

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Barbara A. L'Italien

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 autism.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Barbara A. L'Italien	18th Essex
Frederick E. Berry	

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO INSURANCE COVERAGE FOR AUTISM.

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
2 section:-
3 Section 24.

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5 (a) The commission shall provide to any active or retired employee of the commonwealth who is insured
6 under the group insurance commission benefits on a nondiscriminatory basis to residents of the
7 commonwealth and to all policyholders having a principal place of employment in the commonwealth
8 for the diagnosis and treatment of Autism Spectrum Disorder in individuals.

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10 (b) Any such policy shall be deemed to be providing such benefits on a nondiscriminatory basis if the
11 policy does not contain any annual or lifetime dollar or unit of service limitation on coverage for the
12 diagnosis and treatment of said Autism Spectrum Disorders which is less than any annual or lifetime
13 dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical
14 conditions.

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16 (c) This section will not be construed as limiting benefits that are otherwise available to an individual
17 under a health insurance policy.

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19 (d) Coverage under this section will not be subject to any limits on the number of visits an individual may
20 make to an autism services provider.

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22 (e) This section will not be construed as affecting any obligation to provide services to an individual
23 under an individualized family service plan, an individualized education program, or an individualized
24 service plan.

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(f) Definitions - As used in this section:

1. "Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.
2. "Autism services provider" means any person, entity, or group that provides treatment of autism spectrum disorders.
3. "Autism spectrum disorders" means any of the Pervasive Developmental Disorders (PDD) as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), including Autistic Disorder, Asperger's Disorder, and PDD Not Otherwise Specified.
4. "Board Certified Behavior Analyst" means a behavior analyst credentialed by the Behavior Analyst Certification Board as a Board Certified Behavior Analyst.
5. "Diagnosis of autism spectrum disorders" means medically necessary assessments, evaluations, including neuropsychological evaluations, genetic testing or other tests to diagnose whether an individual has one of the autism spectrum disorders.
6. "Habilitative or rehabilitative care" means professional, counseling, and guidance services and treatment programs, including applied behavior analysis supervised by a Board Certified Behavior Analyst, that are necessary to develop, maintain, and restore, to the maximum extent practicable, the functioning of an individual.
7. "Pharmacy care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications, to the same extent that pharmacy care is provided by the policy for other medical conditions.
8. "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.
9. "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.
10. "Therapeutic care" means services provided by licensed or certified speech therapists, occupational therapists, physical therapists or social workers.
11. "Treatment of Autism Spectrum Disorders" will include the following care prescribed, provided, or ordered for an individual diagnosed with one of the autism spectrum disorders by a licensed physician

66 or a licensed psychologist who determines the care to be medically necessary:

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68 a. habilitative or rehabilitative care;

69 b. pharmacy care;

70 c. psychiatric care;

71 d. psychological care; and

72 e. therapeutic care.

73 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting the following new section

74 after section 47T:-

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76 Section 47U

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78 (a) Any individual policy of accident and sickness insurance issued pursuant to section 108, which
79 provides hospital expense and surgical expense insurance, and any group blanket or general policy of
80 accident and sickness insurance issued pursuant to section 110, which provides hospital expense and
81 surgical expense insurance, which is issued or renewed within or without the commonwealth, shall
82 provide benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders
83 having a principal place of employment in the commonwealth for the diagnosis and treatment of Autism
84 Spectrum Disorder in individuals.

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86 (b) Any such policy shall be deemed to be providing such benefits on a nondiscriminatory basis if the
87 policy does not contain any annual or lifetime dollar or unit of service limitation on coverage for the
88 diagnosis and treatment of said Autism Spectrum Disorders which is less than any annual or lifetime
89 dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical
90 conditions.

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92 (c) This section will not be construed as limiting benefits that are otherwise available to an individual
93 under a health insurance policy.

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95 (d) Coverage under this section will not be subject to any limits on the number of visits an individual may
96 make to an autism services provider.

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98 (e) This section will not be construed as affecting any obligation to provide services to an individual
99 under an individualized family service plan, an individualized education program, or an individualized
100 service plan.

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106 in human behavior, including the use of direct observation, measurement, and functional analysis of the

107 relationship between environment and behavior.

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109 2. "Autism services provider" means any person, entity, or group that provides treatment of autism
110 spectrum disorders.

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112 3. "Autism spectrum disorders" means any of the Pervasive Developmental Disorders (PDD) as defined
113 by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), including
114 Autistic Disorder, Asperger's Disorder, and PDD Not Otherwise Specified.

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116 4. "Board Certified Behavior Analyst" means a behavior analyst credentialed by the Behavior Analyst
117 Certification Board as a Board Certified Behavior Analyst.

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119 5. "Diagnosis of autism spectrum disorders" means medically necessary assessments, evaluations,
120 including neuropsychological evaluations, genetic testing or other tests to diagnose whether an
121 individual has one of the autism spectrum disorders.

122 6. "Habilitative or rehabilitative care" means professional, counseling, and guidance services and
123 treatment programs, including applied behavior analysis supervised by a Board Certified Behavior
124 Analyst, that are necessary to develop, maintain, and restore, to the maximum extent practicable, the
125 functioning of an individual.

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127 7. "Pharmacy care" means medications prescribed by a licensed physician and any health-related
128 services deemed medically necessary to determine the need or effectiveness of the medications, to the
129 same extent that pharmacy care is provided by the policy for other medical conditions.

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131 8. "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state
132 in which the psychiatrist practices.

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134 9. "Psychological care" means direct or consultative services provided by a psychologist licensed in the
135 state in which the psychologist practices.

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137 10. "Therapeutic care" means services provided by licensed or certified speech therapists, occupational
138 therapists, physical therapists or social workers.

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140 11. "Treatment of Autism Spectrum Disorders" will include the following care prescribed, provided, or
141 ordered for an individual diagnosed with one of the autism spectrum disorders by a licensed physician
142 or a licensed psychologist who determines the care to be medically necessary:

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144 a. habilitative or rehabilitative care;

145 b. pharmacy care;

146 c. psychiatric care;

- 147 d. psychological care; and
- 148 e. therapeutic care.

149 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after section
150 8AA, the following section:-

151 Section 8AB. (a) Any contract between a subscriber and the corporation under an individual or group
152 hospital service plan which is issued or renewed within or without the commonwealth shall provide
153 benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders having
154 a principal place of employment in the commonwealth for the diagnosis and treatment of Autism
155 Spectrum Disorder in individuals.

156 (b) Any such policy shall be deemed to be providing such benefits on a nondiscriminatory basis if the
157 policy does not contain any annual or lifetime dollar or unit of service limitation on coverage for the
158 diagnosis and treatment of said Autism Spectrum Disorders which is less than any annual or lifetime
159 dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical
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162 (c) This section will not be construed as limiting benefits that are otherwise available to an individual
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180 spectrum disorders.

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183 by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), including
184 Autistic Disorder, Asperger's Disorder, and PDD Not Otherwise Specified.

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212 or a licensed psychologist who determines the care to be medically necessary:

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214 a. habilitative or rehabilitative care;

215 b. pharmacy care;

216 c. psychiatric care;

217 d. psychological care; and

218 e. therapeutic care.

219 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after section
220 4R, the following section:-

221 Section 4S. (a) Any subscription certificate under an individual or group medical service agreement
222 which is issued or renewed within or without the commonwealth shall provide benefits on a
223 nondiscriminatory basis to residents of the commonwealth and to all policyholders having a principal

224 place of employment in the commonwealth for the diagnosis and treatment of Autism Spectrum
225 Disorder in individuals.

226 (b) Any such policy shall be deemed to be providing such benefits on a nondiscriminatory basis if the
227 policy does not contain any annual or lifetime dollar or unit of service limitation on coverage for the
228 diagnosis and treatment of said Autism Spectrum Disorders which is less than any annual or lifetime
229 dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical
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285 b. pharmacy care;

286 c. psychiatric care;

287 d. psychological care; and

288 e. therapeutic care.

289 **SECTION 5.** Said chapter 176G is hereby amended by inserting after section 4Q, as so
290 appearing, the following section:-

291 Section 4R. (a) A health maintenance contract issued or renewed within or without the commonwealth
292 shall provide benefits on a nondiscriminatory basis to residents of the commonwealth and to all
293 policyholders having a principal place of employment in the commonwealth for the diagnosis and
294 treatment of Autism Spectrum Disorder in individuals.

295 (b) Any such policy shall be deemed to be providing such benefits on a nondiscriminatory basis if the
296 policy does not contain any annual or lifetime dollar or unit of service limitation on coverage for the
297 diagnosis and treatment of said Autism Spectrum Disorders which is less than any annual or lifetime
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351 or a licensed psychologist who determines the care to be medically necessary:

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353 a. habilitative or rehabilitative care;

354 b. pharmacy care;

355 c. psychiatric care;

356 d. psychological care; and

357 e. therapeutic care.

358 SECTION 6. All policies, contracts and certificates of health insurance subject to the provisions of
359 section 24 of chapter 32A, section 47U of chapter 175, section 8AB of chapter 176A, section 4S of
360 chapter 176B, and section 4R of chapter 176G of the General Laws which are delivered, issued, or
361 renewed on or after January 1, 2010 shall conform with the provisions of this act. Form filings
362 implementing this act shall be subject to the approval of the commissioner of insurance.

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364 SECTION 7. This act shall take effect on January 1, 2010.