

1 S.262

2 Introduced by Senators Carris and Campbell

3 Referred to Committee on

4 Date:

5 Subject: Health; health insurance; autism spectrum disorders

6 Statement of purpose: This bill proposes to require health insurers to cover
7 diagnosis and treatment of autism spectrum disorders.

8 An act relating to insurance coverage for autism diagnosis and treatment

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 Sec. 1. 8 V.S.A. § 4088i is added to read:

11 § 4088i. COVERAGE FOR DIAGNOSIS AND TREATMENT OF AUTISM
12 SPECTRUM DISORDERS

13 (a) A health insurance plan shall provide coverage for the diagnosis and
14 treatment of autism spectrum disorders.

15 (b) A health insurance plan shall not impose any annual or lifetime dollar
16 maximum on coverage for the diagnosis and treatment of autism spectrum
17 disorders that is less than the annual or lifetime dollar maximum that applies
18 generally to all terms and services covered under the plan.

19 (c) A health insurance plan shall not deny coverage treatment of autism
20 spectrum disorders on the basis that the treatment is habilitative in nature.

1 (d) A health insurance plan shall not limit in any way the number of visits
2 an individual diagnosed with one or more autism spectrum disorders may make
3 to an autism services provider.

4 (e) As used in this section:

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

10 (2) “Autism services provider” means any person providing treatment of
11 autism spectrum disorders.

12 (3) “Autism spectrum disorders” means one or more pervasive
13 developmental disorders as defined in the most recent edition of the Diagnostic
14 and Statistical Manual of Mental Disorders, including autistic disorder and
15 Asperger’s disorder.

16 (4) “Diagnosis of autism spectrum disorder” means medically necessary
17 assessments; evaluations, including neuropsychological evaluations; genetic
18 testing; or other testing to determine whether an individual has one or more
19 autism spectrum disorders.

20 (5) “Habilitative care” or “rehabilitative care” means professional
21 counseling, guidance, services, and treatment programs, including applied

1 behavior analysis and other behavioral health treatments, that are necessary to
2 develop, maintain, and restore to the maximum possible extent an individual's
3 functioning.

4 (6) "Health insurance plan" means any health insurance policy or health
5 benefit plan offered by a health insurer, as defined in section 9402 of Title 18,
6 but does not include policies or plans providing coverage for specified disease
7 or other limited benefit coverage.

8 (7) "Medically necessary" means any care, treatment, intervention,
9 service, or item that is prescribed, provided, or ordered by a physician licensed
10 pursuant to chapter 23 of Title 26 or by a psychologist licensed pursuant to
11 chapter 55 of Title 26 if such treatment is consistent with the most recent
12 relevant report or recommendations of the American Academy of Pediatrics,
13 the American Academy of Child and Adolescent Psychiatry, or another
14 professional group of similar standing.

15 (8) "Therapeutic care" means services provided by licensed or certified
16 speech language pathologists, occupational therapists, physical therapists, or
17 social workers.

18 (9) "Treatment of autism spectrum disorders" means the following care
19 prescribed, provided, or ordered for an individual diagnosed with one or more
20 autism spectrum disorders by a physician licensed pursuant to chapter 23 of

1 Title 26 or a psychologist licensed pursuant to chapter 55 of Title 26 if such
2 physician or psychologist determines the care to be medically necessary:

3 (A) habilitative or rehabilitative care;

4 (B) pharmacy care;

5 (C) psychiatric care;

6 (D) psychological care; and

7 (E) therapeutic care.

8 (f) Nothing in this section shall be construed to affect any obligation to
9 provide services to an individual under an individualized family service plan,
10 individualized education program, or individualized service plan.

11 Sec. 2. APPLICABILITY AND EFFECTIVE DATE

12 This act shall take effect on October 1, 2010 and shall apply to all health
13 insurance plans on and after October 1, 2010 on such date as a health insurer
14 offers, issues, or renews the health insurance plan, but in no event later than
15 October 1, 2011.