

2010 -- H 7260

LC00106

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO INSURANCE -- AUTISM SPECTRUM DISORDERS

Introduced By: Representatives Palumbo, Naughton, Corvese, Jackson, and D Caprio

Date Introduced: January 28, 2010

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness  
2 Insurance Policies" is hereby amended by adding thereto the following section:

3 **27-18-71. Mandatory coverage for diagnosis and treatment of autism spectrum**  
4 **disorders.** – (a) As used in this section:

5 (1) "Applied behavior analysis" means the design, implementation and evaluation of  
6 environmental modifications, using behavioral stimuli and consequences, to produce socially  
7 significant improvement in human behavior, including the use of direct observation,  
8 measurement, and functional analysis of the relationship between environment and behavior.

9 (2) "Autism services provider" means any person, entity, or group that provides treatment  
10 of autism spectrum disorders.

11 (3) "Autism spectrum disorders" means any of the pervasive developmental disorders as  
12 defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders  
13 (DSM), including Autistic Disorder, Asperger's Disorder, and Pervasive Developmental Not  
14 Otherwise Specified.

15 (4) "Diagnosis of autism spectrum disorders" means medically necessary assessment,  
16 evaluations, or tests to diagnose whether an individual has one of the autism spectrum disorders.

17 (5) "Habilitative or rehabilitative care" means professional counseling, and guidance  
18 services and treatment programs, including applied behavioral analysis, that are necessary to  
19 develop, maintain, and restore, to the maximum extent practicable, the functioning of an

1 individual.

2 (6) "Health insurance policy" means any group health policy or contract issued by an  
3 insurance entity subject to chapters 18, 19, 20 and 41 of title 27 of the general laws.

4 (7) "Medically necessary" means reasonably expected to do the following:

5 (i) Prevent the onset of an illness, condition, injury or disability;

6 (ii) Reduce or ameliorate the physical, mental or developmental effects of an illness,  
7 condition, injury or disability; or

8 (iii) Assist to achieve or maintain maximum functional capacity in performing daily  
9 activities, taking into account both the functional capacity of the individual and the functional  
10 capacities that are appropriate for individuals of the same age.

11 (8) "Pharmacy care" means medications prescribed by a licensed physician and any  
12 health-related services deemed medically necessary to determine the need or effectiveness of the  
13 medications.

14 (9) "Psychiatric care" means direct or consultative services provided by a psychiatrist  
15 licensed in the state in which the psychiatrist practices.

16 (10) "Psychological care" means direct or consultative services provided by a  
17 psychologist licensed in the state in which the psychologist practices.

18 (11) "Therapeutic care" means services provided by licensed or certified speech  
19 therapists, occupational therapists, or physical therapists.

20 (12) "Treatment for autism spectrum disorders" will include the following care  
21 prescribed, provided, or ordered for an individual diagnosed with one of the autism spectrum  
22 disorders by a licensed physician or a licensed psychologist who determines the care to be  
23 medically necessary:

24 (i) Habilitative or rehabilitative care;

25 (ii) Pharmacy care;

26 (iii) Psychiatric care;

27 (iv) Psychological care; and

28 (v) Therapeutic care.

29 (b)(1) Every individual or group health insurance contract, plan, or policy delivered,  
30 issued for delivery or renewed in this state shall provide coverage for the diagnosis and treatment  
31 of autism spectrum disorders. No insurer shall terminate coverage, or refuse to deliver, execute,  
32 issue, mend, adjust, or renew coverage to an individual solely because the individual is diagnosed  
33 with one of the autism spectrum disorders or has received treatment for autism spectrum  
34 disorders.

1           (2) The coverage required under this section shall not be subject to dollar limits,  
2 deductibles, or coinsurance provisions that are less favorable to an insured than the dollar limits,  
3 deductibles, or coinsurance provisions that apply to physical illness generally under the health  
4 insurance policy.

5           (3) Coverage under this section shall not be subject to any limits on the number of visits  
6 an individual may make to an autism services provider.

7           (4) This section shall not be construed as limiting benefits that are otherwise available to  
8 an individual under a health insurance policy.

9           SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service  
10 Corporations" is hereby amended by adding thereto the following section:

11           **27-19-62. Mandatory coverage for diagnosis and treatment of autism spectrum**  
12 **disorders.** – (a) As used in this section:

13           (1) "Applied behavior analysis" means the design, implementation and evaluation of  
14 environmental modifications, using behavioral stimuli and consequences, to produce socially  
15 significant improvement in human behavior, including the use of direct observation,  
16 measurement, and functional analysis of the relationship between environment and behavior.

17           (2) "Autism services provider" means any person, entity, or group that provides treatment  
18 of autism spectrum disorders.

19           (3) "Autism spectrum disorders" means any of the pervasive developmental disorders as  
20 defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders  
21 (DSM), including Autistic Disorder, Asperger's Disorder, and Pervasive Developmental Not  
22 Otherwise Specified.

23           (4) "Diagnosis of autism spectrum disorders" means medically necessary assessment,  
24 evaluations, or tests to diagnose whether an individual has one of the autism spectrum disorders.

25           (5) "Habilitative or rehabilitative care" means professional counseling, and guidance  
26 services and treatment programs, including applied behavioral analysis, that are necessary to  
27 develop, maintain, and restore, to the maximum extent practicable, the functioning of an  
28 individual.

29           (6) "Health insurance policy" means any group health policy or contract issued by an  
30 insurance entity subject to chapters 18, 19, 20 and 41 of title 27 of the general laws.

31           (7) "Medically necessary" means reasonably expected to do the following:

32           (i) Prevent the onset of an illness, condition, injury or disability;

33           (ii) Reduce or ameliorate the physical, mental or developmental effects of an illness,  
34 condition, injury or disability; or

1           (iii) Assist to achieve or maintain maximum functional capacity in performing daily  
2 activities, taking into account both the functional capacity of the individual and the functional  
3 capacities that are appropriate for individuals of the same age.

4           (8) "Pharmacy care" means medications prescribed by a licensed physician and any  
5 health-related services deemed medically necessary to determine the need or effectiveness of the  
6 medications.

7           (9) "Psychiatric care" means direct or consultative services provided by a psychiatrist  
8 licensed in the state in which the psychiatrist practices.

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

11           (11) "Therapeutic care" means services provided by licensed or certified speech  
12 therapists, occupational therapists, or physical therapists.

13           (12) "Treatment for autism spectrum disorders" will include the following care  
14 prescribed, provided, or ordered for an individual diagnosed with one of the autism spectrum  
15 disorders by a licensed physician or a licensed psychologist who determines the care to be  
16 medically necessary:

17           (i) Habilitative or rehabilitative care;

18           (ii) Pharmacy care;

19           (iii) Psychiatric care;

20           (iv) Psychological care; and

21           (v) Therapeutic care.

22           (b)(1) Every individual or group health insurance contract, plan, or policy, including any  
23 nonprofit hospital service contract plan or policy delivered, issued for delivery or renewed in this  
24 state shall provide coverage for the diagnosis and treatment of autism spectrum disorders. No  
25 insurer shall terminate coverage, or refuse to deliver, execute, issue, mend, adjust, or renew  
26 coverage to an individual solely because the individual is diagnosed with one of the autism  
27 spectrum disorders or has received treatment for autism spectrum disorders.

28           (2) The coverage required under this section shall not be subject to dollar limits,  
29 deductibles, or coinsurance provisions that are less favorable to an insured than the dollar limits,  
30 deductibles, or coinsurance provisions that apply to physical illness generally under the health  
31 insurance policy.

32           (3) Coverage under this section shall not be subject to any limits on the number of visits  
33 an individual may make to an autism services provider.

34           (4) This section shall not be construed as limiting benefits that are otherwise available to

1 an individual under a health insurance policy.

2 SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service  
3 Corporations" is hereby amended by adding thereto the following sections:

4 **27-20-57. Mandatory coverage for diagnosis and treatment of autism spectrum**  
5 **disorders.** – (a) As used in this section:

6 (1) "Applied behavior analysis" means the design, implementation and evaluation of  
7 environmental modifications, using behavioral stimuli and consequences, to produce socially  
8 significant improvement in human behavior, including the use of direct observation,  
9 measurement, and functional analysis of the relationship between environment and behavior.

10 (2) "Autism services provider" means any person, entity, or group that provides treatment  
11 of autism spectrum disorders.

12 (3) "Autism spectrum disorders" means any of the pervasive developmental disorders as  
13 defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders  
14 (DSM), including Autistic Disorder, Asperger's Disorder, and Pervasive Developmental Not  
15 Otherwise Specified.

16 (4) "Diagnosis of autism spectrum disorders" means medically necessary assessment,  
17 evaluations, or tests to diagnose whether an individual has one of the autism spectrum disorders.

18 (5) "Habilitative or rehabilitative care" means professional counseling, and guidance  
19 services and treatment programs, including applied behavioral analysis, that are necessary to  
20 develop, maintain, and restore, to the maximum extent practicable, the functioning of an  
21 individual.

22 (6) "Health insurance policy" means any group health policy or contract issued by an  
23 insurance entity subject to chapters 18, 19, 20 and 41 of title 27 of the general laws.

24 (7) "Medically necessary" means reasonably expected to do the following:

25 (i) Prevent the onset of an illness, condition, injury or disability;

26 (ii) Reduce or ameliorate the physical, mental or developmental effects of an illness,  
27 condition, injury or disability; or

28 (iii) Assist to achieve or maintain maximum functional capacity in performing daily  
29 activities, taking into account both the functional capacity of the individual and the functional  
30 capacities that are appropriate for individuals of the same age.

31 (8) "Pharmacy care" means medications prescribed by a licensed physician and any  
32 health-related services deemed medically necessary to determine the need or effectiveness of the  
33 medications.

34 (9) "Psychiatric care" means direct or consultative services provided by a psychiatrist

1 licensed in the state in which the psychiatrist practices.

2 (10) "Psychological care" means direct or consultative services provided by a  
3 psychologist licensed in the state in which the psychologist practices.

4 (11) "Therapeutic care" means services provided by licensed or certified speech  
5 therapists, occupational therapists, or physical therapists.

6 (12) "Treatment for autism spectrum disorders" will include the following care  
7 prescribed, provided, or ordered for an individual diagnosed with one of the autism spectrum  
8 disorders by a licensed physician or a licensed psychologist who determines the care to be  
9 medically necessary:

10 (i) Habilitative or rehabilitative care;

11 (ii) Pharmacy care;

12 (iii) Psychiatric care;

13 (iv) Psychological care; and

14 (v) Therapeutic care.

15 (b)(1) Any nonprofit medical service contract, plan, or policy delivered, issued for  
16 delivery or renewed in this state shall provide coverage for the diagnosis and treatment of autism  
17 spectrum disorders. No insurer shall terminate coverage, or refuse to deliver, execute, issue,  
18 amend, adjust, or renew coverage to an individual solely because the individual is diagnosed with  
19 one of the autism spectrum disorders or has received treatment for autism spectrum disorders.

20 (2) The coverage required under this section shall not be subject to dollar limits,  
21 deductibles, or coinsurance provisions that are less favorable to an insured than the dollar limits,  
22 deductibles, or coinsurance provisions that apply to physical illness generally under the health  
23 insurance policy.

24 (3) Coverage under this section shall not be subject to any limits on the number of visits  
25 an individual may make to an autism services provider.

26 (4) This section shall not be construed as limiting benefits that are otherwise available to  
27 an individual under a health insurance policy.

28 SECTION 4. Chapter 27-41 of the General Laws entitled "Health Maintenance  
29 Organizations" is hereby amended by adding thereto the following section:

30 **27-41-75. Mandatory coverage for diagnosis and treatment of autism spectrum**  
31 **disorders.** – (a) As used in this section:

32 (1) "Applied behavior analysis" means the design, implementation and evaluation of  
33 environmental modifications, using behavioral stimuli and consequences, to produce socially  
34 significant improvement in human behavior, including the use of direct observation,

1 measurement, and functional analysis of the relationship between environment and behavior.

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

4 (3) "Autism spectrum disorders" means any of the pervasive developmental disorders as  
5 defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders  
6 (DSM), including Autistic Disorder, Asperger's Disorder, and Pervasive Developmental Not  
7 Otherwise Specified.

8 (4) "Diagnosis of autism spectrum disorders" means medically necessary assessment,  
9 evaluations, or tests to diagnose whether an individual has one of the autism spectrum disorders.

10 (5) "Habilitative or rehabilitative care" means professional counseling, and guidance  
11 services and treatment programs, including applied behavioral analysis, that are necessary to  
12 develop, maintain, and restore, to the maximum extent practicable, the functioning of an  
13 individual.

14 (6) "Health insurance policy" means any group health policy or contract issued by an  
15 insurance entity subject to chapters 18, 19, 20 and 41 of title 27 of the general laws.

16 (7) "Medically necessary" means reasonably expected to do the following:

17 (i) Prevent the onset of an illness, condition, injury or disability;

18 (ii) Reduce or ameliorate the physical, mental or developmental effects of an illness,  
19 condition, injury or disability; or

20 (iii) Assist to achieve or maintain maximum functional capacity in performing daily  
21 activities, taking into account both the functional capacity of the individual and the functional  
22 capacities that are appropriate for individuals of the same age.

23 (8) "Pharmacy care" means medications prescribed by a licensed physician and any  
24 health-related services deemed medically necessary to determine the need or effectiveness of the  
25 medications.

26 (9) "Psychiatric care" means direct or consultative services provided by a psychiatrist  
27 licensed in the state in which the psychiatrist practices.

28 (10) "Psychological care" means direct or consultative services provided by a  
29 psychologist licensed in the state in which the psychologist practices.

30 (11) "Therapeutic care" means services provided by licensed or certified speech  
31 therapists, occupational therapists, or physical therapists.

32 (12) "Treatment for autism spectrum disorders" will include the following care  
33 prescribed, provided, or ordered for an individual diagnosed with one of the autism spectrum  
34 disorders by a licensed physician or a licensed psychologist who determines the care to be

1 medically necessary:

2 (i) Habilitative or rehabilitative care;

3 (ii) Pharmacy care;

4 (iii) Psychiatric care;

5 (iv) Psychological care; and

6 (v) Therapeutic care.

7 (b)(1) Every health maintenance organization contract, plan, or policy delivered, issued  
8 for delivery or renewed in this state shall provide coverage for the diagnosis and treatment of  
9 autism spectrum disorders. No insurer shall terminate coverage, or refuse to deliver, execute,  
10 issue, mend, adjust, or renew coverage to an individual solely because the individual is diagnosed  
11 with one of the autism spectrum disorders or has received treatment for autism spectrum  
12 disorders.

13 (2) The coverage required under this section shall not be subject to dollar limits,  
14 deductibles, or coinsurance provisions that are less favorable to an insured than the dollar limits,  
15 deductibles, or coinsurance provisions that apply to physical illness generally under the health  
16 insurance policy.

17 (3) Coverage under this section shall not be subject to any limits on the number of visits  
18 an individual may make to an autism services provider.

19 (4) This section shall not be construed as limiting benefits that are otherwise available to  
20 an individual under a health insurance policy.

21 SECTION 5. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO INSURANCE -- AUTISM SPECTRUM DISORDERS

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1           This act would require coverage for the diagnosis and treatment of autism spectrum  
2 disorders.

3           This act would take effect upon passage.

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