

Bill No.: _____

Requested: _____

Committee: _____

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By: **Delegate Reznik**

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Coverage of Autism Spectrum Disorders**

3 FOR the purpose of requiring certain insurers, nonprofit health service plans, and
4 health maintenance organizations to provide coverage for the diagnosis of
5 autism spectrum disorders and the treatment of autism spectrum disorders in
6 certain individuals; requiring certain treatment for autism spectrum disorders
7 to be provided by certain individuals; limiting coverage to a certain maximum
8 benefit; providing for the annual adjustment of the maximum benefit; clarifying
9 that certain benefits otherwise available to an individual are not limited by this
10 Act; prohibiting certain limits on visits to an autism services provider; requiring
11 a certain notice; providing that a certain determination constitutes an adverse
12 decision under certain provisions of law; authorizing certain insurers, nonprofit
13 health service plans, and health maintenance organizations to request an
14 updated treatment plan at certain intervals; requiring certain insurers,
15 nonprofit health service plans, and health maintenance organizations to pay the
16 cost of the updated treatment plan; providing that certain insurers, nonprofit
17 health service plans, and health maintenance organizations are not required to
18 provide reimbursement for certain services; making the provisions of this Act
19 applicable to health maintenance organizations; defining certain terms;
20 providing for the application of this Act; providing for a delayed effective date;
21 and generally relating to requiring health insurance coverage of autism
22 spectrum disorders.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



23 BY adding to
24 Article – Health – General
25 Section 19–706(ttt)
26 Annotated Code of Maryland
27 (2005 Replacement Volume and 2008 Supplement)

28 BY adding to
29 Article – Insurance
30 Section 15–844
31 Annotated Code of Maryland
32 (2006 Replacement Volume and 2008 Supplement)

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
34 MARYLAND, That the Laws of Maryland read as follows:

35 **Article – Health – General**

36 19–706.

37 **(TTT) THE PROVISIONS OF § 15–844 OF THE INSURANCE ARTICLE APPLY**
38 **TO HEALTH MAINTENANCE ORGANIZATIONS.**

39 **Article – Insurance**

40 **15–844.**

41 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
42 **MEANINGS INDICATED.**

43 **(2) (I) “APPLIED BEHAVIOR ANALYSIS” MEANS THE DESIGN,**
44 **IMPLEMENTATION, AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS,**
45 **USING BEHAVIORAL STIMULI AND CONSEQUENCES, TO:**

46 **1. PRODUCE SOCIALLY SIGNIFICANT IMPROVEMENT**
47 **IN HUMAN BEHAVIOR; OR**

48 **2. PREVENT THE LOSS OF ATTAINED SKILL OR**
49 **FUNCTION.**

50 **(II) “APPLIED BEHAVIOR ANALYSIS” INCLUDES THE USE OF**
51 **DIRECT OBSERVATION, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF THE**
52 **RELATIONSHIP BETWEEN ENVIRONMENT AND BEHAVIOR.**

53 **(3) “AUTISM SPECTRUM DISORDERS” MEANS ANY OF THE**
54 **PERVASIVE DEVELOPMENTAL DISORDERS, AS DESCRIBED IN THE CURRENT**
55 **VERSION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL**
56 **DISORDERS.**

57 **(4) “DIAGNOSIS OF AUTISM SPECTRUM DISORDERS” MEANS**
58 **MEDICALLY NECESSARY ASSESSMENTS, EVALUATIONS, OR TESTS TO DIAGNOSE**
59 **WHETHER AN INDIVIDUAL HAS AN AUTISM SPECTRUM DISORDER.**

60 **(5) “HABILITATIVE OR REHABILITATIVE CARE” MEANS**
61 **PROFESSIONAL, COUNSELING, AND GUIDANCE SERVICES AND TREATMENT**
62 **PROGRAMS, INCLUDING APPLIED BEHAVIOR ANALYSIS, THAT ARE NECESSARY**
63 **TO DEVELOP, MAINTAIN, AND RESTORE, TO THE MAXIMUM EXTENT**
64 **PRACTICABLE, THE FUNCTIONING OF AN INDIVIDUAL.**

65 **(6) “PHARMACY CARE” MEANS:**

66 **(I) MEDICATIONS PRESCRIBED BY A LICENSED PHYSICIAN;**
67 **AND**

68 **(II) ANY HEALTH-RELATED SERVICES NECESSARY TO**
69 **DETERMINE THE NEED OR EFFECTIVENESS OF THE MEDICATIONS.**

70 **(7) “PSYCHIATRIC CARE” MEANS DIRECT OR CONSULTATIVE**
71 **SERVICES PROVIDED BY A BOARD-CERTIFIED PSYCHIATRIST.**

72 **(8) “PSYCHOLOGICAL CARE” MEANS DIRECT OR CONSULTATIVE**
73 **SERVICES PROVIDED BY A LICENSED PSYCHOLOGIST.**

74 **(9) “TREATMENT FOR AUTISM SPECTRUM DISORDERS” MEANS**
75 **HABILITATIVE OR REHABILITATIVE CARE, PHARMACY CARE, PSYCHIATRIC**

76 CARE, OR PSYCHOLOGICAL CARE PRESCRIBED BY A LICENSED PHYSICIAN OR A
77 LICENSED PSYCHOLOGIST TO AN INDIVIDUAL DIAGNOSED WITH AN AUTISM
78 SPECTRUM DISORDER AS PART OF A TREATMENT PLAN THAT INCLUDES
79 THERAPEUTIC GOALS AND OUTCOME MEASURES.

80 (B) THIS SECTION APPLIES TO:

81 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT
82 PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR
83 GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE
84 POLICIES THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

85 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE
86 HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS
87 UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

88 (C) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE
89 FOR THE DIAGNOSIS OF AUTISM SPECTRUM DISORDERS AND THE
90 EVIDENCE-BASED, MEDICALLY NECESSARY TREATMENT OF AUTISM SPECTRUM
91 DISORDERS IN INDIVIDUALS UNDER THE AGE OF 21 YEARS.

92 (D) APPLIED BEHAVIOR ANALYSIS COVERED UNDER THIS SECTION
93 SHALL BE PROVIDED BY AN INDIVIDUAL WHO IS:

94 (1) LICENSED UNDER TITLE 14 OR TITLE 18 OF THE HEALTH
95 OCCUPATIONS ARTICLE OR UNDER THE SUPERVISION OF AN INDIVIDUAL
96 LICENSED UNDER TITLE 14 OR TITLE 18 OF THE HEALTH OCCUPATIONS
97 ARTICLE; OR

98 (2) A BOARD CERTIFIED BEHAVIOR ANALYST OR A BOARD
99 CERTIFIED ASSOCIATE BEHAVIOR ANALYST CREDENTIALLED BY THE BEHAVIOR
100 ANALYST CERTIFICATION BOARD.

101 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
102 COVERAGE UNDER THIS SECTION SHALL BE LIMITED TO A MAXIMUM BENEFIT
103 OF \$50,000 ANNUALLY.

104 **(2) BEGINNING JANUARY 1, 2011, THE MAXIMUM BENEFIT SHALL**
105 **BE ADJUSTED ANNUALLY FOR INFLATION BY USING THE MEDICAL CARE**
106 **COMPONENT OF THE UNITED STATES DEPARTMENT OF LABOR CONSUMER**
107 **PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-U).**

108 **(F) THIS SECTION MAY NOT BE CONSTRUED AS LIMITING BENEFITS**
109 **THAT OTHERWISE ARE AVAILABLE TO AN INDIVIDUAL UNDER A HEALTH**
110 **INSURANCE POLICY OR CONTRACT OR A HEALTH MAINTENANCE ORGANIZATION**
111 **CONTRACT.**

112 **(G) COVERAGE UNDER THIS SECTION IS NOT SUBJECT TO LIMITS ON**
113 **THE NUMBER OF VISITS AN INDIVIDUAL MAY MAKE TO AN AUTISM SERVICES**
114 **PROVIDER.**

115 **(H) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE NOTICE**
116 **ANNUALLY TO ITS INSURED AND ENROLLEES ABOUT THE COVERAGE**
117 **REQUIRED UNDER THIS SECTION.**

118 **(I) (1) AN ENTITY SUBJECT TO THIS SECTION PERIODICALLY MAY**
119 **REQUEST AN UPDATED TREATMENT PLAN, BUT NOT MORE OFTEN THAN ONCE**
120 **EVERY 6 MONTHS, UNLESS THE LICENSED PHYSICIAN OR LICENSED**
121 **PSYCHOLOGIST WHO PRESCRIBES CARE FOR AN INDIVIDUAL AGREES THAT**
122 **MORE FREQUENT REVIEW OF THE INDIVIDUAL'S TREATMENT PLAN IS**
123 **NECESSARY.**

124 **(2) AN ENTITY SUBJECT TO THIS SECTION THAT REQUESTS AN**
125 **UPDATED TREATMENT PLAN SHALL BEAR THE COST OF OBTAINING THE PLAN.**

126 **(J) A DETERMINATION BY AN ENTITY SUBJECT TO THIS SECTION TO**
127 **DENY COVERAGE FOR THE DIAGNOSIS OF AUTISM SPECTRUM DISORDERS OR**
128 **THE TREATMENT OF AUTISM SPECTRUM DISORDERS CONSTITUTES AN ADVERSE**
129 **DECISION UNDER SUBTITLE 15-10A OF THIS TITLE.**

130 **(K) AN ENTITY SUBJECT TO THIS SECTION IS NOT REQUIRED TO**
131 **PROVIDE REIMBURSEMENT FOR SERVICES DELIVERED THROUGH EARLY**
132 **INTERVENTION OR SCHOOL SERVICES.**

133 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
134 policies, contracts, and health benefit plans issued, delivered, or renewed in the State
135 on or after January 1, 2010.

136 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
137 January 1, 2010.