

SENATE BILL NO. 74

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY SENATORS ELLIS, French, Wielechowski, Wagoner, Meyer, Menard, Paskvan, McGuire, Davis, Thomas, Olson, Egan, Kookesh

REPRESENTATIVES Saddler, Austerman, Muñoz, Tuck, Holmes, Gruenberg, Johansen, Costello, Kawasaki, Stoltze, Kerttula, Miller, Edgmon, Millett, Foster

Introduced: 1/28/11

Referred: Health and Social Services, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring insurance coverage for autism spectrum disorders, describing the**
2 **method for establishing a covered treatment plan for those disorders, and defining the**
3 **covered treatment for those disorders; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 21.42 is amended by adding a new section to read:

6 **Sec. 21.42.397. Coverage for autism spectrum disorders.** (a) Except for a
7 fraternal benefit society, a health care insurer that offers, issues for delivery, delivers,
8 or renews a health care insurance plan in this state shall provide coverage for the costs
9 of the diagnosis and treatment of autism spectrum disorders. Coverage required by this
10 subsection must include treatment prescribed by a licensed physician or psychologist,
11 provided by or supervised by an autism service provider, and as identified in a
12 treatment plan developed following a comprehensive evaluation. Covered treatment
13 may include medically necessary pharmacy care, psychiatric care, psychological care,
14 habilitative or rehabilitative care, and therapeutic care. In this subsection,

1 (1) "habilitative or rehabilitative care" means professional counseling,
2 guidance services, and treatment programs, including applied behavior analysis or
3 other structured behavioral therapies necessary to develop, restore, and maintain the
4 functioning of an individual to the maximum extent practicable; in this paragraph,
5 "applied behavior analysis" means the design, implementation, and evaluation of
6 environmental modifications, using behavioral stimuli and consequences, including
7 direct observation, measurement, and functional analysis of the relationship between
8 environment and behavior, to produce socially significant improvement in human
9 behavior or to prevent the loss of an attained skill or function;

10 (2) "therapeutic care" means services provided by or under the
11 supervision of a speech-language pathologist licensed under AS 08.11 or an
12 occupational therapist or physical therapist licensed under AS 08.84.

13 (b) Coverage under this section

14 (1) is required to be provided only to individuals under 21 years of
15 age;

16 (2) may not limit the number of visits to an autism service provider for
17 treatment;

18 (3) is subject to copayment, deductible, and coinsurance provisions,
19 and other general exclusions or limitations included in a health insurance policy to the
20 same extent as other health care services covered by the policy; and

21 (4) must cover medically necessary treatment that is coordinated with
22 an education program, but may not be contingent on the coordination of treatment
23 with an education program.

24 (c) This section does not limit benefits that are otherwise available to an
25 individual under a health care insurance plan.

26 (d) A health care insurer may not refuse to deliver, execute, issue, amend, or
27 renew coverage to an individual or terminate coverage because the individual is
28 diagnosed with or received treatment for autism spectrum disorders.

29 (e) In this section,

30 (1) "autism service provider" means an individual who is licensed,
31 certified, or registered by the applicable state licensing board or by a nationally

1 recognized certifying organization and who provides direct services to an individual
2 with an autism spectrum disorder;

3 (2) "autism spectrum disorders" means pervasive developmental
4 disorders, or a group of conditions having substantially the same characteristics as
5 pervasive developmental disorders, as defined in the American Psychiatric
6 Association's Diagnostic and Statistical Manual of Mental Disorders-IV-TR, as
7 amended or reissued from time to time;

8 (3) "health care insurance plan" has the meaning given in
9 AS 21.54.500;

10 (4) "health care insurer" has the meaning given in AS 21.54.500;

11 (5) "medically necessary" means any care, treatment, intervention,
12 service, or item prescribed by a licensed physician or psychologist in accordance with
13 accepted standards of practice that will, or is reasonably expected to,

14 (A) prevent the onset of an illness, condition, injury, or
15 disability;

16 (B) reduce or ameliorate the physical, mental, or developmental
17 effects of an illness, condition, injury, or disability;

18 (C) assist to achieve or maintain maximum functional capacity
19 in performing daily activities, taking into account both the functional capacity
20 of the individual and the functional capacity of other persons of the individual's
21 age.

22 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 **APPLICABILITY.** AS 21.42.397, enacted by sec. 1 of this Act, applies to a health
25 insurance policy that is offered, issued for delivery, delivered, or renewed on or after
26 January 1, 2012.

27 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).