

# SENATE BILL No. 359

March 11, 2009, Introduced by Senators HUNTER, BARCIA, WHITMER, THOMAS, GLEASON, SCOTT, BRATER and CLARKE 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 POLICY OR CERTIFICATE DELIVERED, ISSUED FOR DELIVERY, OR  
3 RENEWED IN THIS STATE AND A HEALTH MAINTENANCE ORGANIZATION  
4 CONTRACT SHALL PROVIDE COVERAGE FOR THE SCREENING, DIAGNOSIS, AND  
5 TREATMENT OF AUTISM SPECTRUM DISORDER, INCLUDING, BUT NOT LIMITED  
6 TO, COVERAGE FOR SPEECH THERAPY, OCCUPATIONAL THERAPY, PHYSICAL  
7 THERAPY, PSYCHOLOGICAL SERVICES, PSYCHIATRIC SERVICES, AND APPLIED  
8 BEHAVIORAL ANALYSIS, AS PRESCRIBED OR ORDERED BY THE INSURED'S OR  
9 ENROLLEE'S TREATING PHYSICIAN OR PSYCHOLOGIST.

10           (2) COVERAGE FOR AUTISM SPECTRUM DISORDER UNDER THIS SECTION

1 IS SUBJECT TO THE SAME TERMS AND CONDITIONS THAT THE INSURER OR  
2 HEALTH MAINTENANCE ORGANIZATION APPLIES TO THE TREATMENT OF OTHER  
3 DISORDERS, EXCEPT AS FOLLOWS:

4 (A) TREATMENT SHALL NOT BE LIMITED OR DENIED ON THE BASIS THAT  
5 IT IS HABILITATIVE IN NATURE.

6 (B) TREATMENT SHALL NOT BE SUBJECT TO VISIT LIMITS.

7 (3) IF AN INSURED OR ENROLLEE IS RECEIVING TREATMENT FOR  
8 AUTISM SPECTRUM DISORDER, AN INSURER OR HEALTH MAINTENANCE  
9 ORGANIZATION MAY REQUEST A REVIEW OF THAT TREATMENT NOT MORE THAN  
10 ONCE EVERY 6 MONTHS UNLESS THE INSURER OR HEALTH MAINTENANCE  
11 ORGANIZATION AND THE INSURED'S OR ENROLLEE'S TREATING PHYSICIAN OR  
12 PSYCHOLOGIST AGREE THAT A MORE FREQUENT REVIEW IS NECESSARY. THE  
13 COST OF OBTAINING THIS REVIEW SHALL BE BORNE BY THE INSURER OR  
14 HEALTH MAINTENANCE ORGANIZATION.

15 (4) THIS SECTION SHALL NOT BE CONSTRUED AS LIMITING BENEFITS  
16 THAT ARE OTHERWISE AVAILABLE TO AN INSURED OR ENROLLEE WITH AUTISM  
17 SPECTRUM DISORDER.

18 (5) AS USED IN THIS SECTION:

19 (A) "APPLIED BEHAVIOR ANALYSIS" MEANS THE DESIGN,  
20 IMPLEMENTATION, AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS,  
21 USING BEHAVIORAL STIMULI AND CONSEQUENCES, TO PRODUCE SOCIALLY  
22 SIGNIFICANT IMPROVEMENT IN HUMAN BEHAVIOR, INCLUDING THE USE OF  
23 DIRECT OBSERVATION, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF THE  
24 RELATIONS BETWEEN ENVIRONMENT AND BEHAVIOR.

25 (B) "AUTISM SPECTRUM DISORDER" MEANS ANY OF THE PERVASIVE  
26 DEVELOPMENTAL DISORDERS AS DEFINED BY THE MOST RECENT EDITION OF  
27 THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (DSM),

1 INCLUDING AUTISTIC DISORDER, ASPERGER'S DISORDER, AND PERVASIVE  
2 DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED.