

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 357 & 298
95TH GENERAL ASSEMBLY

1030L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for the diagnosis and treatment of autism spectrum disorders.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be
2 known as section 376.1224, to read as follows:

376.1224. 1. For purposes of this section, the following terms shall mean:

- 2 **(1) "Applied behavior analysis", the design, implementation, and evaluation of**
3 **environmental modifications, using behavioral stimuli and consequences, to produce**
4 **socially significant improvement in human behavior, including the use of direct**
5 **observation, measurement, and functional analysis of the relationships between**
6 **environment and behavior;**
- 7 **(2) "Autism service provider":**
- 8 **(a) Any person, entity, or group that provides diagnostic or treatment services for**
9 **autism spectrum disorders who is licensed or certified by the state of Missouri;**
- 10 **(b) Any person who is certified as a board certified behavior analyst by the**
11 **behavior analyst certification board; or**
- 12 **(c) A direct implementer;**
- 13 **(3) "Autism spectrum disorders", a neurobiological disorder, an illness of the**
14 **nervous system, which includes Autistic Disorder, Asperger's Disorder, Pervasive**
15 **Developmental Disorder Not Otherwise Specified;**
- 16 **(4) "Diagnosis of autism spectrum disorders", medically necessary assessments,**
17 **evaluations, or tests in order to diagnose whether an individual has an autism spectrum**
18 **disorder;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 (5) **"Direct implementer"**, any person who provides treatment services for autism
20 spectrum disorders who is not licensed or certified, as described in paragraphs (a) and (b)
21 of subdivision (2) of this subsection, excluding parents, siblings, or other relatives within
22 the third degree of consanguinity of an autistic person who are providing applied
23 behavioral analysis services to their own child or sibling, and is supervised by a person who
24 is certified as a Board Certified Behavior Analyst by the Behavior Analyst Certification
25 Board, whether such Board Certified Behavior Analyst supervises as an individual or as
26 an employee of or in association with an entity or group;

27 (6) **"Habilitative or rehabilitative care"**, professional, counseling, and guidance
28 services and treatment programs, including applied behavior analysis, that are necessary
29 to develop, maintain, and restore the functioning of an individual;

30 (7) **"Health benefit plan"**, shall have the same meaning ascribed to it as in section
31 376.1350;

32 (8) **"Health carrier"**, shall have the same meaning ascribed to it as in section
33 376.1350;

34 (9) **"Medically necessary"**, any care, treatment, intervention, service or item that
35 is prescribed, provided, or ordered by a licensed physician or a licensed psychologist,
36 pursuant to the powers granted under such licensed physician's or licensed psychologist's
37 license, that will, or is reasonably expected to, do any of the following:

38 (a) Prevent the onset of an illness, condition, injury, or disability;

39 (b) Reduce or ameliorate the physical, mental, or developmental effects of an
40 illness, condition, injury, or disability; or

41 (c) Assist to achieve or maintain functional capacity in performing daily activities,
42 taking into account both the functional capacity of the individual and the functional
43 capacities that are appropriate for individuals of the same age;

44 (10) **"Pharmacy care"**, medications used to address symptoms of an autism
45 spectrum disorder prescribed by a licensed physician, and any health-related services
46 deemed medically necessary to determine the need or effectiveness of the medications;

47 (11) **"Psychiatric care"**, direct or consultative services provided by a psychiatrist
48 licensed in the state in which the psychiatrist practices;

49 (12) **"Psychological care"**, direct or consultative services provided by a psychologist
50 licensed in the state in which the psychologist practices;

51 (13) **"Therapeutic care"**, services provided by licensed speech therapists,
52 occupational therapists, or physical therapists;

53 (14) **"Treatment for autism spectrum disorders"**, care prescribed, provided, or
54 ordered for an individual diagnosed with an autism spectrum disorder by a licensed

55 **physician or licensed psychologist, pursuant to the powers granted under such licensed**
56 **physician's or licensed psychologist's license, including, but not limited to:**

57 **(a) Psychiatric care;**

58 **(b) Psychological care;**

59 **(c) Habilitative or rehabilitative care, including applied behavior analysis therapy;**

60 **(d) Therapeutic care;**

61 **(e) Pharmacy care.**

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63 **Coverage of services may be subject to other general exclusions and limitations of the**
64 **contract or benefit plan, such as coordination of benefits, services provided by family or**
65 **household members, utilization review of health care services including review of medical**
66 **necessity, and case management. However, coverage for treatment under this section shall**
67 **not be denied on the basis that it is educational in nature or habilitative in nature.**

68 **2. A health benefit plan shall provide individuals less than twenty-one years of age**
69 **coverage for the diagnosis of autism spectrum disorders and for the treatment of autism**
70 **spectrum disorders. To the extent that the diagnosis of autism spectrum disorders and the**
71 **treatment of autism spectrum disorders are not already covered by a health benefit plan,**
72 **the coverage required under this section shall be included in health benefit plans that are**
73 **delivered, executed, issued, amended, adjusted, or renewed on or after January 1, 2010.**

74 **3. With regards to a health benefit plan, a health carrier shall not deny or refuse**
75 **to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or**
76 **otherwise terminate or restrict coverage on an individual or their dependent solely because**
77 **the individual is diagnosed with autism spectrum disorder.**

78 **4. (1) Coverage provided under this section is limited to treatment that is ordered**
79 **by the insured's treating licensed physician or licensed psychologist, pursuant to the**
80 **powers granted under such licensed physician's or licensed psychologist's license, in**
81 **accordance with a treatment plan. Service exclusions contained in the insurance policy or**
82 **health maintenance organization contract that are inconsistent with the treatment plan**
83 **shall be considered invalid as to autism spectrum disorder.**

84 **(2) The treatment plan upon request by the health benefit plan or health carrier**
85 **shall include all elements necessary for the health benefit plan or health carrier to**
86 **appropriately pay claims. Such elements include, but are not limited to, a diagnosis,**
87 **proposed treatment by type, frequency and duration of treatment and goals.**

88 **(3) Except for inpatient services, if an individual is receiving treatment for an**
89 **autism spectrum disorder, a health benefit plan or health carrier shall have the right to**
90 **request a review of that treatment not more than once every six months unless the health**

91 benefit plan or health carrier and the individual's treating physician or psychologist agrees
92 that a more frequent review is necessary. The cost of obtaining any review will be borne
93 by the health benefit plan or health carrier, as applicable.

94 5. Coverage provided under this section for applied behavior analysis shall be
95 subject to a maximum benefit of seventy-two thousand dollars per year for individuals
96 under the age of eleven and thirty-six thousand dollars per year for individuals who are
97 at least eleven years of age but less than twenty-one years of age. Coverage provided under
98 this section for services other than applied behavioral analysis shall not be subject to any
99 limits on the number of visits an individual may make to an autism service provider.

100 6. This section shall not be construed as limiting benefits which are otherwise
101 available to an individual under a health benefit plan. The health care services required
102 by this section shall not be subject to any greater deductible, coinsurance or co-payment
103 than other physical health care services provided by a health benefit plan.

104 7. To the extent any payments or reimbursements are being made for services
105 rendered by a direct implementer for applied behavior analysis, such payments or
106 reimbursements shall be made to either:

107 (1) The person who is supervising the direct implementer, who is certified as a
108 board certified behavior analyst by the Behavior Analyst Certification Board; or

109 (2) The entity or group for whom such supervising person works or is associated.

110 8. This section shall not apply to health benefit plans offered solely to an individual.

111 9. The provisions of this section shall not apply to a supplemental insurance policy,
112 including a life care contract, accident-only policy, specified disease policy, hospital policy
113 providing a fixed daily benefit only, Medicare supplement policy, long-term care policy,
114 short-term major medical policy of six months or less duration, or any other supplemental
115 policy.

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