

HOUSE No. 3809

The Commonwealth of Massachusetts

PRESENTED BY:

Barbara A. L'Italien

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to insurance coverage for autism.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Barbara A. L'Italien	18th Essex
Frederick E. Berry	
Frank I. Smizik	15th Norfolk
Stephen L. DiNatale	3rd Worcester
Robert L. Rice, Jr.	2nd Worcester
Ellen Story	3rd Hampshire
Brian A. Joyce	Norfolk, Bristol and Plymouth
Tom Sannicandro	7th Middlesex
Matthew C. Patrick	3rd Barnstable
Katherine Clark	32nd Middlesex
James R. Miceli	19th Middlesex
Steven A. Tolman	Second Suffolk and Middlesex
William N. Brownsberger	24th Middlesex
Lori Ehrlich	8th Essex
Scott P. Brown	Norfolk, Bristol and Middlesex
Garrett J. Bradley	3rd Plymouth
Angelo J. Puppolo, Jr.	12th Hampden
Christine E. Canavan	10th Plymouth
David B. Sullivan	6th Bristol

David P. Linsky	5th Middlesex
Stephen R. Canessa	12th Bristol
Michael R. Knapik	Second Hampden and Hampshire
James E. Vallee	10th Norfolk
F. Jay Barrows	1st Bristol
Carlo P. Basile	1st Suffolk
Michael J. Rodrigues	8th Bristol
Rosemary Sandlin	3rd Hampden
Martha M. Walz	8th Suffolk
Joan M. Menard	First Bristol and Plymouth
Thomas M. Stanley	9th Middlesex
John W. Scibak	2nd Hampshire
Patricia D. Jehlen	Second Middlesex
Cheryl A. Coakley-Rivera	10th Hampden
Richard R. Tisei	Middlesex and Essex
Thomas J. Calter	12th Plymouth
Harriette L. Chandler	First Worcester
Antonio F.D. Cabral	13th Bristol
Kay Khan	11th Middlesex
Susan C. Tucker	Second Essex and Middlesex
Carl M. Sciortino, Jr.	34th Middlesex
Donald F. Humason, Jr.	4th Hampden
Jay R. Kaufman	15th Middlesex
Sarah K. Peake	4th Barnstable
Alice K. Wolf	25th Middlesex
Robert S. Hargraves	1st Middlesex
Sean Garballey	23rd Middlesex
Jennifer Benson	37th Middlesex
Anne M. Gobi	5th Worcester
Steven M. Walsh	11th Essex
Marc R. Pacheco	First Plymouth and Bristol
Michael F. Rush	10th Suffolk
Geraldo Alicea	6th Worcester
Thomas P. Conroy	13th Middlesex
John V. Fernandes	10th Worcester
Brian P. Wallace	4th Suffolk
Geraldine Creedon	11th Plymouth
Theodore C. Speliotis	13th Essex
Danielle W. Gregoire	4th Middlesex
James E. Timilty	Bristol and Norfolk
Colleen M. Garry	36th Middlesex
Allen J. McCarthy	7th Plymouth

Cynthia Stone Creem	First Middlesex and Norfolk
Jennifer M. Callahan	18th Worcester
Ruth B. Balser	12th Middlesex
James Dwyer	30th Middlesex
Peter v. Kocot	1st Hampshire
Eugene L. O'Flaherty	2nd Suffolk
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
John P. Fresolo	16th Worcester
Thomas P. Kennedy	Second Plymouth and Bristol
Jennifer L. Flanagan	Worcester and Middlesex
John D. Keenan	7th Essex
James T. Welch	6th Hampden
Kate Hogan	3rd Middlesex
Denise Provost	27th Middlesex
Mary E. Grant	6th Essex
Thomas A. Golden, Jr.	16th Middlesex
Susan C. Fargo	Third Middlesex
Kenneth J. Donnelly	Fourth Middlesex
James B. Eldridge	Middlesex and Worcester
John A. Hart, Jr.	First Suffolk
Steven A. Baddour	First Essex
Anthony W. Petruccelli	First Suffolk and Middlesex
Paul J. Donato	35th Middlesex
Denis E. Guyer	2nd Berkshire
Linda Dean Campbell	15th Essex
Richard J. Ross	9th Norfolk
Michael O. Moore	Second Worcester
Lida E. Harkins	13th Norfolk
James Cantwell	4th Plymouth
A. Stephen Tobin	2nd Norfolk
Marian Walsh	Suffolk and Norfolk
Christopher G. Fallon	33rd Middlesex
Robert F. Fennell	10th Essex
Robert L. Rice, Jr.	2nd Worcester
Joyce A. Spiliotis	12th Essex
Elizabeth A. Malia	11th Suffolk
Jonathan Hecht	29th Middlesex
William Lantigua	16th Essex
Mark V. Falzone	9th Essex
Kathi-Anne Reinstein	16th Suffolk
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Steven J. D'Amico	4th Bristol

Paul McMurtry	11th Norfolk
Kevin G. Honan	17th Suffolk
Louis L. Kafka	8th Norfolk
Bruce E. Tarr	First Essex and Middlesex
Kevin J. Murphy	18th Middlesex
Cleon H. Turner	1st Barnstable
Carolyn Dykema	8th Middlesex
Joseph R. Driscoll, Jr.	5th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO INSURANCE COVERAGE FOR AUTISM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 32A of the General Laws is hereby amended by adding the following
2 section:-

3 Section 24. (a) The commission shall provide to any active or retired employee of the commonwealth
4 who is insured under the group insurance commission benefits on a nondiscriminatory basis to residents
5 of the commonwealth and to all policyholders having a principal place of employment in the
6 commonwealth for the diagnosis and treatment of Autism Spectrum Disorder in individuals.

7 (b) Any such policy shall be deemed to be providing such benefits on a nondiscriminatory basis if the
8 policy does not contain any annual or lifetime dollar or unit of service limitation on coverage for the
9 diagnosis and treatment of said Autism Spectrum Disorders which is less than any annual or lifetime
10 dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical
11 conditions. (c) This section will not be construed as limiting benefits that are otherwise available to an
12 individual under a health insurance policy.

13 (d) Coverage under this section will not be subject to any limits on the number of visits an individual may
14 make to an autism services provider. (e) This section will not be construed as affecting any obligation to
15 provide services to an individual under an individualized family service plan, an individualized education
16 program, or an individualized service plan. (f) Definitions - As used in this section:

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

21 2. "Autism services provider" means any person, entity, or group that provides treatment of autism
22 spectrum disorders.

23 3. "Autism spectrum disorders" means any of the Pervasive Developmental Disorders (PDD) as defined
24 by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), including
25 Autistic Disorder, Asperger's Disorder, and PDD Not Otherwise Specified.

26 4. "Board Certified Behavior Analyst" means a behavior analyst credentialed by the Behavior Analyst
27 Certification Board as a Board Certified Behavior Analyst.

28 5. "Diagnosis of autism spectrum disorders" means medically necessary assessments, evaluations,
29 including neuropsychological evaluations, genetic testing or other tests to diagnose whether an individual
30 has one of the autism spectrum disorders.

31 6. "Habilitative or rehabilitative care" means professional, counseling, and guidance services and
32 treatment programs, including applied behavior analysis supervised by a Board Certified Behavior
33 Analyst, that are necessary to develop, maintain, and restore, to the maximum extent practicable, the
34 functioning of an individual.

35 7. "Pharmacy care" means medications prescribed by a licensed physician and any health-related services
36 deemed medically necessary to determine the need or effectiveness of the medications, to the same extent
37 that pharmacy care is provided by the policy for other medical conditions.

38 8. "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state
39 in which the psychiatrist practices.

40 9. "Psychological care" means direct or consultative services provided by a psychologist licensed in the
41 state in which the psychologist practices.

42 10. "Therapeutic care" means services provided by licensed or certified speech therapists, occupational
43 therapists, physical therapists or social workers.

44 11. "Treatment of Autism Spectrum Disorders" will include the following care prescribed, provided, or
45 ordered for an individual diagnosed with one of the autism spectrum disorders by a licensed physician or
46 a licensed psychologist who determines the care to be medically necessary:

47 a. habilitative or rehabilitative care;

48 b. pharmacy care;

49 c. psychiatric care;

50 d. psychological care; and

51 e. therapeutic care.

52 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting the following new section
53 after section 47T:-

54 Section 47U

55 (a) Any individual policy of accident and sickness insurance issued pursuant to section 108, which
56 provides hospital expense and surgical expense insurance, and any group blanket or general policy of
57 accident and sickness insurance issued pursuant to section 110, which provides hospital expense and
58 surgical expense insurance, which is issued or renewed within or without the commonwealth, shall
59 provide benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders
60 having a principal place of employment in the commonwealth for the diagnosis and treatment of Autism
61 Spectrum Disorder in individuals.

62 (b) Any such policy shall be deemed to be providing such benefits on a nondiscriminatory basis if the
63 policy does not contain any annual or lifetime dollar or unit of service limitation on coverage for the
64 diagnosis and treatment of said Autism Spectrum Disorders which is less than any annual or lifetime
65 dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical
66 conditions.

67 (c) This section will not be construed as limiting benefits that are otherwise available to an individual
68 under a health insurance policy.

69 (d) Coverage under this section will not be subject to any limits on the number of visits an individual may
70 make to an autism services provider.

71 (e) This section will not be construed as affecting any obligation to provide services to an individual
72 under an individualized family service plan, an individualized education program, or an individualized
73 service plan.

74 (f) Definitions - As used in this section:

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

79 2. "Autism services provider" means any person, entity, or group that provides treatment of autism
80 spectrum disorders.

81 3. "Autism spectrum disorders" means any of the Pervasive Developmental Disorders (PDD) as defined
82 by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), including
83 Autistic Disorder, Asperger's Disorder, and PDD Not Otherwise Specified.

84 4. "Board Certified Behavior Analyst" means a behavior analyst credentialed by the Behavior Analyst
85 Certification Board as a Board Certified Behavior Analyst.

86 5. "Diagnosis of autism spectrum disorders" means medically necessary assessments, evaluations,
87 including neuropsychological evaluations, genetic testing or other tests to diagnose whether an individual
88 has one of the autism spectrum disorders.

89 6. “Habilitative or rehabilitative care” means professional, counseling, and guidance services and
90 treatment programs, including applied behavior analysis supervised by a Board Certified Behavior
91 Analyst, that are necessary to develop, maintain, and restore, to the maximum extent practicable, the
92 functioning of an individual.

93 7. “Pharmacy care” means medications prescribed by a licensed physician and any health-related services
94 deemed medically necessary to determine the need or effectiveness of the medications, to the same extent
95 that pharmacy care is provided by the policy for other medical conditions.

96 8. “Psychiatric care” means direct or consultative services provided by a psychiatrist licensed in the state
97 in which the psychiatrist practices.

98 9. “Psychological care” means direct or consultative services provided by a psychologist licensed in the
99 state in which the psychologist practices.

100 10. “Therapeutic care” means services provided by licensed or certified speech therapists, occupational
101 therapists, physical therapists or social workers.

102 11. “Treatment of Autism Spectrum Disorders” will include the following care prescribed, provided, or
103 ordered for an individual diagnosed with one of the autism spectrum disorders by a licensed physician or
104 a licensed psychologist who determines the care to be medically necessary:

105 a. habilitative or rehabilitative care;

106 b. pharmacy care;

107 c. psychiatric care;

108 d. psychological care; and

109 e. therapeutic care.

110 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after section
111 8AA, the following section:-

112 Section 8AB. (a) Any contract between a subscriber and the corporation under an individual or group
113 hospital service plan which is issued or renewed within or without the commonwealth shall provide
114 benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders having a
115 principal place of employment in the commonwealth for the diagnosis and treatment of Autism Spectrum
116 Disorder in individuals.

117 (b) Any such policy shall be deemed to be providing such benefits on a nondiscriminatory basis if the
118 policy does not contain any annual or lifetime dollar or unit of service limitation on coverage for the
119 diagnosis and treatment of said Autism Spectrum Disorders which is less than any annual or lifetime
120 dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical
121 conditions.

122 (c) This section will not be construed as limiting benefits that are otherwise available to an individual
123 under a health insurance policy.

124 (d) Coverage under this section will not be subject to any limits on the number of visits an individual may
125 make to an autism services provider.

126 (e) This section will not be construed as affecting any obligation to provide services to an individual
127 under an individualized family service plan, an individualized education program, or an individualized
128 service plan.

129 (f) Definitions - As used in this section:

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

134 2. "Autism services provider" means any person, entity, or group that provides treatment of autism
135 spectrum disorders.

136 3. "Autism spectrum disorders" means any of the Pervasive Developmental Disorders (PDD) as defined
137 by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), including
138 Autistic Disorder, Asperger's Disorder, and PDD Not Otherwise Specified.

139 4. "Board Certified Behavior Analyst" means a behavior analyst credentialed by the Behavior Analyst
140 Certification Board as a Board Certified Behavior Analyst.

141 5. "Diagnosis of autism spectrum disorders" means medically necessary assessments, evaluations,
142 including neuropsychological evaluations, genetic testing or other tests to diagnose whether an individual
143 has one of the autism spectrum disorders.

144 6. "Habilitative or rehabilitative care" means professional, counseling, and guidance services and
145 treatment programs, including applied behavior analysis supervised by a Board Certified Behavior
146 Analyst, that are necessary to develop, maintain, and restore, to the maximum extent practicable, the
147 functioning of an individual.

148 7. "Pharmacy care" means medications prescribed by a licensed physician and any health-related services
149 deemed medically necessary to determine the need or effectiveness of the medications, to the same extent
150 that pharmacy care is provided by the policy for other medical conditions.

151 8. "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state
152 in which the psychiatrist practices.

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154 state in which the psychologist practices.

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156 therapists, physical therapists or social workers.

157 11. "Treatment of Autism Spectrum Disorders" will include the following care prescribed, provided, or
158 ordered for an individual diagnosed with one of the autism spectrum disorders by a licensed physician or
159 a licensed psychologist who determines the care to be medically necessary:

160 a. habilitative or rehabilitative care;

161 b. pharmacy care;

162 c. psychiatric care;

163 d. psychological care; and

164 e. therapeutic care.

165 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after section
166 4R, the following section:-

167 Section 4S. (a) Any subscription certificate under an individual or group medical service agreement
168 which is issued or renewed within or without the commonwealth shall provide benefits on a
169 nondiscriminatory basis to residents of the commonwealth and to all policyholders having a principal
170 place of employment in the commonwealth for the diagnosis and treatment of Autism Spectrum Disorder
171 in individuals.

172 (b) Any such policy shall be deemed to be providing such benefits on a nondiscriminatory basis if the
173 policy does not contain any annual or lifetime dollar or unit of service limitation on coverage for the
174 diagnosis and treatment of said Autism Spectrum Disorders which is less than any annual or lifetime
175 dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical
176 conditions.

177 (c) This section will not be construed as limiting benefits that are otherwise available to an individual
178 under a health insurance policy.

179 (d) Coverage under this section will not be subject to any limits on the number of visits an individual may
180 make to an autism services provider.

181 (e) This section will not be construed as affecting any obligation to provide services to an individual
182 under an individualized family service plan, an individualized education program, or an individualized
183 service plan.

184 (f) Definitions - As used in this section:

185 1. "Applied behavior analysis" means the design, implementation, and evaluation of environmental
186 modifications, using behavioral stimuli and consequences, to produce socially significant improvement in

- 187 human behavior, including the use of direct observation, measurement, and functional analysis of the
188 relationship between environment and behavior.
- 189 2. “Autism services provider” means any person, entity, or group that provides treatment of autism
190 spectrum disorders.
- 191 3. “Autism spectrum disorders” means any of the Pervasive Developmental Disorders (PDD) as defined
192 by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), including
193 Autistic Disorder, Asperger’s Disorder, and PDD Not Otherwise Specified.
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195 Certification Board as a Board Certified Behavior Analyst.
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198 has one of the autism spectrum disorders.
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200 treatment programs, including applied behavior analysis supervised by a Board Certified Behavior
201 Analyst, that are necessary to develop, maintain, and restore, to the maximum extent practicable, the
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213 ordered for an individual diagnosed with one of the autism spectrum disorders by a licensed physician or
214 a licensed psychologist who determines the care to be medically necessary:
- 215 a. habilitative or rehabilitative care;
- 216 b. pharmacy care;
- 217 c. psychiatric care;
- 218 d. psychological care; and

219 e. therapeutic care.

220 SECTION 5. Said chapter 176G is hereby amended by inserting after section 4Q, as so
221 appearing, the following section:-

222 Section 4R. (a) A health maintenance contract issued or renewed within or without the commonwealth
223 shall provide benefits on a nondiscriminatory basis to residents of the commonwealth and to all
224 policyholders having a principal place of employment in the commonwealth for the diagnosis and
225 treatment of Autism Spectrum Disorder in individuals.

226 (b) Any such policy shall be deemed to be providing such benefits on a nondiscriminatory basis if the
227 policy does not contain any annual or lifetime dollar or unit of service limitation on coverage for the
228 diagnosis and treatment of said Autism Spectrum Disorders which is less than any annual or lifetime
229 dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical
230 conditions.

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237 service plan.

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267 ordered for an individual diagnosed with one of the autism spectrum disorders by a licensed physician or
268 a licensed psychologist who determines the care to be medically necessary:

269 a. habilitative or rehabilitative care;

270 b. pharmacy care;

271 c. psychiatric care;

272 d. psychological care; and

273 e. therapeutic care.

274 SECTION 6. All policies, contracts and certificates of health insurance subject to the provisions of
275 section 24 of chapter 32A, section 47U of chapter 175, section 8AB of chapter 176A, section 4S of
276 chapter 176B, and section 4R of chapter 176G of the General Laws which are delivered, issued, or
277 renewed on or after January 1, 2010 shall conform with the provisions of this act. Form filings
278 implementing this act shall be subject to the approval of the commissioner of insurance.

279 SECTION 7. This act shall take effect on January 1, 2010.