

SENATE BILL No. 740

August 18, 2009, Introduced by Senators THOMAS, JACOBS, HUNTER and RICHARDVILLE and referred to the Committee on Economic Development and Regulatory Reform.

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 CERTIFICATE DELIVERED, ISSUED FOR DELIVERY, OR
3 RENEWED IN THIS STATE AND A HEALTH MAINTENANCE ORGANIZATION GROUP
4 CONTRACT SHALL PROVIDE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF
5 AUTISM SPECTRUM DISORDERS. AN INSURER AND A HEALTH MAINTENANCE
6 ORGANIZATION SHALL NOT TERMINATE COVERAGE OR REFUSE TO DELIVER,
7 EXECUTE, ISSUE, AMEND, ADJUST, OR RENEW COVERAGE SOLELY BECAUSE AN
8 INDIVIDUAL IS DIAGNOSED WITH, OR HAS RECEIVED TREATMENT FOR, AN
9 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 MAKE TO AN AUTISM

1 SERVICES PROVIDER.

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

6 (4) COVERAGE UNDER THIS SECTION FOR APPLIED BEHAVIOR ANALYSIS
7 MAY BE SUBJECT TO A MAXIMUM ANNUAL BENEFIT OF \$50,000.00.

8 (5) THIS SECTION SHALL NOT BE CONSTRUED AS LIMITING BENEFITS
9 THAT ARE OTHERWISE AVAILABLE TO AN INSURED OR ENROLLEE UNDER A
10 CERTIFICATE.

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

20 (7) THIS SECTION DOES NOT APPLY TO A SHORT-TERM OR 1-TIME
21 LIMITED DURATION POLICY OR CERTIFICATE OF NO LONGER THAN 6 MONTHS
22 AS DEFINED IN SECTION 2213B.

23 (8) AS USED IN THIS SECTION:

24 (A) "APPLIED BEHAVIOR ANALYSIS" MEANS THE DESIGN,
25 IMPLEMENTATION, AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS,
26 USING BEHAVIORAL STIMULI AND CONSEQUENCES, TO PRODUCE SIGNIFICANT
27 IMPROVEMENT IN HUMAN BEHAVIOR, INCLUDING THE USE OF DIRECT

1 OBSERVATION, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF THE RELATIONS
2 BETWEEN ENVIRONMENT AND BEHAVIOR.

3 (B) "AUTISM SERVICES PROVIDER" MEANS A LICENSED PHYSICIAN, A
4 LICENSED PSYCHOLOGIST, OR A BEHAVIOR ANALYST CERTIFIED BY THE
5 BEHAVIOR ANALYST CERTIFICATION BOARD, OR AN INDIVIDUAL SUPERVISED
6 BY THE PHYSICIAN, PSYCHOLOGIST, OR BEHAVIOR ANALYST, WHO PROVIDES
7 TREATMENT OF AUTISM SPECTRUM DISORDERS.

8 (C) "AUTISM SPECTRUM DISORDER" MEANS ANY OF THE FOLLOWING
9 PERVASIVE DEVELOPMENTAL DISORDERS:

10 (i) AUTISTIC DISORDER.

11 (ii) ASPERGER'S DISORDER.

12 (iii) PERVASIVE DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED.

13 (D) "DIAGNOSIS OF AUTISM SPECTRUM DISORDERS" MEANS
14 ASSESSMENTS, EVALUATIONS, OR TESTS PERFORMED BY A LICENSED
15 PHYSICIAN OR A LICENSED PSYCHOLOGIST TO DIAGNOSE WHETHER AN
16 INDIVIDUAL HAS 1 OF THE AUTISM SPECTRUM DISORDERS.

17 (E) "HABILITATIVE OR REHABILITATIVE CARE" MEANS PROFESSIONAL,
18 COUNSELING, AND GUIDANCE SERVICES AND TREATMENT PROGRAMS, INCLUDING
19 APPLIED BEHAVIOR ANALYSIS, THAT ARE NECESSARY TO DEVELOP, MAINTAIN,
20 AND RESTORE, TO THE MAXIMUM EXTENT PRACTICABLE, THE FUNCTIONING OF
21 AN INDIVIDUAL.

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

26 (G) "PSYCHIATRIC CARE" MEANS DIRECT OR CONSULTATIVE SERVICES
27 PROVIDED BY A PSYCHIATRIST LICENSED IN THE STATE IN WHICH THE

1 PSYCHIATRIST PRACTICES.

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

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

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

13 (i) HABILITATIVE OR REHABILITATIVE CARE.

14 (ii) PHARMACY CARE.

15 (iii) PSYCHIATRIC CARE.

16 (iv) PSYCHOLOGICAL CARE.

17 (v) THERAPEUTIC CARE.

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

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