

ASSEMBLY BILL NO. 162—ASSEMBLYMEN OHRENSCHALL, BUCKLEY, LESLIE, WOODBURY, CONKLIN; AIZLEY, ANDERSON, ARBERRY, ATKINSON, BOBZIEN, CARPENTER, CHRISTENSEN, CLABORN, DENIS, DONDERO LOOP, GOICOECHEA, GRADY, HAMBRICK, HARDY, HOGAN, HORNE, KIHUEN, KIRKPATRICK, KOIVISTO, MANENDO, MASTROLUCA, MCCLAIN, MORTENSON, MUNFORD, OCEGUERA, PARNELL, PIERCE, SEGERBLOM, SMITH AND STEWART

FEBRUARY 12, 2009

JOINT SPONSORS: SENATORS HORSFORD, SCHNEIDER, LEE, WIENER, TOWNSEND; AMODEI, BREEDEN, CARE, CARLTON, COFFIN, COPENING, NOLAN, PARKS, RHOADS AND WOODHOUSE

Referred to Committee on Commerce and Labor

SUMMARY—Requires certain policies of health insurance and health care plans to provide coverage for screening for and treatment of autism. (BDR 57-44)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to insurance; requiring certain policies of health insurance and health care plans to provide an option of coverage for screening for and treatment of autism; authorizing the Board of Psychological Examiners to license behavior analysts and autism behavior therapists; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires certain public and private health care plans and policies
- 2 of insurance to provide coverage for certain procedures, including colorectal cancer
- 3 screenings, cytological screening tests and mammograms, in certain circumstances.
- 4 (NRS 287.027, 287.04335, 689A.04042, 689A.0405, 689B.0367, 689B.0374,
- 5 695B.1907, 695B.1912, 695C.1731, 695C.1735, 695G.168) Existing law also



* A B 1 6 2 R 1 *

6 requires employers to provide certain benefits to employees, including coverage for
7 the procedures required to be covered by insurers, if the employer provides health
8 benefits for its employees. (NRS 608.1555) Sections 1-8.5 of this bill require
9 certain health care plans and policies of insurance to also provide an option of
10 coverage for the screening for, including the diagnosis of, and the treatment of
11 autism spectrum disorders in certain circumstances.

12 Sections 12 and 13 of this bill provide for the licensure of behavior analysts
13 and autism behavior therapists by the Board of Psychological Examiners.

14 The provisions of this bill apply prospectively to any policy of insurance or
15 health care plan issued or renewed on or after January 1, 2011.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Chapter 689A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 1. *A health benefit plan must provide an option of coverage*
4 *for screening for and diagnosis of autism spectrum disorders and*
5 *for treatment of autism spectrum disorders for persons covered by*
6 *the policy under the age of 18 or, if enrolled in high school, under*
7 *the age of 21.*

8 2. *Optional coverage provided pursuant to this section must*
9 *be subject to:*

10 (a) *A maximum benefit of not less than \$36,000 per year for*
11 *applied behavior analysis treatment; and*

12 (b) *Copayment, deductible and coinsurance provisions and any*
13 *other general exclusions or limitations of a policy of health*
14 *insurance to the same extent as other medical services or*
15 *prescription drugs covered by the policy.*

16 3. *An insurer that offers or issues a policy of health*
17 *insurance which provides coverage for outpatient care shall not:*

18 (a) *Require an insured to pay a higher deductible, copayment*
19 *or coinsurance or require a longer waiting period for optional*
20 *coverage for outpatient care related to autism spectrum disorders*
21 *than is required for other outpatient care covered by the policy; or*

22 (b) *Refuse to issue a policy of health insurance or cancel a*
23 *policy of health insurance solely because the person applying for*
24 *or covered by the policy uses or may use in the future any of the*
25 *services listed in subsection 1.*

26 4. *Except as provided in subsections 1 and 2, an insurer who*
27 *offers optional coverage pursuant to subsection 1 shall not limit*
28 *the number of visits an insured may make to any person, entity or*
29 *group for treatment of autism spectrum disorders.*

30 5. *Treatment of autism spectrum disorders must be identified*
31 *in a treatment plan and may include medically necessary*
32 *habilitative or rehabilitative care, prescription care, psychiatric*



1 *care, psychological care, behavior therapy or therapeutic care that*
2 *is:*

3 (a) *Prescribed for a person diagnosed with an autism spectrum*
4 *disorder by a licensed physician or licensed psychologist; and*

5 (b) *Provided for a person diagnosed with an autism spectrum*
6 *disorder by a licensed physician, licensed psychologist, licensed*
7 *behavior analyst or other provider that is supervised by the*
8 *licensed physician, psychologist or behavior analyst.*

9 *↳ An insurer may request a copy of and review a treatment plan*
10 *created pursuant to this subsection.*

11 6. *Nothing in this section shall be construed as requiring an*
12 *insurer to provide reimbursement to an early intervention agency*
13 *or school for services delivered through early intervention or*
14 *school services.*

15 7. *As used in this section:*

16 (a) *“Applied behavior analysis” means the design,*
17 *implementation and evaluation of environmental modifications*
18 *using behavioral stimuli and consequences to produce socially*
19 *significant improvement in human behavior, including, without*
20 *limitation, the use of direct observation, measurement and*
21 *functional analysis of the relations between environment and*
22 *behavior.*

23 (b) *“Autism spectrum disorders” means a neurobiological*
24 *medical condition including, without limitation, autistic disorder,*
25 *Asperger’s Disorder and Pervasive Developmental Disorder Not*
26 *Otherwise Specified.*

27 (c) *“Behavioral therapy” means any interactive therapy*
28 *derived from evidence-based research, including, without*
29 *limitation, discrete trial training, early intensive behavioral*
30 *intervention, intensive intervention programs, pivotal response*
31 *training and verbal behavior provided by a licensed behavior*
32 *analyst or a licensed autism behavior therapist providing services*
33 *under the supervision of a licensed behavior analyst.*

34 (d) *“Evidence-based research” means research that applies*
35 *rigorous, systematic and objective procedures to obtain valid*
36 *knowledge relevant to autism spectrum disorders.*

37 (e) *“Habilitative or rehabilitative care” means counseling,*
38 *guidance and professional services and treatment programs,*
39 *including, without limitation, applied behavior analysis, that are*
40 *necessary to develop, maintain and restore, to the maximum extent*
41 *practicable, the functioning of a person.*

42 (f) *“Licensed autism behavior therapist” means a person who*
43 *is certified as an autism behavior therapist by the Board of*
44 *Psychological Examiners and who provides behavioral therapy*
45 *under the supervision of a licensed behavior analyst.*



1 (g) *“Licensed behavior analyst” means a person who holds*
2 *current certification or meets the standards to be certified as a*
3 *board certified behavior analyst issued by the Behavior Analyst*
4 *Certification Board, Inc., or any successor in interest to that*
5 *organization, and who is licensed as a behavior analyst by the*
6 *Board of Psychological Examiners.*

7 (h) *“Prescription care” means medications prescribed by a*
8 *licensed physician and any health-related services deemed*
9 *medically necessary to determine the need or effectiveness of the*
10 *medications.*

11 (i) *“Psychiatric care” means direct or consultative services*
12 *provided by a psychiatrist licensed in the state in which the*
13 *psychiatrist practices.*

14 (j) *“Psychological care” means direct or consultative services*
15 *provided by a psychologist licensed in the state in which the*
16 *psychologist practices.*

17 (k) *“Screening for autism spectrum disorders” means*
18 *medically necessary assessments, evaluations or tests to screen*
19 *and diagnose whether a person has an autism spectrum disorder.*

20 (l) *“Therapeutic care” means services provided by licensed or*
21 *certified speech pathologists, occupational therapists and physical*
22 *therapists.*

23 (m) *“Treatment plan” means a plan to treat an autism*
24 *spectrum disorder that is prescribed by a licensed physician or*
25 *licensed psychologist and is developed pursuant to a*
26 *comprehensive evaluation in coordination with a licensed*
27 *behavior analyst.*

28 **Sec. 2.** NRS 689A.330 is hereby amended to read as follows:

29 689A.330 If any policy is issued by a domestic insurer for
30 delivery to a person residing in another state, and if the insurance
31 commissioner or corresponding public officer of that other state has
32 informed the Commissioner that the policy is not subject to approval
33 or disapproval by that officer, the Commissioner may by ruling
34 require that the policy meet the standards set forth in NRS 689A.030
35 to 689A.320, inclusive **[H]**, *and section 1 of this act.*

36 **Sec. 3.** Chapter 689B of NRS is hereby amended by adding
37 thereto a new section to read as follows:

38 **1.** *A health benefit plan must provide coverage for screening*
39 *for and diagnosis of autism spectrum disorders and for treatment*
40 *of autism spectrum disorders to persons covered by the policy of*
41 *group health insurance under the age of 18 or, if enrolled in high*
42 *school, under the age of 21.*

43 **2.** *Coverage provided under this section is subject to:*

44 (a) *A maximum benefit of \$36,000 per year for applied*
45 *behavior analysis treatment; and*



1 (b) Copayment, deductible and coinsurance provisions and any
2 other general exclusion or limitation of a health insurance policy
3 to the same extent as other medical services or prescription drugs
4 covered by the policy.

5 3. An insurer that offers or issues a policy of group health
6 insurance which provides coverage for outpatient care shall not:

7 (a) Require an insured to pay a higher deductible, copayment
8 or coinsurance or require a longer waiting period for coverage for
9 outpatient care related to autism spectrum disorders than is
10 required for other outpatient care covered by the policy; or

11 (b) Refuse to issue a policy of group health insurance or
12 cancel a policy of group health insurance solely because the
13 person applying for or covered by the policy uses or may use in the
14 future any of the services listed in subsection 1.

15 4. Except as provided in subsections 1 and 2, an insurer shall
16 not limit the number of visits an insured may make to any person,
17 entity or group for treatment of autism spectrum disorders.

18 5. Treatment of autism spectrum disorders must be identified
19 in a treatment plan and may include medically necessary
20 habilitative or rehabilitative care, prescription care, psychiatric
21 care, psychological care, behavior therapy or therapeutic care that
22 is:

23 (a) Prescribed for a person diagnosed with an autism spectrum
24 disorder by a licensed physician or licensed psychologist; and

25 (b) Provided for a person diagnosed with an autism spectrum
26 disorder by a licensed physician, licensed psychologist, licensed
27 behavior analyst or other provider that is supervised by the
28 licensed physician, psychologist or behavior analyst.

29 ↪ An insurer may request a copy of and review a treatment plan
30 created pursuant to this subsection.

31 6. A policy subject to the provisions of this chapter that is
32 delivered, issued for delivery or renewed on or after January 1,
33 2011, has the legal effect of including the coverage required by
34 subsection 1, and any provision of the policy or the renewal which
35 is in conflict with subsections 1 or 2 is void.

36 7. Nothing in this section shall be construed as requiring an
37 insurer to provide reimbursement to an early intervention agency
38 or school for services delivered through early intervention or
39 school services.

40 8. As used in this section:

41 (a) "Applied behavior analysis" means the design,
42 implementation and evaluation of environmental modifications
43 using behavioral stimuli and consequences to produce socially
44 significant improvement in human behavior, including, without
45 limitation, the use of direct observation, measurement and



1 *functional analysis of the relations between environment and*
2 *behavior.*

3 (b) *“Autism spectrum disorders” means a neurobiological*
4 *medical condition including, without limitation, autistic disorder,*
5 *Asperger’s Disorder and Pervasive Developmental Disorder Not*
6 *Otherwise Specified.*

7 (c) *“Behavioral therapy” means any interactive therapy*
8 *derived from evidence-based research, including, without*
9 *limitation, discrete trial training, early intensive behavioral*
10 *intervention, intensive intervention programs, pivotal response*
11 *training and verbal behavior provided by a licensed behavior*
12 *analyst or a licensed autism behavior therapist providing services*
13 *under the supervision of a licensed behavior analyst.*

14 (d) *“Evidence-based research” means research that applies*
15 *rigorous, systematic and objective procedures to obtain valid*
16 *knowledge relevant to autism spectrum disorders.*

17 (e) *“Habilitative or rehabilitative care” means counseling,*
18 *guidance and professional services and treatment programs,*
19 *including, without limitation, applied behavior analysis, that are*
20 *necessary to develop, maintain and restore, to the maximum extent*
21 *practicable, the functioning of a person.*

22 (f) *“Licensed autism behavior therapist” means a person who*
23 *is certified as an autism behavior therapist by the Board of*
24 *Psychological Examiners and who provides behavioral therapy*
25 *under the supervision of a licensed behavior analyst.*

26 (g) *“Licensed behavior analyst” means a person who holds*
27 *current certification or meets the standards to be certified as a*
28 *board certified behavior analyst issued by the Behavior Analyst*
29 *Certification Board, Inc., or any successor in interest to that*
30 *organization and who is licensed as a behavior analyst by the*
31 *Board of Psychological Examiners.*

32 (h) *“Prescription care” means medications prescribed by a*
33 *licensed physician and any health-related services deemed*
34 *medically necessary to determine the need or effectiveness of the*
35 *medications.*

36 (i) *“Psychiatric care” means direct or consultative services*
37 *provided by a psychiatrist licensed in the state in which the*
38 *psychiatrist practices.*

39 (j) *“Psychological care” means direct or consultative services*
40 *provided by a psychologist licensed in the state in which the*
41 *psychologist practices.*

42 (k) *“Screening for autism spectrum disorders” means*
43 *medically necessary assessments, evaluations or tests to screen*
44 *and diagnose whether a person has an autism spectrum disorder.*



1 *(l) "Therapeutic care" means services provided by licensed or*
2 *certified speech pathologists, occupational therapists and physical*
3 *therapists.*

4 *(m) "Treatment plan" means a plan to treat an autism*
5 *spectrum disorder that is prescribed by a licensed physician or*
6 *licensed psychologist and is developed pursuant to a*
7 *comprehensive evaluation in coordination with a licensed*
8 *behavior analyst.*

9 **Sec. 3.5.** Chapter 689C of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 *1. A health benefit plan must provide coverage for screening*
12 *for and diagnosis of autism spectrum disorders and for treatment*
13 *of autism spectrum disorders to persons covered by the policy of*
14 *group health insurance under the age of 18 or, if enrolled in high*
15 *school, under the age of 21.*

16 *2. Coverage provided under this section is subject to:*

17 *(a) A maximum benefit of \$36,000 per year for applied*
18 *behavior analysis treatment; and*

19 *(b) Copayment, deductible and coinsurance provisions and any*
20 *other general exclusion or limitation of a health insurance policy*
21 *to the same extent as other medical services or prescription drugs*
22 *covered by the policy.*

23 *3. An insurer that offers or issues a policy of group health*
24 *insurance which provides coverage for outpatient care shall not:*

25 *(a) Require an insured to pay a higher deductible, copayment*
26 *or coinsurance or require a longer waiting period for coverage for*
27 *outpatient care related to autism spectrum disorders than is*
28 *required for other outpatient care covered by the policy; or*

29 *(b) Refuse to issue a policy of group health insurance or*
30 *cancel a policy of group health insurance solely because the*
31 *person applying for or covered by the policy uses or may use in the*
32 *future any of the services listed in subsection 1.*

33 *4. Except as provided in subsections 1 and 2, an insurer shall*
34 *not limit the number of visits an insured may make to any person,*
35 *entity or group for treatment of autism spectrum disorders.*

36 *5. Treatment of autism spectrum disorders must be identified*
37 *in a treatment plan and may include medically necessary*
38 *habilitative or rehabilitative care, prescription care, psychiatric*
39 *care, psychological care, behavior therapy or therapeutic care that*
40 *is:*

41 *(a) Prescribed for a person diagnosed with an autism spectrum*
42 *disorder by a licensed physician or licensed psychologist; and*

43 *(b) Provided for a person diagnosed with an autism spectrum*
44 *disorder by a licensed physician, licensed psychologist, licensed*



1 *behavior analyst or other provider that is supervised by the*
2 *licensed physician, psychologist or behavior analyst.*

3 *↳ An insurer may request a copy of and review a treatment plan*
4 *created pursuant to this subsection.*

5 *6. A policy subject to the provisions of this chapter that is*
6 *delivered, issued for delivery or renewed on or after January 1,*
7 *2011, has the legal effect of including the coverage required by*
8 *subsection 1, and any provision of the policy or the renewal which*
9 *is in conflict with subsections 1 or 2 is void.*

10 *7. Nothing in this section shall be construed as requiring an*
11 *insurer to provide reimbursement to an early intervention agency*
12 *or school for services delivered through early intervention or*
13 *school services.*

14 *8. As used in this section:*

15 *(a) "Applied behavior analysis" means the design,*
16 *implementation and evaluation of environmental modifications*
17 *using behavioral stimuli and consequences to produce socially*
18 *significant improvement in human behavior, including, without*
19 *limitation, the use of direct observation, measurement and*
20 *functional analysis of the relations between environment and*
21 *behavior.*

22 *(b) "Autism spectrum disorders" means a neurobiological*
23 *medical condition including, without limitation, autistic disorder,*
24 *Asperger's Disorder and Pervasive Developmental Disorder Not*
25 *Otherwise Specified.*

26 *(c) "Behavioral therapy" means any interactive therapy*
27 *derived from evidence-based research, including, without*
28 *limitation, discrete trial training, early intensive behavioral*
29 *intervention, intensive intervention programs, pivotal response*
30 *training and verbal behavior provided by a licensed behavior*
31 *analyst or a licensed autism behavior therapist providing services*
32 *under the supervision of a licensed behavior analyst.*

33 *(d) "Evidence-based research" means research that applies*
34 *rigorous, systematic and objective procedures to obtain valid*
35 *knowledge relevant to autism spectrum disorders.*

36 *(e) "Habilitative or rehabilitative care" means counseling,*
37 *guidance and professional services and treatment programs,*
38 *including, without limitation, applied behavior analysis, that are*
39 *necessary to develop, maintain and restore, to the maximum extent*
40 *practicable, the functioning of a person.*

41 *(f) "Licensed behavior analyst" means a person who holds*
42 *current certification or meets the standards to be certified as a*
43 *board certified behavior analyst issued by the Behavior Analyst*
44 *Certification Board, Inc., or any successor in interest to that*



1 organization and who is licensed as a behavior analyst by the
2 Board of Psychological Examiners.

3 (g) "Licensed autism behavior therapist" means a person who
4 is certified as an autism behavior therapist by the Board of
5 Psychological Examiners and who provides behavioral therapy
6 under the supervision of a licensed behavior analyst.

7 (h) "Prescription care" means medications prescribed by a
8 licensed physician and any health-related services deemed
9 medically necessary to determine the need or effectiveness of the
10 medications.

11 (i) "Psychiatric care" means direct or consultative services
12 provided by a psychiatrist licensed in the state in which the
13 psychiatrist practices.

14 (j) "Psychological care" means direct or consultative services
15 provided by a psychologist licensed in the state in which the
16 psychologist practices.

17 (k) "Screening for autism spectrum disorders" means
18 medically necessary assessments, evaluations or tests to screen
19 and diagnose whether a person has an autism spectrum disorder.

20 (l) "Therapeutic care" means services provided by licensed or
21 certified speech pathologists, occupational therapists and physical
22 therapists.

23 (m) "Treatment plan" means a plan to treat an autism
24 spectrum disorder that is prescribed by a licensed physician or
25 licensed psychologist and is developed pursuant to a
26 comprehensive evaluation in coordination with a licensed
27 behavior analyst.

28 **Sec. 4.** (Deleted by amendment.)

29 **Sec. 5.** Chapter 695C of NRS is hereby amended by adding
30 thereto a new section to read as follows:

31 1. A health care plan issued by a health maintenance
32 organization must provide coverage for screening for and
33 diagnosis of autism spectrum disorders and for treatment of
34 autism spectrum disorders to persons covered by the health care
35 plan under the age of 18 or, if enrolled in high school, under the
36 age of 21.

37 2. Coverage provided under this section is subject to:

38 (a) A maximum benefit of \$36,000 per year for applied
39 behavior analysis treatment; and

40 (b) Copayment, deductible and coinsurance provisions and any
41 other general exclusion or limitation of a health insurance policy
42 to the same extent as other medical services or prescription drugs
43 covered by the policy.

44 3. A health care plan issued by a health maintenance
45 organization that provides coverage for outpatient care shall not:



1 (a) *Require an insured to pay a higher deductible, copayment*
2 *or coinsurance or require a longer waiting period for coverage for*
3 *outpatient care related to autism spectrum disorders than is*
4 *required for other outpatient care covered by the plan; or*

5 (b) *Refuse to issue a health care plan or cancel a health care*
6 *plan solely because the person applying for or covered by the plan*
7 *uses or may use in the future any of the services listed in*
8 *subsection 1.*

9 4. *Except as provided in subsections 1 and 2, a health*
10 *maintenance organization shall not limit the number of visits an*
11 *insured may make to any person, entity or group for treatment of*
12 *autism spectrum disorders.*

13 5. *Treatment of autism spectrum disorders must be identified*
14 *in a treatment plan and may include medically necessary*
15 *habilitative or rehabilitative care, prescription care, psychiatric*
16 *care, psychological care, behavior therapy or therapeutic care that*
17 *is:*

18 (a) *Prescribed for a person diagnosed with an autism spectrum*
19 *disorder by a licensed physician or licensed psychologist; and*

20 (b) *Provided for a person diagnosed with an autism spectrum*
21 *disorder by a licensed physician, licensed psychologist, licensed*
22 *behavior analyst or other provider that is supervised by the*
23 *licensed physician, psychologist or behavior analyst.*

24 ↪ *An insurer may request a copy of and review a treatment plan*
25 *created pursuant to this subsection.*

26 6. *Evidence of coverage subject to the provisions of this*
27 *chapter that is delivered, issued for delivery or renewed on or after*
28 *January 1, 2011, has the legal effect of including the coverage*
29 *required by subsection 1, and any provision of the evidence of*
30 *coverage or the renewal which is in conflict with subsections 1 or*
31 *2 is void.*

32 7. *Nothing in this section shall be construed as requiring an*
33 *insurer to provide reimbursement to an early intervention agency*
34 *or school for services delivered through early intervention or*
35 *school services.*

36 8. *As used in this section:*

37 (a) *“Applied behavior analysis” means the design,*
38 *implementation and evaluation of environmental modifications*
39 *using behavioral stimuli and consequences to produce socially*
40 *significant improvement in human behavior, including, without*
41 *limitation, the use of direct observation, measurement and*
42 *functional analysis of the relations between environment and*
43 *behavior.*

44 (b) *“Autism spectrum disorders” means a neurobiological*
45 *medical condition including, without limitation, autistic disorder,*



1 *Asperger's Disorder and Pervasive Developmental Disorder Not*
2 *Otherwise Specified.*

3 (c) *"Behavioral therapy" means any interactive therapy*
4 *derived from evidence-based research, including, without*
5 *limitation, discrete trial training, early intensive behavioral*
6 *intervention, intensive intervention programs, pivotal response*
7 *training and verbal behavior provided by a licensed behavior*
8 *analyst or a licensed autism behavior therapist providing services*
9 *under the supervision of a licensed behavior analyst.*

10 (d) *"Evidence-based research" means research that applies*
11 *rigorous, systematic and objective procedures to obtain valid*
12 *knowledge relevant to autism spectrum disorders.*

13 (e) *"Habilitative or rehabilitative care" means counseling,*
14 *guidance and professional services and treatment programs,*
15 *including, without limitation, applied behavior analysis, that are*
16 *necessary to develop, maintain and restore, to the maximum extent*
17 *practicable, the functioning of a person.*

18 (f) *"Licensed autism behavior therapist" means a person who*
19 *is certified as an autism behavior therapist by the Board of*
20 *Psychological Examiners and who provides behavioral therapy*
21 *under the supervision of a licensed behavior analyst.*

22 (g) *"Licensed behavior analyst" means a person who holds*
23 *current certification or meets the standards to be certified as a*
24 *board certified behavior analyst issued by the Behavior Analyst*
25 *Certification Board, Inc., or any successor in interest to that*
26 *organization and who is licensed as a behavior analyst by the*
27 *Board of Psychological Examiners.*

28 (h) *"Prescription care" means medications prescribed by a*
29 *licensed physician and any health-related services deemed*
30 *medically necessary to determine the need or effectiveness of the*
31 *medications.*

32 (i) *"Psychiatric care" means direct or consultative services*
33 *provided by a psychiatrist licensed in the state in which the*
34 *psychiatrist practices.*

35 (j) *"Psychological care" means direct or consultative services*
36 *provided by a psychologist licensed in the state in which the*
37 *psychologist practices.*

38 (k) *"Screening for autism spectrum disorders" means*
39 *medically necessary assessments, evaluations or tests to screen*
40 *and diagnose whether a person has an autism spectrum disorder.*

41 (l) *"Therapeutic care" means services provided by licensed or*
42 *certified speech pathologists, occupational therapists and physical*
43 *therapists.*

44 (m) *"Treatment plan" means a plan to treat an autism*
45 *spectrum disorder that is prescribed by a licensed physician or*



1 *licensed psychologist and is developed pursuant to a*
2 *comprehensive evaluation in coordination with a licensed*
3 *behavior analyst.*

4 **Sec. 6.** NRS 695C.050 is hereby amended to read as follows:

5 695C.050 1. Except as otherwise provided in this chapter or
6 in specific provisions of this title, the provisions of this title are not
7 applicable to any health maintenance organization granted a
8 certificate of authority under this chapter. This provision does not
9 apply to an insurer licensed and regulated pursuant to this title
10 except with respect to its activities as a health maintenance
11 organization authorized and regulated pursuant to this chapter.

12 2. Solicitation of enrollees by a health maintenance
13 organization granted a certificate of authority, or its representatives,
14 must not be construed to violate any provision of law relating to
15 solicitation or advertising by practitioners of a healing art.

16 3. Any health maintenance organization authorized under this
17 chapter shall not be deemed to be practicing medicine and is exempt
18 from the provisions of chapter 630 of NRS.

19 4. The provisions of NRS 695C.110, 695C.125, 695C.1691,
20 695C.1693, 695C.170 to 695C.200, inclusive, *and section 5 of this*
21 *act*, 695C.250 and 695C.265 do not apply to a health maintenance
22 organization that provides health care services through managed
23 care to recipients of Medicaid under the State Plan for Medicaid or
24 insurance pursuant to the Children's Health Insurance Program
25 pursuant to a contract with the Division of Health Care Financing
26 and Policy of the Department of Health and Human Services. This
27 subsection does not exempt a health maintenance organization from
28 any provision of this chapter for services provided pursuant to any
29 other contract.

30 5. The provisions of NRS 695C.1694, 695C.1695 and
31 695C.1731 apply to a health maintenance organization that provides
32 health care services through managed care to recipients of Medicaid
33 under the State Plan for Medicaid.

34 **Sec. 7.** NRS 695C.330 is hereby amended to read as follows:

35 695C.330 1. The Commissioner may suspend or revoke any
36 certificate of authority issued to a health maintenance organization
37 pursuant to the provisions of this chapter if he finds that any of the
38 following conditions exist:

39 (a) The health maintenance organization is operating
40 significantly in contravention of its basic organizational document,
41 its health care plan or in a manner contrary to that described in and
42 reasonably inferred from any other information submitted pursuant
43 to NRS 695C.060, 695C.070 and 695C.140, unless any amendments
44 to those submissions have been filed with and approved by the
45 Commissioner;



1 (b) The health maintenance organization issues evidence of
2 coverage or uses a schedule of charges for health care services
3 which do not comply with the requirements of NRS 695C.1691 to
4 695C.200, inclusive, *and section 5 of this act*, or 695C.207;

5 (c) The health care plan does not furnish comprehensive health
6 care services as provided for in NRS 695C.060;

7 (d) The State Board of Health certifies to the Commissioner that
8 the health maintenance organization:

9 (1) Does not meet the requirements of subsection 2 of NRS
10 695C.080; or

11 (2) Is unable to fulfill its obligations to furnish health care
12 services as required under its health care plan;

13 (e) The health maintenance organization is no longer financially
14 responsible and may reasonably be expected to be unable to meet its
15 obligations to enrollees or prospective enrollees;

16 (f) The health maintenance organization has failed to put into
17 effect a mechanism affording the enrollees an opportunity to
18 participate in matters relating to the content of programs pursuant to
19 NRS 695C.110;

20 (g) The health maintenance organization has failed to put into
21 effect the system required by NRS 695C.260 for:

22 (1) Resolving complaints in a manner reasonably to dispose
23 of valid complaints; and

24 (2) Conducting external reviews of final adverse
25 determinations that comply with the provisions of NRS 695G.241 to
26 695G.310, inclusive;

27 (h) The health maintenance organization or any person on its
28 behalf has advertised or merchandised its services in an untrue,
29 misrepresentative, misleading, deceptive or unfair manner;

30 (i) The continued operation of the health maintenance
31 organization would be hazardous to its enrollees;

32 (j) The health maintenance organization fails to provide the
33 coverage required by NRS 695C.1691; or

34 (k) The health maintenance organization has otherwise failed to
35 comply substantially with the provisions of this chapter.

36 2. A certificate of authority must be suspended or revoked only
37 after compliance with the requirements of NRS 695C.340.

38 3. If the certificate of authority of a health maintenance
39 organization is suspended, the health maintenance organization shall
40 not, during the period of that suspension, enroll any additional
41 groups or new individual contracts, unless those groups or persons
42 were contracted for before the date of suspension.

43 4. If the certificate of authority of a health maintenance
44 organization is revoked, the organization shall proceed, immediately
45 following the effective date of the order of revocation, to wind up its



1 affairs and shall conduct no further business except as may be
2 essential to the orderly conclusion of the affairs of the organization.
3 It shall engage in no further advertising or solicitation of any kind.
4 The Commissioner may, by written order, permit such further
5 operation of the organization as he may find to be in the best interest
6 of enrollees to the end that enrollees are afforded the greatest
7 practical opportunity to obtain continuing coverage for health care.

8 **Sec. 8.** Chapter 695G of NRS is hereby amended by adding
9 thereto a new section to read as follows:

10 *1. A health care plan issued by a managed care organization*
11 *must provide coverage for screening for and diagnosis of autism*
12 *spectrum disorders and for treatment of autism spectrum disorders*
13 *to persons covered by the health care plan under the age of 18 or,*
14 *if enrolled in high school, under the age of 21.*

15 *2. Coverage provided under this section is subject to:*

16 *(a) A maximum benefit of \$36,000 per year for applied*
17 *behavior analysis treatment; and*

18 *(b) Copayment, deductible and coinsurance provisions and any*
19 *other general exclusion or limitation of a health insurance policy*
20 *to the same extent as other medical services or prescription drugs*
21 *covered by the policy.*

22 *3. A managed care organization that offers or issues a health*
23 *care plan which provides coverage for outpatient care shall not:*

24 *(a) Require an insured to pay a higher deductible, copayment*
25 *or coinsurance or require a longer waiting period for coverage for*
26 *outpatient care related to autism spectrum disorders than is*
27 *required for other outpatient care covered by the plan; or*

28 *(b) Refuse to issue a health care plan or cancel a health care*
29 *plan solely because the person applying for or covered by the plan*
30 *uses or may use in the future any of the services listed in*
31 *subsection 1.*

32 *4. Except as provided in subsections 1 and 2, a managed care*
33 *organization shall not limit the number of visits an insured may*
34 *make to any person, entity or group for treatment of autism*
35 *spectrum disorders.*

36 *5. Treatment of autism spectrum disorders must be identified*
37 *in a treatment plan and may include medically necessary*
38 *habilitative or rehabilitative care, prescription care, psychiatric*
39 *care, psychological care, behavior therapy or therapeutic care that*
40 *is:*

41 *(a) Prescribed for a person diagnosed with an autism spectrum*
42 *disorder by a licensed physician or licensed psychologist; and*

43 *(b) Provided for a person diagnosed with an autism spectrum*
44 *disorder by a licensed physician, licensed psychologist, licensed*



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1 *behavior analyst or other provider that is supervised by the*
2 *licensed physician, psychologist or behavior analyst.*

3 *↳ An insurer may request a copy of and review a treatment plan*
4 *created pursuant to this subsection.*

5 *6. An evidence of coverage subject to the provisions of this*
6 *chapter that is delivered, issued for delivery or renewed on or after*
7 *January 1, 2011, has the legal effect of including the coverage*
8 *required by subsection 1, and any provision of the evidence of*
9 *coverage or the renewal which is in conflict with subsections 1 or*
10 *2 is void.*

11 *7. Nothing in this section shall be construed as requiring an*
12 *insurer to provide reimbursement to an early intervention agency*
13 *or school for services delivered through early intervention or*
14 *school services.*

15 *8. As used in this section:*

16 *(a) "Applied behavior analysis" means the design,*
17 *implementation and evaluation of environmental modifications*
18 *using behavioral stimuli and consequences to produce socially*
19 *significant improvement in human behavior, including, without*
20 *limitation, the use of direct observation, measurement and*
21 *functional analysis of the relations between environment and*
22 *behavior.*

23 *(b) "Autism spectrum disorders" means a neurobiological*
24 *medical condition including, without limitation, autistic disorder,*
25 *Asperger's Disorder and Pervasive Developmental Disorder Not*
26 *Otherwise Specified.*

27 *(c) "Behavioral therapy" means any interactive therapy*
28 *derived from evidence-based research, including, without*
29 *limitation, discrete trial training, early intensive behavioral*
30 *intervention, intensive intervention programs, pivotal response*
31 *training and verbal behavior provided by a licensed behavior*
32 *analyst or a licensed autism behavior therapist providing services*
33 *under the supervision of a licensed behavior analyst.*

34 *(d) "Evidence-based research" means research that applies*
35 *rigorous, systematic and objective procedures to obtain valid*
36 *knowledge relevant to autism spectrum disorders.*

37 *(e) "Habilitative or rehabilitative care" means counseling,*
38 *guidance and professional services and treatment programs,*
39 *including, without limitation, applied behavior analysis, that are*
40 *necessary to develop, maintain and restore, to the maximum extent*
41 *practicable, the functioning of a person.*

42 *(f) "Licensed autism behavior therapist" means a person who*
43 *is certified as an autism behavior therapist by the Board of*
44 *Psychological Examiners and who provides behavioral therapy*
45 *under the supervision of a licensed behavior analyst.*



1 (g) *“Licensed behavior analyst” means a person who holds*
2 *current certification or meets the standards to be certified as a*
3 *board certified behavior analyst issued by the Behavior Analyst*
4 *Certification Board, Inc., or any successor in interest to that*
5 *organization and who is licensed as a behavior analyst by the*
6 *Board of Psychological Examiners.*

7 (h) *“Prescription care” means medications prescribed by a*
8 *licensed physician and any health-related services deemed*
9 *medically necessary to determine the need or effectiveness of the*
10 *medications.*

11 (i) *“Psychiatric care” means direct or consultative services*
12 *provided by a psychiatrist licensed in the state in which the*
13 *psychiatrist practices.*

14 (j) *“Psychological care” means direct or consultative services*
15 *provided by a psychologist licensed in the state in which the*
16 *psychologist practices.*

17 (k) *“Screening for autism spectrum disorders” means*
18 *medically necessary assessments, evaluations or tests to screen*
19 *and diagnose whether a person has an autism spectrum disorder.*

20 (l) *“Therapeutic care” means services provided by licensed or*
21 *certified speech pathologists, occupational therapists and physical*
22 *therapists.*

23 (m) *“Treatment plan” means a plan to treat an autism*
24 *spectrum disorder that is prescribed by a licensed physician or*
25 *licensed psychologist and is developed pursuant to a*
26 *comprehensive evaluation in coordination with a licensed*
27 *behavior analyst.*

28 **Sec. 8.5.** NRS 695G.090 is hereby amended to read as
29 follows:

30 695G.090 1. Except as otherwise provided in subsection 3,
31 the provisions of this chapter apply to each organization and insurer
32 that operates as a managed care organization and may include,
33 without limitation, an insurer that issues a policy of health
34 insurance, an insurer that issues a policy of individual or group
35 health insurance, a carrier serving small employers, a fraternal
36 benefit society, a hospital or medical service corporation and a
37 health maintenance organization.

38 2. In addition to the provisions of this chapter, each managed
39 care organization shall comply with:

40 (a) The provisions of chapter 686A of NRS, including all
41 obligations and remedies set forth therein; and

42 (b) Any other applicable provision of this title.

43 3. The provisions of NRS 695G.164, 695G.200 to 695G.230,
44 inclusive, ~~and~~ 695G.430 *and section 8 of this act* do not apply to a
45 managed care organization that provides health care services to



1 recipients of Medicaid under the State Plan for Medicaid or
2 insurance pursuant to the Children's Health Insurance Program
3 pursuant to a contract with the Division of Health Care Financing
4 and Policy of the Department of Health and Human Services. This
5 subsection does not exempt a managed care organization from any
6 provision of this chapter for services provided pursuant to any other
7 contract.

8 **Sec. 9.** (Deleted by amendment.)

9 **Sec. 10.** (Deleted by amendment.)

10 **Sec. 11.** (Deleted by amendment.)

11 **Sec. 12.** Chapter 641 of NRS is hereby amended by adding
12 thereto a new section to read as follows:

13 *The Board shall adopt regulations that establish the grounds*
14 *for disciplinary action for a licensed behavior analyst or autism*
15 *behavior therapist.*

16 **Sec. 13.** NRS 641.170 is hereby amended to read as follows:

17 641.170 1. Each application *for licensure as a psychologist*
18 must be accompanied by evidence satisfactory to the Board that the
19 applicant:

20 (a) Is at least 21 years of age.

21 (b) Is of good moral character as determined by the Board.

22 (c) Is a citizen of the United States, or is lawfully entitled to
23 remain and work in the United States.

24 (d) Has earned a doctorate in psychology from an accredited
25 educational institution approved by the Board, or has other
26 doctorate-level training from an accredited educational institution
27 deemed equivalent by the Board in both subject matter and extent of
28 training.

29 (e) Has at least 2 years of experience satisfactory to the Board, 1
30 year of which must be postdoctoral experience in accordance with
31 the requirements established by regulations of the Board.

32 2. *Each application for licensure as a behavior analyst or*
33 *autism behavior therapist must be accompanied by evidence*
34 *satisfactory to the Board that the applicant:*

35 (a) *Is at least 21 years of age.*

36 (b) *Is of good moral character as determined by the Board.*

37 (c) *Is a citizen of the United States, or is lawfully entitled to*
38 *remain and work in the United States.*

39 (d) *Has completed education or training in accordance with*
40 *the requirements established by regulations of the Board.*

41 3. Within 120 days after receiving an application and the
42 accompanying evidence from an applicant, the Board shall:

43 (a) Evaluate the application and accompanying evidence and
44 determine whether the applicant is qualified pursuant to this section
45 for licensure ; [~~as a psychologist;~~] and



1 (b) Issue a written statement to the applicant of its
2 determination.

3 3. The written statement issued to the applicant pursuant to
4 subsection ~~2~~ 3 must include:

5 (a) If the Board determines that the qualifications of the
6 applicant are insufficient for licensure, a detailed explanation of the
7 reasons for that determination.

8 (b) If the applicant *for licensure as a psychologist* has not
9 earned a doctorate in psychology from an accredited educational
10 institution approved by the Board and the Board determines that his
11 doctorate-level training from an accredited educational institution is
12 not equivalent in subject matter and extent of training, a detailed
13 explanation of the reasons for that determination.

14 **Sec. 14.** NRS 641.180 is hereby amended to read as follows:

15 641.180 1. Except as otherwise provided in this section and
16 NRS 641.190, each applicant for a license *as a psychologist* must
17 pass the Examination for the Professional Practice of Psychology in
18 the form administered by the Association of State and Provincial
19 Psychology Boards and approved for use in this State by the Board.
20 In addition to this written examination, the Board may require an
21 oral examination in whatever applied or theoretical fields it deems
22 appropriate.

23 2. The examination must be given at least once a year, and may
24 be given more often if deemed necessary by the Board. The
25 examination must be given at a time and place, and under such
26 supervision, as the Board may determine.

27 3. The Board shall notify each applicant of the results of his
28 written examination and supply him with a copy of all material
29 information about those results provided to the Board by the
30 Association of State and Provincial Psychology Boards.

31 4. If an applicant fails the examination, he may request in
32 writing that the Board review his examination.

33 5. The Board may waive the requirement of a written
34 examination for a person who:

35 (a) Is licensed in another state;

36 (b) Has 10 years experience; and

37 (c) Is a diplomate in the American Board of Professional
38 Psychology or a fellow in the American Psychological Association,
39 or who has other equivalent status as determined by the Board.

40 **Sec. 15.** The Board of Psychological Examiners shall begin
41 licensing behavior analysts and autism behavior therapists pursuant
42 to section 13 of this act no later than January 1, 2010.

43 **Sec. 16.** 1. This act becomes effective upon passage and
44 approval for the purpose of adopting regulations and licensing
45 behavior analysts and autism behavior therapists.



- 1 2. This section and sections 3 to 15, inclusive, of this act
- 2 become effective on October 1, 2009.
- 3 3. Sections 1 and 2 of this act become effective on January 1,
- 4 2011.



