

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Haddad, James J. O'Day

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Insurance Coverage for Pervasive Developmental Disorders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia A. Haddad	5th Bristol
James J. O'Day	14th Worcester District

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO INSURANCE COVERAGE FOR PERVASIVE DEVELOPMENTAL DISORDERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 32A of the General Laws is hereby amended by adding the following section:-

2 Section 23. (a) The commission shall provide to any active or retired employee of the commonwealth who
3 is insured under the group insurance commission coverage on a nondiscriminatory basis for the diagnosis
4 and treatment of the following pervasive developmental disorders, as described in the most recent edition
5 of the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this
6 section as "the DSM IV": (1) autistic disorder, (2) asperger's disorder, (3) pervasive developmental
7 disorder - not otherwise specified, (4) rett's disorder, and (5) childhood disintegrative disorder appearing
8 in the DSM that are scientifically recognized and approved by the commissioner of the division of
9 insurance.

10 (b) In addition to the coverage established pursuant to this section, any such health plan shall also
11 provide coverage on a non-discriminatory basis for children and adolescents under the age of 19 for the
12 diagnosis and treatment of following pervasive developmental disorders, as described in the most recent
13 edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this
14 section as "the DSM IV": (1) autistic disorder, (2) asperger's disorder, (3) pervasive developmental
15 disorder - not otherwise specified, (4) rett's disorder, and (5) childhood disintegrative disorder which
16 substantially interfere with or substantially limit the functioning and social interactions of such a child or
17 adolescent; provided, that said interference or limitation is documented by and the referral for said
18 diagnosis and treatment is made by the primary care physician, primary pediatrician, or a licensed health
19 professional of such a child or adolescent or is evidenced by conduct. Any such health plan shall continue
20 to provide such coverage to any adolescent who is engaged in an ongoing course of treatment beyond
21 the adolescent's nineteenth birthday until said course of treatment, as specified in said adolescent's
22 treatment plan, is completed and while the benefit contract under which such benefits first became
23 available remains in effect, or subject to a subsequent benefits contract which is in effect.

24 (d) Any such health plan shall be deemed to be providing such coverage on a non-discriminatory basis if
25 said plan does not contain any annual or lifetime dollar or unit of service limitation on coverage for the
26 diagnosis and treatment of said pervasive developmental disorders which is less than any annual or
27 lifetime dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical
28 conditions.

29 (e) The commission shall also provide medically necessary coverage for the diagnosis and treatment of
30 all other pervasive developmental disorders not otherwise provided for in this section and which are
31 described in the most recent edition of the DSM IV during each 12 month period for a minimum of 60
32 visits.

33 (f) The coverage authorized pursuant to this section shall consist of a range of services that shall permit
34 medically necessary and active and noncustodial treatment for said pervasive developmental disorders to
35 take place in the least restrictive clinically appropriate setting. The commission may, as a condition of
36 providing coverage pursuant to this section, require consent to the disclosure of information regarding
37 services for pervasive developmental disorders only to the same or similar extent in which it requires
38 consent for the disclosure of information for other medical conditions. Only licensed health professionals
39 shall be allowed to deny services mandated by this section. The provisions of this subsection shall not be
40 construed as applying to denials of service resulting from an insured's lack of insurance coverage or the
41 use of a facility or professional which, if applicable, has not entered into a negotiated agreement with a
42 health plan. The benefits provided in any insurance plan pursuant to this section shall meet all other
43 terms and conditions of the plan not inconsistent with this section.

44 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting the following new section
45 after section 47B:-

46 Section 47C. (a) Any individual policy of accident and sickness insurance issued pursuant to section 108,
47 which provides hospital expense and surgical expense insurance, and any group blanket or general
48 policy of accident and sickness insurance issued pursuant to section 110, which provides hospital
49 expense and surgical expense insurance, which is issued or renewed within or without the
50 commonwealth, shall provide benefits on a nondiscriminatory basis to residents of the commonwealth
51 and to all policyholders having a principal place of employment in the commonwealth for the diagnosis
52 and treatment of the following pervasive developmental disorders, as described in the most recent edition
53 of the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this
54 section as "the DSM IV": (1) autistic disorder, (2) asperger's disorder, (3) pervasive developmental
55 disorder - not otherwise specified, (4) rett's disorder, and (5) childhood disintegrative disorder, and (6) any
56 pervasive developmental disorders appearing in the DSM that are scientifically recognized and approved
57 by the commissioner of the division of insurance.

58 (b) In addition to the benefits established pursuant to this section, any such policy shall also provide
59 benefits on a non-discriminatory basis for children and adolescents under the age of 19 for the diagnosis
60 and treatment of pervasive developmental disorders, as described in the most recent edition of the DSM
61 IV, which substantially interfere with or substantially limit the functioning and social interactions of such a
62 child or adolescent; provided, that said interference or limitation is documented by and the referral for said
63 diagnosis and treatment is made by the primary care physician, primary pediatrician or a licensed health
64 professional of such a child or adolescent or is evidenced by conduct, including, but not limited to: (1) an
65 inability to attend school as a result of such a disorder, (2) the need to hospitalize the child or adolescent
66 as a result of such a disorder, or (3) a pattern of conduct or behavior caused by such a disorder which

67 poses a serious danger to self or others. The insurer shall continue to provide such benefits to any
68 adolescent who is engaged in an ongoing course of treatment beyond the adolescent's nineteenth
69 birthday until said course of treatment, as specified in said adolescent's treatment plan, is completed and
70 while the benefit contract under which such benefits first became available remains in effect, or subject to
71 a subsequent benefits contract which is in effect.

72 (d) Any such policy shall be deemed to be providing such benefits on a nondiscriminatory basis if the
73 policy does not contain any annual or lifetime dollar or unit of service limitation on coverage for the
74 diagnosis and treatment of said pervasive developmental disorders which is less than any annual or
75 lifetime dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical
76 conditions.

77 (e) Any such policy shall also provide medically necessary benefits for the diagnosis and treatment of all
78 other pervasive developmental disorders not otherwise provided for in this section and which are
79 described in the most recent edition of DSM during each 12 month period for a minimum of 60 days of
80 inpatient treatment and for a minimum of 24 outpatient visits.

81 (f) Nothing in this section shall be construed to exempt an individual policy of accident and sickness
82 insurance issued from paying for pervasive developmental disorder benefits or services: which are
83 provided to a person who has third party insurance and who is presently incarcerated, confined or
84 committed to a jail, house of correction or prison, or custodial facility in the department of youth services
85 within the commonwealth or one of its political subdivisions; including those which constitute educational
86 services and would otherwise be required to be provided by a school committee pursuant to section 5 of
87 chapter 71B; or which constitute services provided by the department of mental health or department of
88 mental retardation.

89 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after section 8B, the
90 following section:-

91 Section 8C. (a) Any contract between a subscriber and the corporation under an individual or group
92 hospital service plan which is issued or renewed within or without the commonwealth shall provide
93 pervasive developmental disorder benefits on a nondiscriminatory basis to residents of the
94 commonwealth and to all individual subscribers and members and group members having a principal
95 place of employment in the he commonwealth for the diagnosis and treatment of the following pervasive
96 developmental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual
97 of the American Psychiatric Association, referred to in this section as "the DSM IV": (1) autistic disorder,
98 (2) asperger's disorder, (3) pervasive developmental disorder - not otherwise specified, (4) rett's disorder,
99 and (5) childhood disintegrative disorder, and (6) any pervasive developmental disorders appearing in the
100 DSM that are scientifically recognized and approved by the commissioner of the department of mental
101 health in consultation with the commissioner of the division of insurance.

102 (b) In addition to the pervasive developmental disorder benefits established pursuant to this section, any
103 such contract shall also provide benefits on a non-discriminatory basis for children and adolescents under
104 the age of 19 for the diagnosis and treatment of pervasive developmental disorder, behavioral or
105 emotional disorders, as described in the most recent edition of the DSM IV, which substantially interfere
106 with or substantially limit the functioning and social interactions of such a child or adolescent; provided,
107 that said interference or limitation is documented by and the referral for said diagnosis and treatment is
108 made by the primary care physician, primary pediatrician or a licensed health professional of such a child

109 or adolescent or is evidenced by conduct, including, but not limited to: (1) an inability to attend school as
110 a result of such a disorder, (2) the need to hospitalize the child or adolescent as a result of such a
111 disorder, or (3) a pattern of conduct or behavior caused by such a disorder which poses a serious danger
112 to self or others. The nonprofit hospital service corporation shall continue to provide such benefits to any
113 adolescent who is engaged in an ongoing course of treatment beyond the adolescent's nineteenth
114 birthday until said course of treatment, as specified in said adolescent's treatment plan, is completed and
115 while the benefit contract under which such benefits first became available remains in effect, or subject to
116 a subsequent benefits contract which is in effect.

117 (c) Any such contract shall be deemed to be providing such coverage on a non-discriminatory basis if the
118 contract does not contain any annual or lifetime dollar or unit of service limitation on benefits for the
119 diagnosis and treatment of said mental disorders which is less than any annual or lifetime dollar or unit of
120 service limitation imposed on benefits for the diagnosis and treatment of physical conditions.

121 (d) Any such contract shall also provide medically necessary benefits for the diagnosis and treatment of
122 all other mental disorders not otherwise provided for in this section and which are described in the most
123 recent edition of the DSM IV during each 12 month period for a minimum of 60 days of inpatient treatment
124 and for a minimum of 24 outpatient visits.

125 (e) Benefits authorized pursuant to this section shall consist of a range of inpatient, intermediate, and
126 outpatient services that shall permit medically necessary and active and noncustodial treatment for said
127 pervasive developmental disorders to take place in the least restrictive clinically appropriate setting.

128 (f) Nothing in this section shall be construed to exempt a non-profit hospital service corporation insurer
129 from paying for pervasive developmental disorder benefits or services: which are provided to a person
130 who has third party insurance and who is presently incarcerated, confined or committed to a jail, house of
131 correction or prison, or custodial facility in the department of youth services within the commonwealth or
132 one of its political subdivisions; including those which constitute educational services and would otherwise
133 be required to be provided by a school committee pursuant to section 5 of chapter 71B; or which
134 constitute services provided by the department of mental health or department of mental retardation.

135 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after section 4C, the
136 following section:-

137 Section 4D. (a) Any subscription certificate under an individual or group medical service agreement which
138 is issued or renewed within or without the commonwealth shall provide pervasive developmental disorder
139 benefits on a nondiscriminatory basis to residents of the commonwealth and to all individual subscribers
140 and members within the commonwealth and to all group members having a principal place of
141 employment in the commonwealth for the diagnosis and treatment of the following pervasive
142 developmental disorder, as described in the most recent edition of the Diagnostic and Statistical Manual
143 of the American Psychiatric Association, referred to in this section as "the DSM IV": (1) autistic disorder,
144 (2) asperger's disorder, (3) pervasive developmental disorder - not otherwise specified, (4) rett's disorder,
145 and (5) childhood disintegrative disorder, and (6) any pervasive developmental disorders appearing in the
146 DSM Association that are scientifically recognized and approved by the commissioner of the division of
147 insurance.

148 (b) In addition to the pervasive developmental disorder benefits established pursuant to this section, any
149 such subscription certificate shall also provide benefits on a non-discriminatory basis for children and

150 adolescents under the age of 19 for the diagnosis and treatment of pervasive developmental disorders,
151 as described in the most recent edition of the DSM IV, which substantially interfere with or substantially
152 limit the functioning and social interactions of such a child or adolescent; provided, that said interference
153 or limitation is documented by and the referral for said diagnosis and treatment is made by the primary
154 care physician, primary pediatrician or a licensed mental health professional of such a child or adolescent
155 or is evidenced by conduct, including, but not limited to: (1) an inability to attend school as a result of such
156 a disorder, (2) the need to hospitalize the child or adolescent as a result of such a disorder, (3) a pattern
157 of conduct or behavior caused by such a disorder which poses a serious danger to self or others. The
158 nonprofit medical service corporation shall continue to provide such benefits to any adolescent who is
159 engaged in an ongoing course of treatment beyond the adolescent's nineteenth birthday until said course
160 of treatment, as specified in said adolescent's treatment plan, is completed and while the benefit contract
161 under which such benefits first became available remains in effect, or subject to a subsequent benefits
162 contract which is in effect.

163 (d) Any such subscription certificate shall be deemed to be providing such coverage on a
164 nondiscriminatory basis if the subscription certificate does not contain any annual or lifetime dollar or unit
165 of service limitation on coverage for the diagnosis and treatment of said pervasive developmental
166 disorders which is less than any annual or lifetime dollar or unit of service limitation imposed on coverage
167 for the diagnosis and treatment of physical conditions.

168 (e) Any such subscription certificate shall also provide medically necessary benefits for the diagnosis and
169 treatment of all other pervasive developmental disorders not otherwise provided for in this section and
170 which are described in the most recent edition of the DSM IV during each 12 month period for a minimum
171 of 60 days of inpatient treatment and for a minimum of 24 outpatient visits.

172 (f) Benefits authorized pursuant to this section shall consist of a range of inpatient, intermediate, and
173 outpatient services that shall permit medically necessary and active and noncustodial treatment for said
174 mental disorders to take place in the least restrictive clinically appropriate setting.

175 (g) Nothing in this section shall be construed to exempt a non-profit medical service corporation insurer
176 from paying for pervasive developmental disorder benefits or services: which are provided to a person
177 who has third party insurance and who is presently incarcerated, confined or committed to a jail, house of
178 correction or prison, or custodial facility in the department of youth services within the commonwealth or
179 one of its political subdivisions; including those which constitute educational services and would otherwise
180 be required to be provided by a school committee pursuant to section 5 of chapter 71B; or which
181 constitute services provided by the department of mental health or department of mental retardation.

182 SECTION 5. Said chapter 176G is hereby amended by inserting after section 4N, as so appearing, the
183 following section:-

184 Section 40. (a) A health maintenance contract issued or renewed within or without the commonwealth
185 shall provide pervasive developmental disorder benefits on a nondiscriminatory basis to residents of the
186 commonwealth and to all members or enrollees having a principal place of employment in the
187 commonwealth for the diagnosis and treatment of the following pervasive developmental disorders, as
188 described in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric
189 Association, referred to in this section as "the DSM IV": (1) autistic disorder, (2) asperger's disorder, (3)
190 pervasive developmental disorder - not otherwise specified, (4) rett's disorder, and (5) childhood

191 disintegrative disorder, and (6) any pervasive developmental disorders appearing in the DSM that are
192 scientifically recognized and approved by the commissioner of the division of insurance.

193 (b) In addition to said pervasive developmental disorder benefits established pursuant to this section, any
194 such health maintenance contract shall also provide benefits on a non-discriminatory basis to children
195 and adolescents under the age of 19 for the diagnosis and treatment of pervasive developmental
196 disorders, as described in the most recent edition of the DSM IV, which substantially interfere with or
197 substantially limit the functioning and social interactions of such a child or adolescent; provided, that said
198 interference or limitation is documented by and the referral for said diagnosis and treatment is made by
199 the primary care physician, primary pediatrician or a licensed health professional of such a child or
200 adolescent or is evidenced by conduct, including, but not limited to: (1) an inability to attend school as a
201 result of such a disorder, (2) the need to hospitalize the child or adolescent as a result of such a disorder,
202 (3) a pattern of conduct or behavior caused by such a disorder which poses a serious danger to self or
203 others. The health maintenance organization shall continue to provide such benefits to any adolescent
204 who is engaged in an ongoing course of treatment beyond the adolescent's nineteenth birthday until said
205 course of treatment, as specified in said adolescent's treatment plan, is completed and while the benefit
206 contract under which such benefits first became available remains in effect, or subject to a subsequent
207 benefits contract which is in effect.

208 (c) Any such health maintenance contract shall be deemed to be providing such coverage on a non-
209 discriminatory basis if the health maintenance contract does not contain any annual or lifetime dollar or
210 unit of service limitation on coverage for the diagnosis and treatment of said mental disorders which is
211 less than any annual or lifetime dollar or unit of service limitation imposed on coverage for the diagnosis
212 and treatment of physical conditions.

213 (d) Any such health maintenance contract shall also provide benefits for the diagnosis and treatment of all
214 other pervasive developmental disorders not otherwise provided for in this section and which are
215 described in the most recent edition of the DSM IV during each 12 month period for a minimum of 60
216 days of inpatient treatment and for a minimum of 24 outpatient visits.

217 (e) Benefits authorized pursuant to this section shall consist of a range of inpatient, intermediate, and
218 outpatient services that shall permit medically necessary and active and noncustodial treatment for said
219 pervasive developmental disorders to take place in the least restrictive clinically appropriate setting.

220 (f) Nothing in this section shall be construed to exempt a health maintenance organization insurer from
221 paying for pervasive developmental disorder benefits or services: which are provided to a person who has
222 third party insurance and who is presently incarcerated, confined or committed to a jail, house of
223 correction or prison, or custodial facility in the department of youth services within the commonwealth or
224 one of its political subdivisions; including those which constitute educational services and would otherwise
225 be required to be provided by a school committee pursuant to section 5 of chapter 71B; or which
226 constitute services provided by the department of mental health or department of mental retardation.

227 SECTION 6. All policies, contracts and certificates of health insurance subject to the provisions of
228 section 22 of chapter 32, section 47B of chapter 175, section 8A of chapter 176A, section 4A of chapter
229 176B, and section 4M of chapter 176G of the General Laws which are delivered, issued, or renewed on
230 or after January 1, 2002 shall conform with the provisions of this act. Form filings implementing this act
231 shall be subject to the approval of the commissioner of insurance.