

27-LS0443\E
Bailey
4/14/12

HOUSE CS FOR SENATE BILL NO. 74()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): 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, Gardner, Feige, Doogan, Gara, Cissna, Petersen, Guttenberg, Herron, Seaton, Peggy Wilson, Thompson, Olson, Lynn, Dick

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, psychologist, or
11 advanced nurse practitioner, provided by or supervised by an autism service provider,
12 and as identified in a treatment plan developed following a comprehensive evaluation.
13 Covered treatment includes medically necessary pharmacy care, psychiatric care,
14 psychological care, habilitative or rehabilitative care, and therapeutic care. In this

1 subsection,

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

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

14 (b) Coverage under this section

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

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

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

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

25 (c) An insurer providing health care insurance to a small employer in the
26 group market with 20 or fewer employees is not required to provide insurance
27 coverage to the small employer that includes the coverage required under (a) of this
28 section.

29 (d) The director may waive the coverage required in this section for an insurer
30 providing health care insurance to a small employer in the group market with 21 - 25
31 employees if the small employer demonstrates to the director by actual claims

1 experience over any consecutive 12-month period that compliance with this section
2 has increased the premium cost of the small employer's health insurance policy by
3 three percent or more during the consecutive 12-month period.

4 (e) This section does not limit benefits that are otherwise available to an
5 individual under a health care insurance plan.

6 (f) A health care insurer may not refuse to deliver, execute, issue, amend, or
7 renew coverage to an individual or terminate coverage because the individual is
8 diagnosed with or has received treatment for autism spectrum disorders.

9 (g) In this section,

10 (1) "autism service provider" means an individual who is licensed,
11 certified, or registered by the applicable state licensing board or by a nationally
12 recognized certifying organization and who provides direct services to an individual
13 with an autism spectrum disorder;

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

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

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

22 (5) "medically necessary" means any care, treatment, intervention,
23 service, or item prescribed by a licensed physician, psychologist, or advanced nurse
24 practitioner in accordance with accepted standards of practice that will, or is
25 reasonably expected to,

26 (A) prevent the onset of an illness, condition, injury, or
27 disability;

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

30 (C) assist to achieve or maintain maximum functional capacity
31 in performing daily activities, taking into account both the functional capacity

1 of the individual and the functional capacity of other persons of the individual's
2 age.

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

5 **APPLICABILITY.** AS 21.42.397, enacted by sec. 1 of this Act, applies to a health
6 insurance policy that is offered, issued for delivery, delivered, or renewed on or after
7 January 1, 2013.

8 * **Sec. 3.** This Act takes effect January 1, 2013.