

Insurance Coverage Requirements for the Treatment of PANDAS/PANS

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Issue

Summarize state laws that require commercial health insurance policies to cover the treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS) or pediatric acute-onset neuropsychiatric syndrome (PANS). Additionally, identify states that have proposed similar legislation since 2019. (This report updates OLR Report [2019-R-0286](#).)

Summary

According to the [National Institute of Mental Health](#), PANDAS includes cases of children and adolescents who suddenly develop obsessive-compulsive disorder (OCD) or tic disorders, or whose OCD or tic symptoms worsen, following streptococcal infections (e.g., strep throat or scarlet fever). PANS includes all cases of children and adolescents with abrupt onset neuropsychiatric symptoms, not just those associated with these infections.

Connecticut does not require commercial health insurance policies to cover the treatment of PANDAS or PANS. Since 2019, legislators proposed one bill regarding PANDAS and PANS. Specifically, in 2020, the Children's Committee raised [HB 5144](#), which would have required insurance coverage for PANDAS and PANS diagnosis and treatment, including intravenous immunoglobulin therapy, cognitive behavioral therapy, and outpatient prescription drugs. The committee voted to send the bill to the Insurance and Real Estate Committee, but the legislative session ended early due to the COVID-19 pandemic without further action on the bill.

In 2019, four states had existing laws mandating insurance coverage of PANDAS or PANS treatment: Delaware, Illinois, Minnesota, and New Hampshire. Since then, three additional states have enacted similar laws: Arkansas, Indiana, and Maryland. Based on the Legislative Library’s research, at least six other states proposed similar legislation since 2019: Iowa, New York, Ohio, Oregon, Rhode Island, and West Virginia. Additionally, Illinois proposed legislation to amend their current law. None of these proposed bills have become law to date.

Laws and Legislation in Other States

Enacted Laws

Seven states mandate individual and group commercial health insurance policies to cover the treatment of PANDAS, PANS, or both: Arkansas, Delaware, Illinois, Indiana, Maryland, Minnesota, and New Hampshire.

Table 1 provides details about each state’s coverage requirement. Since the federal Affordable Care Act (ACA) requires states to reimburse insurers or insureds for certain recently enacted benefit mandates, the table also includes any related reimbursement provisions. (OLR Report [2015-R-0188](#) discusses when the state must defray the cost of health insurance benefit mandates under the ACA.)

Table 1: Laws in Other States Requiring Insurance Coverage for PANDAS/PANS Treatment

<i>State and Citation</i>	<i>Coverage Requirement</i>	<i>Cost Reimbursement</i>
Arkansas Ark. Code Ann. § 23-79-1905 (Sunsets December 31, 2023, unless the General Assembly extends it.)	Health plans must cover the off-label use of intravenous immunoglobulin to treat PANDAS and PANS under a patient-specific treatment plan.	Not specified
Delaware Del. Code Ann. tit. 18, §§ 3370B & 3571T	Health insurance must cover the treatment of PANDAS and PANS, including intravenous immunoglobulin therapy.	If at any time the federal government requires the state to defray the cost of this coverage, the coverage requirement becomes inoperative and the state may not assume any obligation for the cost of coverage.
Illinois 215 Ill. Comp. Stat. Ann. 5/356z.25	Health insurance must cover the treatment of PANDAS and PANS, including intravenous immunoglobulin therapy.	If at any time the federal government requires the state to defray the cost of this coverage pursuant to the ACA, the coverage requirement becomes inoperative and the state will not

State and Citation	Coverage Requirement	Cost Reimbursement
		assume any obligation for the cost of coverage.
Indiana Ind. Code Ann. §§ 27-8-37-1 through 27-8-87-3	Health insurance must cover the treatment of PANDAS and PANS, including intravenous immunoglobulin therapy.	Not specified
Maryland Md. Code Ann., Ins., § 15-855 as amended by HB 820 (2022)	Health plans must cover medically necessary diagnosis, evaluation, and treatment of PANDAS and PANS, including intravenous immunoglobulin therapy.	Not specified
Minnesota Minn. Stat. Ann. § 62A.3097 (effective January 1, 2020)	Health plans must cover the treatment of PANDAS and PANS. The insured's licensed health care professional must recommend the treatment, which may include antibiotics, medication, and behavioral therapies to manage neuropsychiatric symptoms, plasma exchange, and immunoglobulin.	The commerce commissioner must reimburse health carriers for the cost of the required coverage. The law limits reimbursement to coverage the carriers would not have provided without the mandate. Each fiscal year, the state will appropriate to the commissioner an amount necessary to pay the carriers for providing the coverage. Carriers must report quantified coverage costs to the commissioner.
New Hampshire N.H. Rev. Stat. Ann. § 417-E:1	Insurers must cover the treatment and diagnosis of certain biologically based mental illnesses under the same terms and conditions that are no less extensive than coverage provided for physical illness. Mental illness includes OCD and pediatric autoimmune neuropsychiatric disorders (until July 1, 2024, coverage depends on a physician ordering treatment).	Not specified

Proposed Legislation

Since 2019, legislators in at least six other states proposed legislation to require insurance coverage for PANDAS or PANS treatment: Iowa, New York, Ohio, Oregon, Rhode Island, and West Virginia. Additionally, Illinois legislators proposed a bill to amend their current law. None of these proposed bills have become law to date. Table 2 identifies the proposed legislation.

Table 2: Other States' Proposed Legislation for Insurance Coverage for PANDAS/PANS Treatment (2019 – 2022)

<i>State</i>	<i>Bill No. (Year)</i>
Iowa	S 165 (2021) SSB 1200 (2021)
Illinois	H 3397 (2021)
New York	A 877 (2021) S 5332 (2021)
Ohio	H 189 (2021)
Oregon	H 2390 (2021)
Rhode Island	H 6209 (2021) S 646 (2021)
West Virginia	H 2252 (2021) H 2965 (2021) S 289 (2021) S 615 (2022)

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