. DURING THE PENDENCY OF ANY
15 TREATMENT REVIEW OR ANY APPEAL OF A DECISION REGARDING
16 TREATMENT, A CARRIER SHALL NOT SUSPEND OR TERMINATE COVERAGE,
17 AND THE CARRIER SHALL CONTINUE TO COVER THE PRESCRIBED
18 TREATMENT UNTIL THERE IS A RESOLUTION OF THE TREATMENT REVIEW OR
19 THE APPEAL.

20 (i) WHEN MAKING A DETERMINATION THAT A TREATMENT
21 MODALITY FOR AUTISM SPECTRUM DISORDERS IS MEDICALLY NECESSARY,
22 A CARRIER SHALL MAKE THE DETERMINATION IN A MANNER THAT IS
23 CONSISTENT WITH THE MANNER USED TO MAKE THAT DETERMINATION
24 WITH RESPECT TO OTHER DISEASES OR ILLNESSES COVERED UNDER THE
25 POLICY, INCLUDING AN APPEALS PROCESS. A CARRIER SHALL NOT DENY
26 COVERAGE FOR APPLIED BEHAVIOR ANALYSIS OR FOR PHYSICAL, SPEECH,
27 OR OCCUPATIONAL THERAPY FOR TREATMENT OF AUTISM SPECTRUM

1 DISORDERS ON THE GROUNDS THAT IT IS NOT MEDICALLY NECESSARY
2 UNLESS IT HAS COMPLETED A TREATMENT REVIEW WITHIN SIXTY DAYS
3 PRECEDING THE DENIAL. SUCH TREATMENT REVIEW SHALL BE CONDUCTED
4 BY A PHYSICIAN WITH EXPERTISE IN THE MOST CURRENT AND EFFECTIVE
5 TREATMENT MODALITIES FOR AUTISM SPECTRUM DISORDERS.

6 (j) NOTHING IN THIS SUBSECTION (1.4) SHALL BE CONSTRUED AS
7 AFFECTING ANY OBLIGATION TO PROVIDE SERVICES TO AN INDIVIDUAL
8 UNDER AN INDIVIDUALIZED FAMILY SERVICE PLAN, AN INDIVIDUALIZED
9 EDUCATION PROGRAM, OR AN INDIVIDUALIZED PLAN. THE SERVICES
10 REQUIRED TO BE COVERED BY THIS SUBSECTION (1.4) SHALL BE IN
11 ADDITION TO ANY SERVICES PROVIDED TO AN INDIVIDUAL UNDER AN
12 INDIVIDUALIZED FAMILY SERVICE PLAN, AN INDIVIDUALIZED EDUCATION
13 PROGRAM, OR AN INDIVIDUALIZED PLAN.

14 **SECTION 3. Repeal.** 10-16-104.5, Colorado Revised Statutes,
15 is repealed as follows:

16 **10-16-104.5. Autism - treatment - not mental illness.** ~~(1) Any~~
17 ~~sickness and accident insurance policy providing indemnity for disability~~
18 ~~due to sickness issued by an entity subject to the provisions of part 2 of~~
19 ~~this article and any individual or group service or indemnity contracts~~
20 ~~issued by an entity subject to the provisions of part 3 or 4 of this article~~
21 ~~which provide coverage for autism shall provide such coverage in the~~
22 ~~same manner as for any other accident or sickness, other than mental~~
23 ~~illness, otherwise covered under such policy.~~

24 ~~(2) Nothing in this section shall mandate or be construed or~~
25 ~~interpreted to mandate that any policy, hospital service or indemnity~~
26 ~~contract, or evidence of coverage must provide coverage for autism.~~

27 **SECTION 4.** 10-3-1104 (1), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **10-3-1104. Unfair methods of competition and unfair or**
3 **deceptive acts or practices.** (1) The following are defined as unfair
4 methods of competition and unfair or deceptive acts or practices in the
5 business of insurance:

6 (gg) ISSUING OR RENEWING AN INDIVIDUAL OR GROUP SICKNESS
7 AND ACCIDENT INSURANCE POLICY, SERVICE OR INDEMNITY CONTRACT, OR
8 MANAGED CARE PLAN PROVIDING BASIC HEALTH CARE SERVICES THAT IS
9 SUBJECT TO THE REQUIREMENTS OF SECTION 10-16-104 (1.4) IF THE
10 POLICY, CONTRACT, OR PLAN THAT PROVIDES SPECIFIC EXCLUSIONS FOR
11 AUTISM SPECTRUM DISORDERS OR IMPOSES ADDITIONAL REQUIREMENTS
12 FOR AUTHORIZATION OF SERVICES THAT OPERATE TO EXCLUDE COVERAGE
13 FOR THE ASSESSMENT, DIAGNOSIS, AND TREATMENT OF AUTISM SPECTRUM
14 DISORDERS.

15 **SECTION 5. Act subject to petition - effective date -**
16 **applicability.** (1) This act shall take effect July 1, 2010.

17 (2) However, if a referendum petition is filed against this act or
18 an item, section, or part of this act during the ninety-day period after final
19 adjournment of the general assembly that is allowed for submitting a
20 referendum petition pursuant to article V, section 1 (3) of the state
21 constitution, then the act, item, section, or part, shall not take effect unless
22 approved by the people at a biennial regular general election and shall
23 take effect on the date specified in subsection (1) or on the date of the
24 official declaration of the vote thereon by proclamation of the governor,
25 whichever is later.

1 (3) The provisions of this act shall apply to health insurance
2 policies, health care service or indemnity contracts, or managed care
3 plans issued or renewed on or after the applicable effective date of this
4 act.