

A-Engrossed
Senate Bill 555

Ordered by the Senate May 5
Including Senate Amendments dated May 5

Sponsored by Senator EDWARDS, Representative BUCKLEY; Senator BONAMICI, Representative KENNEMER
(Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Adds new definitions and requirements for health insurance coverage of autism spectrum disorders.

A BILL FOR AN ACT

1
2 Relating to health insurance coverage for individuals with disabilities; creating new provisions; and
3 amending ORS 743A.190.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 and 3 of this 2011 Act are added to and made a part of the In-**
6 **urance Code.**

7 **SECTION 2. As used in this section and section 3 of this 2011 Act:**

8 (1) **“Applied behavior analysis” means the design, implementation and evaluation of en-**
9 **vironmental modifications for an individual who is 11 years of age or younger, using behav-**
10 **ioral stimuli and consequences, to produce socially significant improvement in human**
11 **behavior, including the use of direct observation, measurement, and functional analysis of**
12 **the relationship between environment and behavior.**

13 (2) **“Autism spectrum disorder” means a neurobiological condition that includes autistic**
14 **disorder, Asperger’s disorder or pervasive developmental disorder not otherwise specified as**
15 **defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disor-**
16 **ders published by the American Psychiatric Association.**

17 (3) **“Certified behavior analyst” means an individual certified by the Behavior Analyst**
18 **Certification Board as a “Board Certified Behavior Analyst,” or “Board Certified Associate**
19 **Behavior Analyst” or certified by another nationally recognized organization.**

20 (4) **“Coordination of care” means a service that:**

21 (a) **Facilitates linking patients with appropriate services and resources in a coordinated**
22 **effort to ensure that patient needs are met and services are not duplicated by organizations**
23 **involved in providing care;**

24 (b) **Assists patients and families to more effectively navigate and use the health care**
25 **system; or**

26 (c) **Maximizes the value of services delivered to patients by facilitating beneficial, effi-**
27 **cient, safe and high-quality patient experiences and improved health care outcomes.**

28 (5) **“Diagnosis” means medically necessary assessment, evaluations or tests.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **(6) “Habilitative or rehabilitative care” means professional counseling, guidance, services**
2 **and treatment programs, including applied behavior analysis, developmental approaches and**
3 **other behavioral health treatments, that are necessary to develop, improve, maintain and**
4 **restore to the maximum possible extent an individual’s functioning and that are provided by**
5 **a licensed or certified physician, psychologist, psychiatrist, speech-language pathologist, oc-**
6 **cupational therapist, physical therapist, certified behavior analyst, clinical autism spectrum**
7 **disorder specialist with an Autism Spectrum Disorder Specialist Continuing Teacher License**
8 **from the Teacher Standards and Practices Commission or line therapists supervised by any**
9 **of the above.**

10 **(7) “Medical accommodations for usual care” means medical accommodations and ser-**
11 **vices that are medically necessary in order for an individual with an autism spectrum dis-**
12 **order to receive the same medical or dental care that an individual without an autism**
13 **spectrum disorder would receive, including but not limited to sedation.**

14 **(8) “Medically necessary” means reasonably expected to do the following:**

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

16 **(b) Reduce or ameliorate the physical, mental or developmental effects of an illness,**
17 **condition, injury or disability; or**

18 **(c) Assist an individual in achieving or maintaining maximum functional capacity to**
19 **perform daily activities, taking into account both the functional capacity of the individual**
20 **and the functional capacities that are appropriate for individuals of the same age.**

21 **(9) “Pharmacy care” means medications prescribed by a licensed physician and any**
22 **health-related services deemed medically necessary to determine the need or effectiveness**
23 **of the medications.**

24 **(10) “Psychiatric care” means direct or consultative services provided by a psychiatrist**
25 **licensed in the state where the psychiatrist practices.**

26 **(11) “Psychological care” means direct or consultative services provided by a psychologist**
27 **licensed in the state where the psychologist practices.**

28 **(12) “Therapeutic care” means services provided by licensed or certified speech-language**
29 **pathologists, occupational therapists or physical therapists.**

30 **(13) “Treatment for autism spectrum disorders” includes, but is not limited to, the fol-**
31 **lowing care prescribed, provided or ordered for an individual diagnosed with one of the**
32 **autism spectrum disorders by a licensed physician or licensed psychologist who determines**
33 **the care to be medically necessary:**

34 **(a) Habilitative or rehabilitative care;**

35 **(b) Pharmacy care;**

36 **(c) Psychiatric care;**

37 **(d) Psychological care;**

38 **(e) Therapeutic care;**

39 **(f) Augmentative communication devices and other assistive technology devices;**

40 **(g) Medical accommodations for usual care;**

41 **(h) Coordination of care; and**

42 **(i) Any other medically necessary care that meets a standard of best available evidence**
43 **no more restrictive than the standard of evidence required for coverage of the prevailing**
44 **medical or surgical treatments.**

45 **SECTION 3. (1) A health benefit plan, as defined in ORS 743.730, that provides coverage**

1 for hospital, surgical or medical care shall provide coverage for the screening for, diagnosis
2 of and treatment for autism spectrum disorders. An insurer may not terminate coverage or
3 refuse to issue or renew coverage for an individual solely because the individual is diagnosed
4 with one of the autism spectrum disorders or has received treatment for an autism spectrum
5 disorder.

6 (2) Coverage under this section may not be subject to utilization controls regarding the
7 number or frequency of visits or the duration of treatment except that applied behavioral
8 analysis may be limited to 87 hours per month.

9 (3) Except as provided in subsection (8) of this section, coverage under this section may
10 not be subject to dollar limits, deductibles, copayments or coinsurance provisions that are
11 less favorable to an insured than the dollar limits, deductibles, copayments or coinsurance
12 provisions that apply to physical illness generally under the health benefit plan.

13 (4) This section does not limit coverage that is otherwise available to an individual under
14 a health benefit plan or reduce benefits required under ORS 743A.168.

15 (5) A claim for services described in this section may not be denied on the basis that the
16 service is habilitative or rehabilitative and does not fully restore function.

17 (6) Coverage required by this section includes medically necessary treatment provided in
18 the home and in the community.

19 (7) Except for inpatient services, if an individual is receiving treatment for an autism
20 spectrum disorder, an insurer may request a review of the treatment not more than once
21 every six months by a review panel appointed by the insurer and at the expense of the
22 insurer.

23 (8) Subsections (1) to (7) of this section apply to health benefit plans and to self-insurance
24 programs offered by the Public Employees' Benefit Board and the Oregon Educators Benefit
25 Board. The coverage may be subject to:

26 (a) A separate annual deductible of up to \$500.

27 (b) A coinsurance requirement of up to 20 percent of the cost of the care.

28 (c) No annual limits on the individual's out-of-pocket expenses.

29 (9) ORS 743A.001 does not apply to this section.

30 (10) The Department of Consumer and Business Services, after notice, hearing and con-
31 sultation with a panel of experts with expertise in diagnosing and treating autism spectrum
32 disorders, may adopt rules necessary to carry out the provisions of this section.

33 **SECTION 4.** ORS 743A.190 is amended to read:

34 743A.190. (1) A health benefit plan, as defined in ORS 743.730, must cover for a child enrolled
35 in the plan who is under 18 years of age and who has been diagnosed with a [*pervasive*] develop-
36 mental disorder all medical services, including rehabilitation services, that are medically necessary
37 and are otherwise covered under the plan.

38 (2) The coverage required under subsection (1) of this section, including rehabilitation services,
39 may be made subject to other provisions of the health benefit plan that apply to covered services,
40 including but not limited to:

41 (a) Deductibles, copayments or coinsurance;

42 (b) Prior authorization or utilization review requirements; or

43 (c) Treatment limitations regarding the number of visits or the duration of treatment.

44 (3) As used in this section:

45 (a) "Developmental disorder" means a neurological condition that includes developmental

1 **delay, developmental disability or intellectual disability.**

2 [(a)] (b) “Medically necessary” means in accordance with the definition of medical necessity that
3 is specified in the policy, certificate or contract for the health benefit plan and that applies uni-
4 formly to all covered services under the health benefit plan.

5 [(b) “*Pervasive developmental disorder*” means a neurological condition that includes Asperger’s
6 syndrome, autism, developmental delay, developmental disability or mental retardation.]

7 (c) “Rehabilitation services” means physical therapy, occupational therapy or speech therapy
8 services to restore or improve function.

9 (4) The provisions of ORS 743A.001 do not apply to this section.

10 (5) The definition of “[*pervasive*] developmental disorder” is not intended to apply to coverage
11 required under ORS 743A.168.

12 **SECTION 5. Sections 2 and 3 of this 2011 Act and the amendments to ORS 743A.190 by**
13 **section 4 of this 2011 Act apply to policies or certificates issued or renewed on or after the**
14 **effective date of this 2011 Act.**