



## Suggested Floor Speech Comments on SB365, Autism Health Insurance Reform

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SB365 was developed by a legislative workgroup that included representatives from the autism community, the insurance industry, education, and critical government agencies. It is a consensus bill, based on numerous meetings over the past year and a half.

SB365 establishes requirements for insurance coverage of medically necessary treatment for autism spectrum disorder, including Applied Behavior Analysis (ABA) and any other mental or medical services identified in an individualized treatment plan. It also creates a Behavior Analysis Regulatory Board to license and credential providers of ABA services to ensure high quality, low cost service delivery in a model consistent with the national standard of care.

ABA is a well-established technique that can make a big difference in the lives of patients with autism. It is not “experimental or investigational” – it has been recognized as effective by the U.S. Surgeon General, National Institute of Mental Health, American Academy of Pediatrics, American Psychological Association, and American Society of Child and Adolescent Psychiatry, among other organizations, and has been supported by numerous studies. The U.S. Interagency Autism Coordinating Committee has recommended to the U.S. Department of Health and Human Services that it establish a “Federal minimum standard of autism coverage” under the Affordable Care Act – to include ABA.

While SB365 establishes a framework for insurer approval and management of treatment for autism, it does not create a new Oregon insurance mandate for this condition: ORS 743A.168, Oregon’s Mental Health Parity law, enacted as SB1 in 2005; and ORS 743A.190, Children with Pervasive Developmental Disorder, enacted as HB2918 in 2007, already mandate coverage of treatment for autism “at the same level as, and subject to limitations no more restrictive than, those imposed on coverage or reimbursement of expenses arising from treatment for other medical conditions.”. PacificSource has been providing coverage of ABA therapy as a treatment for autism on its’ group plans – including the CoDeduct Value Plan used the benchmark for Oregon’s Essential Health Benefits Package – since a U.S. District court ruling in 2010. Kaiser also began providing coverage of ABA therapy on all of its’ commercial plans in 2012, after Independent Review Organizations appointed by the Department of Consumer and Business Services overturned more than a dozen denials of coverage for ABA therapy. It is the opinion of Legislative Counsel that ABA therapy is already included in Oregon’s Essential Health Benefits package.

The insurance coverage requirements in SB365 will apply to PEBB and OEBB in 2015, and to commercial Health Benefit Plans beginning in 2016. SB365 also directs the Health Evidence Review Commission to evaluate ABA as a treatment for autism for the purpose of updating the list of health services recommended under ORS 414.890 for coverage on the Oregon Health Plan.