



General Assembly

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Amendment

LCO No. 6154

SB0102906154SD0

Offered by:

- SEN. CRISCO, 17th Dist.
- REP. MEGNA, 97th Dist.
- REP. ABERCROMBIE, 83rd Dist.
- REP. WRIGHT C., 77th Dist.
- REP. HWANG, 134th Dist.

To: Senate Bill No. 1029

File No. 199

Cal. No. 188

**"AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR
AUTISM SPECTRUM DISORDERS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 38a-488b of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective from passage*):

5 (a) Each individual health insurance policy providing coverage of
6 the type specified in subdivisions (1), (2), (4), (11) and (12) of section
7 38a-469 that is delivered, issued for delivery, renewed, amended or
8 continued in this state [on or after January 1, 2009,] shall provide
9 coverage for physical therapy, speech therapy and occupational
10 therapy services for the treatment of autism spectrum disorder, as set
11 forth in the most recent edition of the American Psychiatric

12 Association's "Diagnostic and Statistical Manual of Mental Disorders",
13 to the extent such services are a covered benefit for other diseases and
14 conditions under such policy, except that coverage for an insured
15 under such policy who has been diagnosed with autism spectrum
16 disorder prior to the release of the fifth edition of the American
17 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
18 Disorders" shall be provided in accordance with subsection (b) of this
19 section.

20 (b) Each such policy shall maintain, for any insured diagnosed with
21 autism spectrum disorder prior to the release of the fifth edition of the
22 American Psychiatric Association's "Diagnostic and Statistical Manual
23 of Mental Disorders", coverage for physical therapy, speech therapy
24 and occupational therapy services for the treatment of said disorder at
25 the benefit levels, at a minimum, provided immediately preceding the
26 release of the fifth edition of the American Psychiatric Association's
27 "Diagnostic and Statistical Manual of Mental Disorders".

28 Sec. 2. Section 38a-514b of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective from passage*):

30 (a) As used in this section:

31 (1) "Applied behavior analysis" means the design, implementation
32 and evaluation of environmental modifications, using behavioral
33 stimuli and consequences, including the use of direct observation,
34 measurement and functional analysis of the relationship between
35 environment and behavior, to produce socially significant
36 improvement in human behavior.

37 (2) "Autism services provider" means any person, entity or group
38 that provides treatment for autism spectrum disorder pursuant to this
39 section.

40 (3) "Autism spectrum disorder" means a pervasive developmental
41 disorder set forth in the most recent edition of the American
42 Psychiatric Association's "Diagnostic and Statistical Manual of Mental

43 Disorders", including, but not limited to, Autistic Disorder, Rett's
44 Disorder, Childhood Disintegrative Disorder, Asperger's Disorder and
45 Pervasive Developmental Disorder Not Otherwise Specified.

46 (4) "Behavioral therapy" means any interactive behavioral therapies
47 derived from evidence-based research, including, but not limited to,
48 applied behavior analysis, cognitive behavioral therapy, or other
49 therapies supported by empirical evidence of the effective treatment of
50 individuals diagnosed with an autism spectrum disorder, that are: (A)
51 Provided to children less than fifteen years of age; and (B) provided or
52 supervised by (i) a behavior analyst who is certified by the Behavior
53 Analyst Certification Board, (ii) a licensed physician, or (iii) a licensed
54 psychologist. For the purposes of this subdivision, behavioral therapy
55 is "supervised by" such behavior analyst, licensed physician or licensed
56 psychologist when such supervision entails at least one hour of face-to-
57 face supervision of the autism services provider by such behavior
58 analyst, licensed physician or licensed psychologist for each ten hours
59 of behavioral therapy provided by the supervised provider.

60 (5) "Diagnosis" means the medically necessary assessment,
61 evaluation or testing performed by a licensed physician, licensed
62 psychologist or licensed clinical social worker to determine if an
63 individual has an autism spectrum disorder.

64 (b) Each group health insurance policy providing coverage of the
65 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-
66 469 that is delivered, issued for delivery, renewed, amended or
67 continued in this state shall provide coverage for the diagnosis and
68 treatment of autism spectrum disorder, except that coverage for an
69 insured under such policy who has been diagnosed with autism
70 spectrum disorder prior to the release of the fifth edition of the
71 American Psychiatric Association's "Diagnostic and Statistical Manual
72 of Mental Disorders" shall be provided in accordance with subsection
73 (i) of this section. For the purposes of this section and section 38a-513c,
74 an autism spectrum disorder shall be considered an illness.

75 (c) Such policy shall provide coverage for the following treatments,
76 provided such treatments are (1) medically necessary, and (2)
77 identified and ordered by a licensed physician, licensed psychologist
78 or licensed clinical social worker for an insured who is diagnosed with
79 an autism spectrum disorder, in accordance with a treatment plan
80 developed by a licensed physician, licensed psychologist or licensed
81 clinical social worker pursuant to a comprehensive evaluation or
82 reevaluation of the insured:

83 (A) Behavioral therapy;

84 (B) Prescription drugs, to the extent prescription drugs are a
85 covered benefit for other diseases and conditions under such policy,
86 prescribed by a licensed physician, licensed physician assistant or
87 advanced practice registered nurse for the treatment of symptoms and
88 comorbidities of autism spectrum disorder;

89 (C) Direct psychiatric or consultative services provided by a
90 licensed psychiatrist;

91 (D) Direct psychological or consultative services provided by a
92 licensed psychologist;

93 (E) Physical therapy provided by a licensed physical therapist;

94 (F) Speech and language pathology services provided by a licensed
95 speech and language pathologist; and

96 (G) Occupational therapy provided by a licensed occupational
97 therapist.

98 (d) Such policy may limit the coverage for behavioral therapy to a
99 yearly benefit of fifty thousand dollars for a child who is less than nine
100 years of age, thirty-five thousand dollars for a child who is at least nine
101 years of age and less than thirteen years of age and twenty-five
102 thousand dollars for a child who is at least thirteen years of age and
103 less than fifteen years of age.

104 (e) Such policy shall not impose (1) any limits on the number of
105 visits an insured may make to an autism services provider pursuant to
106 a treatment plan on any basis other than a lack of medical necessity, or
107 (2) a coinsurance, copayment, deductible or other out-of-pocket
108 expense for such coverage that places a greater financial burden on an
109 insured for access to the diagnosis and treatment of an autism
110 spectrum disorder than for the diagnosis and treatment of any other
111 medical, surgical or physical health condition under such policy.

112 (f) (1) Except for treatments and services received by an insured in
113 an inpatient setting, an insurer, health care center, hospital service
114 corporation, medical service corporation or fraternal benefit society
115 may review a treatment plan developed as set forth in subsection (c) of
116 this section for such insured, in accordance with its utilization review
117 requirements, not more than once every six months unless such
118 insured's licensed physician, licensed psychologist or licensed clinical
119 social worker agrees that a more frequent review is necessary or
120 changes such insured's treatment plan.

121 (2) For the purposes of this section, the results of a diagnosis shall be
122 valid for a period of not less than twelve months, unless such insured's
123 licensed physician, licensed psychologist or licensed clinical social
124 worker determines a shorter period is appropriate or changes the
125 results of such insured's diagnosis.

126 (g) Coverage required under this section may be subject to the other
127 general exclusions and limitations of the group health insurance
128 policy, including, but not limited to, coordination of benefits,
129 participating provider requirements, restrictions on services provided
130 by family or household members and case management provisions,
131 except that any utilization review shall be performed in accordance
132 with subsection (f) of this section.

133 (h) (1) Nothing in this section shall be construed to limit or affect (A)
134 any other covered benefits available to an insured under (i) such group
135 health insurance policy, (ii) section 38a-514, as amended by this act, or

136 (iii) section 38a-516a, as amended by this act, (B) any obligation to
137 provide services to an individual under an individualized education
138 program pursuant to section 10-76d, or (C) any obligation imposed on
139 a public school by the Individual With Disabilities Education Act, 20
140 USC 1400 et seq., as amended from time to time.

141 (2) Nothing in this section shall be construed to require such group
142 health insurance policy to provide reimbursement for special
143 education and related services provided to an insured pursuant to
144 section 10-76d, unless otherwise required by state or federal law.

145 (i) Each such group health insurance policy shall maintain, for any
146 insured diagnosed with autism spectrum disorder prior to the release
147 of the fifth edition of the American Psychiatric Association's
148 "Diagnostic and Statistical Manual of Mental Disorders", coverage as
149 set forth in this section for the treatment of said disorder at the benefit
150 levels, at a minimum, provided immediately preceding the release of
151 the fifth edition of the American Psychiatric Association's "Diagnostic
152 and Statistical Manual of Mental Disorders".

153 Sec. 3. Subsection (a) of section 38a-488a of the general statutes is
154 repealed and the following is substituted in lieu thereof (*Effective from*
155 *passage*):

156 (a) Each individual health insurance policy providing coverage of
157 the type specified in subdivisions (1), (2), (4), (11) and (12) of section
158 38a-469 delivered, issued for delivery, renewed, amended or continued
159 in this state shall provide benefits for the diagnosis and treatment of
160 mental or nervous conditions. For the purposes of this section, "mental
161 or nervous conditions" means mental disorders, as defined in the most
162 recent edition of the American Psychiatric Association's "Diagnostic
163 and Statistical Manual of Mental Disorders". "Mental or nervous
164 conditions" does not include (1) mental retardation, (2) learning
165 disorders, (3) motor skills disorders, (4) communication disorders, (5)
166 caffeine-related disorders, (6) relational problems, and (7) additional
167 conditions that may be a focus of clinical attention, that are not

168 otherwise defined as mental disorders in the most recent edition of the
169 American Psychiatric Association's "Diagnostic and Statistical Manual
170 of Mental Disorders", except that coverage for an insured under such
171 policy who has been diagnosed with autism spectrum disorder prior to
172 the release of the fifth edition of the American Psychiatric Association's
173 "Diagnostic and Statistical Manual of Mental Disorders" shall be
174 provided in accordance with subsection (b) of section 38a-488b, as
175 amended by this act.

176 Sec. 4. Subsection (a) of section 38a-514 of the general statutes is
177 repealed and the following is substituted in lieu thereof (*Effective from*
178 *passage*):

179 (a) Except as provided in subsection (j) of this section, each group
180 health insurance policy, providing coverage of the type specified in
181 subdivisions (1), (2), (4), (11) and (12) of section 38a-469, delivered,
182 issued for delivery, renewed, amended or continued in this state shall
183 provide benefits for the diagnosis and treatment of mental or nervous
184 conditions. For the purposes of this section, "mental or nervous
185 conditions" means mental disorders, as defined in the most recent
186 edition of the American Psychiatric Association's "Diagnostic and
187 Statistical Manual of Mental Disorders". "Mental or nervous
188 conditions" does not include (1) mental retardation, (2) learning
189 disorders, (3) motor skills disorders, (4) communication disorders, (5)
190 caffeine-related disorders, (6) relational problems, and (7) additional
191 conditions that may be a focus of clinical attention, that are not
192 otherwise defined as mental disorders in the most recent edition of the
193 American Psychiatric Association's "Diagnostic and Statistical Manual
194 of Mental Disorders", except that coverage for an insured under such
195 policy who has been diagnosed with autism spectrum disorder prior to
196 the release of the fifth edition of the American Psychiatric Association's
197 "Diagnostic and Statistical Manual of Mental Disorders" shall be
198 provided in accordance with subsection (i) of section 38a-514b, as
199 amended by this act.

200 Sec. 5. Subsection (a) of section 38a-490a of the general statutes is

201 repealed and the following is substituted in lieu thereof (*Effective from*
202 *passage*):

203 (a) Each individual health insurance policy providing coverage of
204 the type specified in subdivisions (1), (2), (4), (11) and (12) of section
205 38a-469 delivered, issued for delivery, renewed, amended or continued
206 in this state shall provide coverage for medically necessary early
207 intervention services provided as part of an individualized family
208 service plan pursuant to section 17a-248e. Such policy shall (1) provide
209 coverage for such services provided by qualified personnel, as defined
210 in section 17a-248, for a child from birth until the child's third birthday,
211 and (2) maintain, for any insured diagnosed with autism spectrum
212 disorder prior to the release of the fifth edition of the American
213 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
214 Disorders", coverage for such services for the treatment of said
215 disorder at the benefit levels, at a minimum, provided immediately
216 preceding the release of the fifth edition of the American Psychiatric
217 Association's "Diagnostic and Statistical Manual of Mental Disorders".

218 Sec. 6. Subsection (a) of section 38a-516a of the general statutes is
219 repealed and the following is substituted in lieu thereof (*Effective from*
220 *passage*):

221 (a) Each group health insurance policy providing coverage of the
222 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-
223 469 delivered, issued for delivery, renewed, amended or continued in
224 this state shall provide coverage for medically necessary early
225 intervention services provided as part of an individualized family
226 service plan pursuant to section 17a-248e. Such policy shall (1) provide
227 coverage for such services provided by qualified personnel, as defined
228 in section 17a-248, for a child from birth until the child's third birthday,
229 and (2) maintain, for any insured diagnosed with autism spectrum
230 disorder prior to the release of the fifth edition of the American
231 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
232 Disorders", coverage for such services for the treatment of said
233 disorder at the benefit levels, at a minimum, provided immediately

234 preceding the release of the fifth edition of the American Psychiatric
 235 Association's "Diagnostic and Statistical Manual of Mental Disorders".

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	38a-488b
Sec. 2	<i>from passage</i>	38a-514b
Sec. 3	<i>from passage</i>	38a-488a(a)
Sec. 4	<i>from passage</i>	38a-514(a)
Sec. 5	<i>from passage</i>	38a-490a(a)
Sec. 6	<i>from passage</i>	38a-516a(a)