

By: Representatives Akins, Eaton, Aldridge, Baker (8th), Barker, Beckett, Bell, Bondurant, Broomfield, Brown, Buck (5th), Buck (72nd), Burnett, Byrd, Carpenter, Clark, Cockerham, DuVall, Ellington, Ellis, Evans (91st), Fillingane, Flaggs, Fredericks, Frierson, Gadd, Gardner, Gunn, Hamilton (6th), Harrison, Holland, Holloway, Howell, Huddleston (15th), Ishee, Johnson, Jones, Lane, Malone, Martinson, Mayhall, Mayo, McBride, McCoy, Middleton, Moak, Moss, Norquist, Nowell, Patterson, Peranich, Perkins, Pigott, Puckett, Read, Reed, Reynolds, Robinson, Rogers (14th), Shows, Smith (27th), Staples, Sullivan, Thomas, Turner, Walley, Ward, Whittington, Woods, Wooten	To: Insurance; Appropriations
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HOUSE BILL NO. 720

1 AN ACT TO REQUIRE HEALTH INSURANCE COVERAGE, INCLUDING
 2 COVERAGE UNDER THE STATE AND SCHOOL EMPLOYEES HEALTH INSURANCE
 3 PLAN, FOR AUTISM SPECTRUM DISORDERS; TO DEFINE "AUTISM SPECTRUM
 4 DISORDER" AS AN AUTISTIC DISORDER, ASPERGER'S SYNDROME, OR
 5 PERVASIVE DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED; AND FOR
 6 RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** (1) As used in this act:

9 (a) "Applied behavior analysis" means the design,
 10 implementation and evaluation of environmental modifications,
 11 using behavioral stimuli and consequences, to produce socially
 12 significant improvement in human behavior, including the use of
 13 direct observation, measurement and functional analysis of the
 14 relations between environment and behavior.

15 (b) "Autism services provider" means any person, entity
 16 or group that provides treatment of autism spectrum disorders.

17 (c) "Autism spectrum disorders" means any of the
 18 pervasive developmental disorders as defined by the most recent
 19 edition of the Diagnostic and Statistical Manual of Mental
 20 Disorders (DSM), including Autistic Disorder, Asperger's Disorder
 21 and Pervasive Developmental Disorder Not Otherwise Specified.

22 (d) "Diagnosis of autism spectrum disorders" means
 23 medically necessary assessment, evaluations or tests to diagnose
 24 whether an individual has one (1) of the autism spectrum
 25 disorders.



26 (e) "Evidence-based research" means research that
27 applies rigorous, systematic and objective procedures to obtain
28 valid knowledge relevant to autism spectrum disorders.

29 (f) "Habilitative or rehabilitative care" means
30 professional, counseling, and guidance services and treatment
31 programs, including applied behavior analysis, that are necessary
32 to develop, maintain and restore, to the maximum extent
33 practicable, the functioning of an individual.

34 (g) "Health insurance policy" means any group health
35 policy or contract issued by an insurance entity that is subject
36 to Section 83-9-1 et seq. or 83-41-201 et seq., or both. For the
37 purposes of this act, the State and School Employees Health
38 Insurance Plan shall be considered to be a health insurance
39 policy.

40 (h) "Medically necessary" means any care, treatment,
41 intervention, service or item that is prescribed, provided or
42 ordered by a licensed physician or a licensed psychologist in
43 accordance with accepted standards of practice and that will, or
44 is reasonably expected to, do any of the following:

45 (i) Prevent the onset of an illness, condition,
46 injury or disability;

47 (ii) Reduce or ameliorate the physical, mental or
48 developmental effects of an illness, condition, injury or
49 disability; or

50 (iii) Assist to achieve or maintain maximum
51 functional capacity in performing daily activities, taking into
52 account both the functional capacity of the individual and the
53 functional capacities that are appropriate for individuals of the
54 same age.

55 (i) "Pharmacy care" means medications prescribed by a
56 licensed physician and any health-related services deemed
57 medically necessary to determine the need or effectiveness of the
58 medications.



59 (j) "Psychiatric care" means direct or consultative
60 services provided by a psychiatrist licensed in the state in which
61 the psychiatrist practices.

62 (k) "Psychological care" means direct or consultative
63 services provided by a psychologist licensed in the state in which
64 the psychologist practices.

65 (l) "Therapeutic care" means services provided by
66 licensed or certified speech therapists, occupational therapists
67 or physical therapists.

68 (m) "Treatment for autism spectrum disorders" includes
69 the following care prescribed, provided or ordered for an
70 individual diagnosed with one (1) of the autism spectrum disorders
71 by a licensed physician or a licensed psychologist who determines
72 the care to be medically necessary:

- 73 (i) Habilitative or rehabilitative care;
- 74 (ii) Pharmacy care;
- 75 (iii) Psychiatric care;
- 76 (iv) Psychological care; and
- 77 (v) Therapeutic care.

78 (2) A health insurance policy shall provide coverage for the
79 diagnosis of autism spectrum disorders and the treatment of autism
80 spectrum disorders in individuals under twenty-one (21) years of
81 age. To the extent that the diagnosis of autism spectrum
82 disorders and the treatment of autism spectrum disorders are not
83 already covered by a health insurance policy, coverage under this
84 act shall be included in health insurance policies that are
85 delivered, executed, issued, amended, adjusted or renewed on or
86 after July 1, 2008. An insurer shall not terminate coverage, or
87 refuse to deliver, execute, issue, amend, adjust or renew coverage
88 to an individual solely because the individual is diagnosed with
89 one (1) of the autism spectrum disorders or has received treatment
90 for autism spectrum disorders.



91 (3) Coverage under this act shall not be subject to any
92 limits on the number of visits an individual may make to an autism
93 services provider.

94 (4) Coverage under this act may be subject to copayment,
95 deductible and coinsurance provisions of a health insurance policy
96 to the extent that other medical services covered by the health
97 insurance policy are subject to those provisions.

98 (5) Coverage under this act shall be subject to a maximum
99 benefit of Fifty Thousand Dollars (\$50,000.00) per year. After
100 January 1, 2011, the Insurance Commissioner shall, on an annual
101 basis, adjust the maximum benefit for inflation by using the
102 Medical Care Component of the United States Department of Labor
103 Consumer Price Index for all urban consumers (CPI-U). The
104 commissioner shall submit the adjusted maximum benefit for
105 publication annually no later than July 1 of each calendar year,
106 and the published adjusted maximum benefit shall be applicable in
107 the following calendar year to health insurance policies subject
108 to this act. Payments made by an insurer on behalf of a covered
109 individual for any care, treatment, intervention, service or item
110 unrelated to autism spectrum disorders shall not be applied
111 towards any maximum benefit established under this subsection.

112 (6) Except for inpatient services, if an individual is
113 receiving treatment for autism spectrum disorders, an insurer
114 shall have the right to request a review of that treatment not
115 more than once every six (6) months unless the insurer and the
116 individual's licensed physician or licensed psychologist agrees
117 that a more frequent review is necessary. The cost of obtaining
118 any review shall be borne by the insurer.

119 (7) This act shall not be construed as limiting benefits
120 that are otherwise available to an individual under a health
121 insurance policy.

122 **SECTION 2.** This act shall take effect and be in force from
123 and after October 1, 2009.

