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Senate Committee On Health Care and Human Services
Oregon Senate
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Written Testimony AGAINST SB122

I am writing as a volunteer consumer advocate for families seeking insurance coverage for treatment of autism, and as Oregon Chapter Policy Chair for Autism Speaks. In the last year, I have assisted more than 80 families with appeals related to insurance coverage for autism – many of which have overturned inappropriate denials of coverage for medically necessary, evidence-based care for autism, such as Applied Behavior Analysis (ABA) and speech therapy services.

SB122 would permit the Director of the Department of Consumer and Business Services (DCBS) to adopt rules “prohibiting or limiting coverage of items, services or medical technologies in accordance with coverage guidance produce by the Health Evidence Review Commission.” At the same time, it would do nothing to require insurers to cover evidence-based services recommended by HERC.

I have several serious concerns about this proposal:

SB122 could block all coverage of medically necessary, evidence-based treatments for autism – based on a flawed HRC report that was never intended to be used as the basis for coverage decisions.

In 2008, HERC’s predecessor, the Health Resources Commission, produced a report on “Evidence for Effectiveness of Treatments for Autism Spectrum Disorders In Children and Adolescents.” While there is a broad consensus on the effectiveness of many forms of treatment for autism – supported by the U.S. Surgeon General, National Institute of Mental Health, American Academy of Pediatrics, and many other professional and governmental associations – the HRC concluded that there was insufficient evidence for virtually every form of treatment for autism. The report was based solely on proprietary, unpublished data from the Medicaid Evidence-based Decision project (MED project), which consumer advocates and members of the public have not been permitted to review.

Dr. David Pass, Director of the Health Resources Commission at the time the report was written made the following statement about the level of evidence used in that report in testimony about 2008 HRC Report to Oregon Commission on Autism Spectrum Disorder’s Role of Insurance Committee, 9/2/10¹ :

¹ Dr. David Pass, Email to Paul Terdal, January 24, 2011