

SENATE BILL No. 415

June 8, 2011, Introduced by Senators HUNTER, CASWELL, RICHARDVILLE, EMMONS, GLEASON, SMITH, WHITMER, BIEDA, YOUNG, HOOD, GREGORY, JOHNSON, PAPPAGEORGE, BOOHER and WARREN and referred to the Committee on Health Policy.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding section 3406s.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3406S. (1) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR
2 SURGICAL GROUP OR INDIVIDUAL POLICY OR CERTIFICATE DELIVERED,
3 ISSUED FOR DELIVERY, OR RENEWED IN THIS STATE AND A HEALTH
4 MAINTENANCE ORGANIZATION GROUP OR INDIVIDUAL CONTRACT SHALL PROVIDE
5 COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF AUTISM SPECTRUM
6 DISORDERS. AN INSURER AND A HEALTH MAINTENANCE ORGANIZATION SHALL
7 NOT TERMINATE COVERAGE OR REFUSE TO DELIVER, EXECUTE, ISSUE, AMEND,
8 ADJUST, OR RENEW COVERAGE SOLELY BECAUSE AN INDIVIDUAL IS DIAGNOSED
9 WITH, OR HAS RECEIVED TREATMENT FOR, AN AUTISM SPECTRUM DISORDER.
10 (2) COVERAGE UNDER THIS SECTION IS NOT SUBJECT TO LIMITS ON
11 THE NUMBER OF VISITS AN INSURED OR ENROLLEE MAY USE FOR TREATMENT
12 OF AUTISM SPECTRUM DISORDERS.

1 (3) COVERAGE UNDER THIS SECTION SHALL NOT BE DENIED OR LIMITED
2 ON THE BASIS THAT IT IS EDUCATIONAL OR HABILITATIVE IN NATURE.

3 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), COVERAGE UNDER THIS
4 SECTION SHALL NOT BE SUBJECT TO DOLLAR LIMITS, COPAYS, DEDUCTIBLES,
5 OR COINSURANCE PROVISIONS THAT DO NOT APPLY TO PHYSICAL ILLNESS
6 GENERALLY.

7 (5) COVERAGE UNDER THIS SECTION FOR APPLIED BEHAVIOR ANALYSIS
8 MAY BE SUBJECT TO A MAXIMUM ANNUAL BENEFIT OF \$50,000.00 AND MAY BE
9 LIMITED TO AN INSURED OR ENROLLEE UP TO AGE 18.

10 (6) THIS SECTION SHALL NOT BE CONSTRUED AS LIMITING BENEFITS
11 THAT ARE OTHERWISE AVAILABLE TO AN INSURED OR ENROLLEE UNDER A
12 POLICY OR CERTIFICATE.

13 (7) IF AN INSURED OR ENROLLEE IS RECEIVING TREATMENT FOR
14 AUTISM SPECTRUM DISORDER, AN INSURER OR HEALTH MAINTENANCE
15 ORGANIZATION MAY REQUEST A REVIEW OF THAT TREATMENT CONSISTENT WITH
16 CURRENT PROTOCOLS AND MAY REQUIRE A TREATMENT PLAN. THE COST OF
17 OBTAINING A TREATMENT REVIEW SHALL BE BORNE BY THE INSURER OR
18 HEALTH MAINTENANCE ORGANIZATION. AN INSURER OR HEALTH MAINTENANCE
19 ORGANIZATION SHALL UTILIZE EVIDENCE-BASED CARE AND MANAGED CARE
20 COST-CONTAINMENT PRACTICES IN ACCORDANCE WITH THE INSURER'S OR
21 HEALTH MAINTENANCE ORGANIZATION'S PROCEDURES SO LONG AS THAT CARE
22 AND THOSE PRACTICES ARE CONSISTENT WITH THIS SECTION.

23 (8) THIS SECTION DOES NOT APPLY TO A SHORT-TERM OR 1-TIME
24 LIMITED DURATION POLICY OR CERTIFICATE OF NO LONGER THAN 6 MONTHS
25 AS DEFINED IN SECTION 2213B.

26 (9) AS USED IN THIS SECTION:

27 (A) "APPLIED BEHAVIOR ANALYSIS" MEANS THE DESIGN,

1 IMPLEMENTATION, AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS,
2 USING BEHAVIORAL STIMULI AND CONSEQUENCES, TO PRODUCE SIGNIFICANT
3 IMPROVEMENT IN HUMAN BEHAVIOR, INCLUDING THE USE OF DIRECT
4 OBSERVATION, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF THE
5 RELATIONSHIP BETWEEN ENVIRONMENT AND BEHAVIOR.

6 (B) "AUTISM SPECTRUM DISORDERS" MEANS ANY OF THE FOLLOWING
7 PERVASIVE DEVELOPMENTAL DISORDERS AS DEFINED BY THE "DIAGNOSTIC AND
8 STATISTICAL MANUAL OF MENTAL DISORDERS" OF THE AMERICAN PSYCHIATRIC
9 ASSOCIATION:

10 (i) AUTISTIC DISORDER.

11 (ii) ASPERGER'S DISORDER.

12 (iii) PERVASIVE DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED.

13 (C) "BEHAVIORAL HEALTH TREATMENT" MEANS PROFESSIONAL,
14 COUNSELING, AND GUIDANCE SERVICES AND TREATMENT PROGRAMS, INCLUDING
15 APPLIED BEHAVIOR ANALYSIS IF PROVIDED OR SUPERVISED BY A CERTIFIED
16 BEHAVIOR ANALYST, THAT ARE NECESSARY TO DEVELOP, MAINTAIN, AND
17 RESTORE, TO THE MAXIMUM EXTENT PRACTICABLE, THE FUNCTIONING OF AN
18 INDIVIDUAL.

19 (D) "DIAGNOSIS OF AUTISM SPECTRUM DISORDERS" MEANS
20 ASSESSMENTS, EVALUATIONS, OR TESTS PERFORMED BY A LICENSED
21 PHYSICIAN OR A LICENSED PSYCHOLOGIST TO DIAGNOSE WHETHER AN
22 INDIVIDUAL HAS 1 OF THE AUTISM SPECTRUM DISORDERS.

23 (E) "PHARMACY CARE" MEANS MEDICATIONS PRESCRIBED BY A LICENSED
24 PHYSICIAN AND RELATED SERVICES PERFORMED BY A LICENSED PHARMACIST
25 AND ANY HEALTH-RELATED SERVICES CONSIDERED MEDICALLY NECESSARY TO
26 DETERMINE THE NEED OR EFFECTIVENESS OF THE MEDICATIONS.

27 (F) "PSYCHIATRIC CARE" MEANS DIRECT OR CONSULTATIVE SERVICES

1 PROVIDED BY A PSYCHIATRIST LICENSED IN THE STATE IN WHICH THE
2 PSYCHIATRIST PRACTICES.

3 (G) "PSYCHOLOGICAL CARE" MEANS DIRECT OR CONSULTATIVE SERVICES
4 PROVIDED BY A PSYCHOLOGIST LICENSED IN THE STATE IN WHICH THE
5 PSYCHOLOGIST PRACTICES.

6 (H) "THERAPEUTIC CARE" MEANS SERVICES PROVIDED BY A LICENSED
7 OR CERTIFIED SPEECH THERAPIST, OCCUPATIONAL THERAPIST, PHYSICAL
8 THERAPIST, OR SOCIAL WORKER.

9 (I) "TREATMENT OF AUTISM SPECTRUM DISORDERS" MEANS EVIDENCE-
10 BASED TREATMENT THAT INCLUDES THE FOLLOWING CARE PRESCRIBED OR
11 ORDERED FOR AN INDIVIDUAL DIAGNOSED WITH 1 OF THE AUTISM SPECTRUM
12 DISORDERS BY A LICENSED PHYSICIAN OR A LICENSED PSYCHOLOGIST WHO
13 DETERMINES THE CARE TO BE MEDICALLY NECESSARY:

14 (i) BEHAVIORAL HEALTH TREATMENT.

15 (ii) PHARMACY CARE.

16 (iii) PSYCHIATRIC CARE.

17 (iv) PSYCHOLOGICAL CARE.

18 (v) THERAPEUTIC CARE.

19 (J) "TREATMENT PLAN" MEANS A WRITTEN COMPREHENSIVE EVALUATION
20 BY A MULTIDISCIPLINARY TEAM, INDIVIDUALIZED FOR EACH PATIENT AND
21 DEVELOPED BY A LICENSED PHYSICIAN OR LICENSED PSYCHOLOGIST.

22 Enacting section 1. This amendatory act applies to policies,
23 certificates, and contracts delivered, executed, issued, amended,
24 adjusted, or renewed in this state, or outside this state if
25 covering residents of this state, beginning 180 days after the date
26 this amendatory act is enacted into law.