

# Senate File 1 - Introduced

SENATE FILE  
BY BEALL

(COMPANION TO LSB 1118HH BY  
ZIRKELBACH)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

## A BILL FOR

1 An Act requiring certain group health insurance policies,  
2 contracts, or plans to provide coverage for autism spectrum  
3 disorders for certain persons, requiring certification of  
4 behavior specialists, and providing an applicability date.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1118XS 83  
7 av/rj/14

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1 1 Section 1. NEW SECTION. 514C.24 AUTISM SPECTRUM  
1 2 DISORDERS COVERAGE.  
1 3 1. Notwithstanding the uniformity of treatment  
1 4 requirements of section 514C.6, a group policy, contract, or  
1 5 plan providing for third-party payment or prepayment of  
1 6 health, medical, and surgical coverage benefits shall provide  
1 7 coverage benefits to covered individuals under twenty-one  
1 8 years of age for the diagnostic assessment of autism spectrum  
1 9 disorders and for the treatment of autism spectrum disorders  
1 10 if the policy, contract, or plan is either of the following:  
1 11 a. A policy, contract, or plan issued by a carrier, as  
1 12 defined in section 513B.2, or an organized delivery system  
1 13 authorized under 1993 Iowa Acts, chapter 158, to an employer  
1 14 who on at least fifty percent of the employer's working days  
1 15 during the preceding calendar year employed more than fifty  
1 16 full-time equivalent employees. In determining the number of  
1 17 full-time equivalent employees of an employer, employers who  
1 18 are affiliated or who are able to file a consolidated tax  
1 19 return for purposes of state taxation shall be considered one  
1 20 employer.  
1 21 b. A plan established pursuant to chapter 509A for public  
1 22 employees.  
1 23 2. As used in this section, unless the context otherwise  
1 24 requires:  
1 25 a. "Applied behavioral analysis" means the design,

1 26 implementation, and evaluation of environmental modifications,  
1 27 using behavioral stimuli and consequences, to produce socially  
1 28 significant improvement in human behavior or to prevent loss  
1 29 of attained skill or function, including the use of direct  
1 30 observation, measurement, and functional analysis of the  
1 31 relations between environment and behavior.

1 32 b. "Autism service provider" means a person, entity, or  
1 33 group providing treatment of autism spectrum disorders,  
1 34 pursuant to a treatment plan.

1 35 c. "Autism spectrum disorders" means any of the pervasive  
2 1 developmental disorders including autistic disorder,  
2 2 Asperger's disorder, and pervasive developmental disorders not  
2 3 otherwise specified. The commissioner, by rule, shall define  
2 4 "autism spectrum disorders" consistent with definitions  
2 5 provided in the most recent edition of the American  
2 6 psychiatric association's diagnostic and statistical manual of  
2 7 mental disorders, as such definitions may be amended from time  
2 8 to time. The commissioner may adopt the definitions provided  
2 9 in such manual by reference.

2 10 d. "Behavior specialist" means an individual, certified by  
2 11 the commissioner, who designs, implements, or evaluates a  
2 12 behavior modification intervention component of a treatment  
2 13 plan, including those based on applied behavioral analysis, to  
2 14 produce socially significant improvements in human behavior or  
2 15 to prevent loss of attained skill or function, through skill  
2 16 acquisition and the reduction of problematic behavior.

2 17 e. "Diagnostic assessment of autism spectrum disorders"  
2 18 means medically necessary assessment, evaluations, or tests  
2 19 performed by a licensed physician, licensed physician  
2 20 assistant, licensed psychologist, or licensed registered nurse  
2 21 practitioner to diagnose whether an individual has an autism  
2 22 spectrum disorder.

2 23 f. "Pharmacy care" means medications prescribed by a  
2 24 licensed physician, licensed physician assistant, or licensed  
2 25 registered nurse practitioner and any assessment, evaluation,  
2 26 or test prescribed or ordered by a licensed physician,  
2 27 licensed physician assistant, or licensed registered nurse  
2 28 practitioner to determine the need for or effectiveness of  
2 29 such medications.

2 30 g. "Psychiatric care" means direct or consultative  
2 31 services provided by a licensed physician who specializes in  
2 32 psychiatry.

2 33 h. "Psychological care" means direct or consultative  
2 34 services provided by a licensed psychologist.

2 35 i. "Rehabilitative care" means professional services and  
3 1 treatment programs, including applied behavioral analysis,  
3 2 provided by an autism service provider to produce socially  
3 3 significant improvement in human behavior or to prevent loss  
3 4 of attained skill or function.

3 5 j. "Therapeutic care" means services provided by a  
3 6 licensed speech pathologist, licensed occupational therapist,  
3 7 or licensed physical therapist.

3 8 k. "Treatment of autism spectrum disorders" means  
3 9 treatment that is identified in a treatment plan and includes  
3 10 medically necessary pharmacy care, psychiatric care,  
3 11 psychological care, rehabilitative care, and therapeutic care  
3 12 that is one of the following:

3 13 (1) Prescribed, ordered, or provided by a licensed  
3 14 physician, licensed physician assistant, licensed  
3 15 psychologist, licensed social worker, or licensed registered  
3 16 nurse practitioner.

3 17 (2) Provided by an autism service provider.

3 18 (3) Provided by a person, entity, or group that works  
3 19 under the direction of an autism service provider.

3 20 1. "Treatment plan" means a plan for the treatment of  
3 21 autism spectrum disorders developed by a licensed physician or  
3 22 licensed psychologist pursuant to a comprehensive evaluation  
3 23 or reevaluation performed in a manner consistent with the most  
3 24 recent clinical report or recommendations of the American  
3 25 academy of pediatrics, as determined by the commissioner by  
3 26 rule.

3 27 3. Coverage is required pursuant to this section in a  
3 28 maximum benefit amount of not less than thirty-six thousand  
3 29 dollars per year but shall not be subject to any limits on the  
3 30 number of visits to an autism service provider for treatment  
3 31 of autism spectrum disorders. Beginning in 2013, the  
3 32 commissioner shall, on or before April 1 of each calendar  
3 33 year, publish an adjustment to the maximum benefit required  
3 34 equal to the percentage change in the United States department  
3 35 of labor consumer price index for all urban consumers in the  
4 1 preceding year, and the published adjusted maximum benefit  
4 2 shall be applicable to group policies, contracts, or plans  
4 3 subject to this section that are issued or renewed on or after  
4 4 January 1 of the following calendar year. Payments made under  
4 5 a group policy, contract, or plan subject to this section on  
4 6 behalf of a covered individual for treatment of a health  
4 7 condition unrelated to or distinguishable from the  
4 8 individual's autism spectrum disorder shall not be applied  
4 9 toward any maximum benefit established under this subsection.

4 10 4. Coverage required pursuant to this section shall be  
4 11 subject to copayment, deductible, and coinsurance provisions,  
4 12 and any other general exclusions or limitations of a group  
4 13 policy, contract, or plan to the same extent as other medical  
4 14 or surgical services covered by the group policy, contract, or  
4 15 plan.

4 16 5. Coverage required by this section shall be provided in  
4 17 coordination with coverage required for the treatment of  
4 18 autistic disorders pursuant to section 514C.22.

4 19 6. This section shall not be construed to limit benefits  
4 20 which are otherwise available to an individual under a group  
4 21 policy, contract, or plan.

4 22 7. This section shall not be construed to require coverage  
4 23 by a group policy, contract, or plan of any service solely  
4 24 based on inclusion of the service in an individualized  
4 25 education program. Consistent with federal or state law and  
4 26 upon consent of the parent or guardian of a covered  
4 27 individual, the treatment of autism spectrum disorders may be  
4 28 coordinated with any services included in an individualized  
4 29 education program. However, coverage for the treatment of  
4 30 autism spectrum disorders shall not be contingent upon  
4 31 coordination of services with an individualized education  
4 32 program.

4 33 8. This section shall not apply to accident-only,  
4 34 specified disease, short-term hospital or medical, hospital

4 35 confinement indemnity, credit, dental, vision, Medicare  
5 1 supplement, long-term care, basic hospital and  
5 2 medical=surgical expense coverage as defined by the  
5 3 commissioner, disability income insurance coverage, coverage  
5 4 issued as a supplement to liability insurance, workers'  
5 5 compensation or similar insurance, or automobile medical  
5 6 payment insurance, or individual accident and sickness  
5 7 policies issued to individuals or to individual members of a  
5 8 member association.

5 9 9. A carrier, organized delivery system, or plan  
5 10 established pursuant to chapter 509A may manage the benefits  
5 11 provided through common methods including but not limited to  
5 12 providing payment of benefits or providing care and treatment  
5 13 under a capitated payment system, prospective reimbursement  
5 14 rate system, utilization control system, incentive system for  
5 15 the use of least restrictive and costly levels of care, a  
5 16 preferred provider contract limiting choice of specific  
5 17 providers, or any other system, method, or organization  
5 18 designed to assure services are medically necessary and  
5 19 clinically appropriate.

5 20 10. An insurer may review a treatment plan for treatment  
5 21 of autism spectrum disorders once every six months, subject to  
5 22 its utilization review requirements, including case  
5 23 management, concurrent review, and other managed care  
5 24 provisions. A more or less frequent review may be agreed upon  
5 25 by the insured and the licensed physician or licensed  
5 26 psychologist developing the treatment plan.

5 27 11. For the purposes of this section, the results of a  
5 28 diagnostic assessment of autism spectrum disorder shall be  
5 29 valid for a period of not less than twelve months, unless a  
5 30 licensed physician or licensed psychologist determines that a  
5 31 more frequent assessment is necessary.

5 32 12. The commissioner, in consultation with the board of  
5 33 medicine, shall adopt rules providing for the certification of  
5 34 behavior specialists.

5 35 a. An applicant for a certificate as a behavior specialist  
6 1 shall submit a written application on forms provided by the  
6 2 commissioner evidencing and insuring that the applicant meets  
6 3 all of the following requirements:

6 4 (1) Is of good moral character.

6 5 (2) Has received a master's or higher degree from a  
6 6 board=approved, accredited college or university, including a  
6 7 major course of study in school, clinical, or counseling  
6 8 psychology, special education, social work, speech therapy,  
6 9 occupational therapy, or another related field.

6 10 (3) Has at least one year of experience involving  
6 11 functional behavior assessments, including the development and  
6 12 implementation of behavioral supports or treatment plans.

6 13 (4) Has completed at least one thousand hours in direct  
6 14 clinical experience with individuals with behavioral  
6 15 challenges or at least one thousand hours experience in a  
6 16 related field with individuals with autism spectrum disorders.

6 17 (5) Has completed relevant training programs, including  
6 18 professional ethics, autism-specific training, assessments  
6 19 training, instructional strategies and best practices, crisis  
6 20 intervention, comorbidity and medications, family  
6 21 collaboration, and addressing specific skill deficits

6 22 training.

6 23 b. The commissioner shall not issue a certificate to an  
6 24 applicant who has been convicted of a felony, of a controlled  
6 25 substance-related offense under chapter 124 or of the laws of  
6 26 another jurisdiction unless all of the following requirements  
6 27 have been met:

6 28 (1) At least ten years have elapsed from the date of  
6 29 conviction of such an offense.

6 30 (2) The applicant satisfactorily demonstrates to the  
6 31 commissioner that the applicant has made significant progress  
6 32 in personal rehabilitation since the conviction such that  
6 33 certification of the applicant would not be expected to create  
6 34 a substantial risk of harm to the health and safety of  
6 35 patients or the public, or a substantial risk of further  
7 1 criminal violations.

7 2 (3) The applicant otherwise satisfies the requirements of  
7 3 this subsection.

7 4 13. The commissioner shall adopt rules pursuant to chapter  
7 5 17A to implement and administer this section.

7 6 14. This section applies to third-party payment provider  
7 7 policies, contracts, or plans, and to plans established  
7 8 pursuant to chapter 509A that are delivered, issued for  
7 9 delivery, continued, or renewed in this state on or after  
7 10 January 1, 2010.

7 11

#### EXPLANATION

7 12 This bill creates new Code section 514C.24 which requires  
7 13 certain group health insurance policies, contracts, or plans  
7 14 to provide coverage benefits for the diagnosis and treatment  
7 15 of autism spectrum disorders. The new provision is applicable  
7 16 to group health policies, contracts, or plans issued to  
7 17 employers with more than 50 employees and to health plans  
7 18 established under Code chapter 509A for public employees.  
7 19 Coverage benefits are required for covered individuals under  
7 20 21 years of age.

7 21 "Autism spectrum disorders" includes autistic disorder,  
7 22 Asperger's disorder, and pervasive developmental disorder not  
7 23 otherwise specified, as defined by the commissioner of  
7 24 insurance by rule consistent with definitions provided in the  
7 25 most recent edition of the American psychiatric association's  
7 26 diagnostic and statistical manual of mental disorders.

7 27 Required coverage for the diagnosis and treatment of autism  
7 28 spectrum disorders must be not less than \$36,000 per year and  
7 29 without limits on the number of visits to an autism service  
7 30 provider. Beginning in 2013, the commissioner is required to  
7 31 make annual adjustments to the maximum benefit required equal  
7 32 to the change in the United States department of labor  
7 33 consumer price index. Payments made on behalf of a covered  
7 34 individual that are unrelated to or distinguishable from the  
7 35 individual's autism spectrum disorder cannot be applied toward  
8 1 this maximum benefit.

8 2 Coverage of autism spectrum disorders under the new Code  
8 3 section is to be provided in coordination with coverage  
8 4 required for the treatment of autistic disorders pursuant to  
8 5 Code section 514C.22. The section shall not be construed to  
8 6 limit benefits otherwise available to an individual under a  
8 7 group health policy, contract, or plan.

8 8 The commissioner, in consultation with the board of

8 9 medicine, is required to adopt rules for the certification of  
8 10 behavior specialists who design, implement, or evaluate  
8 11 behavior modification intervention components of treatment  
8 12 plans for autism spectrum disorders that are developed by a  
8 13 licensed physician or licensed psychologist.  
8 14 The new Code section applies to third-party payment  
8 15 provider policies, contracts, or plans, and to plans  
8 16 established pursuant to Code chapter 509A that are delivered,  
8 17 issued for delivery, continued, or renewed in this state on or  
8 18 after January 1, 2010.  
8 19 LSB 1118XS 83  
8 20 av/rj/14