

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 414

A bill to amend 1980 PA 350, entitled
"The nonprofit health care corporation reform act,"
(MCL 550.1101 to 550.1704) by adding section 416e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 416E. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
2 HEALTH CARE CORPORATION GROUP OR NONGROUP CERTIFICATE SHALL PROVIDE
3 COVERAGE FOR THE DIAGNOSIS OF AUTISM SPECTRUM DISORDERS AND
4 TREATMENT OF AUTISM SPECTRUM DISORDERS. A HEALTH CARE CORPORATION
5 SHALL NOT DO ANY OF THE FOLLOWING:

6 (A) LIMIT THE NUMBER OF VISITS A MEMBER MAY USE FOR TREATMENT
7 OF AUTISM SPECTRUM DISORDERS COVERED UNDER THIS SECTION.

8 (B) DENY OR LIMIT COVERAGE UNDER THIS SECTION ON THE BASIS
9 THAT TREATMENT IS EDUCATIONAL OR HABILITATIVE IN NATURE.

10 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, SUBJECT

1 COVERAGE UNDER THIS SECTION TO DOLLAR LIMITS, COPAYS, DEDUCTIBLES,
2 OR COINSURANCE PROVISIONS THAT DO NOT APPLY TO PHYSICAL ILLNESS
3 GENERALLY. COVERAGE UNDER THIS SECTION FOR TREATMENT OF AUTISM
4 SPECTRUM DISORDERS MAY BE LIMITED TO A MEMBER THROUGH 18 YEARS OF
5 AGE AND MAY BE SUBJECT TO A MAXIMUM ANNUAL BENEFIT AS FOLLOWS:

6 (i) FOR A COVERED MEMBER THROUGH 6 YEARS OF AGE, \$50,000.00.

7 (ii) FOR A COVERED MEMBER FROM 7 YEARS OF AGE THROUGH 12 YEARS
8 OF AGE, \$40,000.00.

9 (iii) FOR A COVERED MEMBER FROM 13 YEARS OF AGE THROUGH 18 YEARS
10 OF AGE, \$30,000.00.

11 (2) THIS SECTION DOES NOT LIMIT BENEFITS THAT ARE OTHERWISE
12 AVAILABLE TO A MEMBER UNDER A CERTIFICATE. A HEALTH CARE
13 CORPORATION SHALL UTILIZE EVIDENCE-BASED CARE AND MANAGED CARE
14 COST-CONTAINMENT PRACTICES PURSUANT TO THE HEALTH CARE
15 CORPORATION'S PROCEDURES SO LONG AS THAT CARE AND THOSE PRACTICES
16 ARE CONSISTENT WITH THIS SECTION. THE COVERAGE UNDER THIS SECTION
17 MAY BE SUBJECT TO OTHER GENERAL EXCLUSIONS AND LIMITATIONS OF THE
18 CERTIFICATE, INCLUDING, BUT NOT LIMITED TO, COORDINATION OF
19 BENEFITS, PARTICIPATING PROVIDER REQUIREMENTS, RESTRICTIONS ON
20 SERVICES PROVIDED BY FAMILY OR HOUSEHOLD MEMBERS, UTILIZATION
21 REVIEW OF HEALTH CARE SERVICES INCLUDING REVIEW OF MEDICAL
22 NECESSITY, CASE MANAGEMENT, AND OTHER MANAGED CARE PROVISIONS.

23 (3) IF A MEMBER IS RECEIVING TREATMENT FOR AN AUTISM SPECTRUM
24 DISORDER, A HEALTH CARE CORPORATION MAY, AS A CONDITION TO
25 PROVIDING THE COVERAGE UNDER THIS SECTION, DO ALL OF THE FOLLOWING:

26 (A) REQUIRE A REVIEW OF THAT TREATMENT CONSISTENT WITH CURRENT
27 PROTOCOLS AND MAY REQUIRE A TREATMENT PLAN. IF REQUESTED BY THE

1 HEALTH CARE CORPORATION, THE COST OF TREATMENT REVIEW SHALL BE
2 BORNE BY THE HEALTH CARE CORPORATION.

3 (B) REQUEST THE RESULTS OF THE AUTISM DIAGNOSTIC OBSERVATION
4 SCHEDULE THAT HAS BEEN USED IN THE DIAGNOSIS OF AN AUTISM SPECTRUM
5 DISORDER FOR THAT MEMBER.

6 (C) REQUEST THAT THE AUTISM DIAGNOSTIC OBSERVATION SCHEDULE BE
7 PERFORMED ON THAT MEMBER NOT MORE FREQUENTLY THAN ONCE EVERY 3
8 YEARS.

9 (D) REQUEST THAT AN ANNUAL DEVELOPMENT EVALUATION BE CONDUCTED
10 AND THE RESULTS OF THAT ANNUAL DEVELOPMENT EVALUATION BE SUBMITTED
11 TO THE HEALTH CARE CORPORATION.

12 (4) BEGINNING JANUARY 1, 2014, A QUALIFIED HEALTH PLAN OFFERED
13 THROUGH AN AMERICAN HEALTH BENEFIT EXCHANGE ESTABLISHED IN THIS
14 STATE PURSUANT TO THE FEDERAL ACT IS NOT REQUIRED TO PROVIDE
15 COVERAGE UNDER THIS SECTION TO THE EXTENT THAT IT EXCEEDS COVERAGE
16 THAT IS INCLUDED IN THE ESSENTIAL HEALTH BENEFITS AS REQUIRED
17 PURSUANT TO THE FEDERAL ACT. AS USED IN THIS SUBSECTION, "FEDERAL
18 ACT" MEANS THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT,
19 PUBLIC LAW 111-148, AS AMENDED BY THE FEDERAL HEALTH CARE AND
20 EDUCATION RECONCILIATION ACT OF 2010, PUBLIC LAW 111-152, AND ANY
21 REGULATIONS PROMULGATED UNDER THOSE ACTS.

22 (5) THIS SECTION DOES NOT REQUIRE THE COVERAGE OF PRESCRIPTION
23 DRUGS AND RELATED SERVICES UNLESS THE MEMBER IS COVERED BY A
24 PRESCRIPTION DRUG PLAN. THIS SECTION DOES NOT REQUIRE A HEALTH CARE
25 CORPORATION TO PROVIDE COVERAGE FOR AUTISM SPECTRUM DISORDERS TO A
26 MEMBER UNDER MORE THAN 1 OF ITS CERTIFICATES. IF A MEMBER HAS MORE
27 THAN 1 POLICY, CERTIFICATE, OR CONTRACT THAT COVERS AUTISM SPECTRUM

1 DISORDERS, THE BENEFITS PROVIDED ARE SUBJECT TO THE LIMITS OF THIS
2 SECTION WHEN COORDINATING BENEFITS.

3 (6) AS USED IN THIS SECTION:

4 (A) "APPLIED BEHAVIOR ANALYSIS" MEANS THE DESIGN,
5 IMPLEMENTATION, AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS,
6 USING BEHAVIORAL STIMULI AND CONSEQUENCES, TO PRODUCE SIGNIFICANT
7 IMPROVEMENT IN HUMAN BEHAVIOR, INCLUDING THE USE OF DIRECT
8 OBSERVATION, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF THE
9 RELATIONSHIP BETWEEN ENVIRONMENT AND BEHAVIOR.

10 (B) "AUTISM DIAGNOSTIC OBSERVATION SCHEDULE" MEANS THE
11 PROTOCOL AVAILABLE THROUGH WESTERN PSYCHOLOGICAL SERVICES FOR
12 DIAGNOSING AND ASSESSING AUTISM SPECTRUM DISORDERS OR ANY OTHER
13 STANDARDIZED DIAGNOSTIC MEASURE FOR AUTISM SPECTRUM DISORDERS THAT
14 IS APPROVED BY THE COMMISSIONER, IF THE COMMISSIONER DETERMINES
15 THAT THE DIAGNOSTIC MEASURE IS RECOGNIZED BY THE HEALTH CARE
16 INDUSTRY AND IS AN EVIDENCE-BASED DIAGNOSTIC TOOL.

17 (C) "AUTISM SPECTRUM DISORDERS" MEANS ANY OF THE FOLLOWING
18 PERVASIVE DEVELOPMENTAL DISORDERS AS DEFINED BY THE DIAGNOSTIC AND
19 STATISTICAL MANUAL:

20 (i) AUTISTIC DISORDER.

21 (ii) ASPERGER'S DISORDER.

22 (iii) PERVASIVE DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED.

23 (D) "BEHAVIORAL HEALTH TREATMENT" MEANS EVIDENCE-BASED
24 COUNSELING AND TREATMENT PROGRAMS, INCLUDING APPLIED BEHAVIOR
25 ANALYSIS, THAT MEET BOTH OF THE FOLLOWING REQUIREMENTS:

26 (i) ARE NECESSARY TO DEVELOP, MAINTAIN, OR RESTORE, TO THE
27 MAXIMUM EXTENT PRACTICABLE, THE FUNCTIONING OF AN INDIVIDUAL.

1 (ii) ARE PROVIDED OR SUPERVISED BY A BOARD CERTIFIED BEHAVIOR
2 ANALYST OR A LICENSED PSYCHOLOGIST SO LONG AS THE SERVICES
3 PERFORMED ARE COMMENSURATE WITH THE PSYCHOLOGIST'S FORMAL
4 UNIVERSITY TRAINING AND SUPERVISED EXPERIENCE.

5 (E) "DIAGNOSIS OF AUTISM SPECTRUM DISORDERS" MEANS
6 ASSESSMENTS, EVALUATIONS, OR TESTS, INCLUDING THE AUTISM DIAGNOSTIC
7 OBSERVATION SCHEDULE, PERFORMED BY A LICENSED PHYSICIAN OR A
8 LICENSED PSYCHOLOGIST TO DIAGNOSE WHETHER AN INDIVIDUAL HAS 1 OF
9 THE AUTISM SPECTRUM DISORDERS.

10 (F) "DIAGNOSTIC AND STATISTICAL MANUAL" OR "DSM" MEANS THE
11 DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS PUBLISHED BY
12 THE AMERICAN PSYCHIATRIC ASSOCIATION OR OTHER MANUAL THAT CONTAINS
13 COMMON LANGUAGE AND STANDARD CRITERIA FOR THE CLASSIFICATION OF
14 MENTAL DISORDERS AND THAT IS APPROVED BY THE COMMISSIONER, IF THE
15 COMMISSIONER DETERMINES THAT THE MANUAL IS RECOGNIZED BY THE HEALTH
16 CARE INDUSTRY AND THE CLASSIFICATION OF MENTAL DISORDERS IS AT
17 LEAST AS COMPREHENSIVE AS THE MANUAL PUBLISHED BY THE AMERICAN
18 PSYCHIATRIC ASSOCIATION ON THE EFFECTIVE DATE OF THIS SECTION.

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

23 (H) "PSYCHIATRIC CARE" MEANS EVIDENCE-BASED DIRECT OR
24 CONSULTATIVE SERVICES PROVIDED BY A PSYCHIATRIST LICENSED IN THE
25 STATE IN WHICH THE PSYCHIATRIST PRACTICES.

26 (I) "PSYCHOLOGICAL CARE" MEANS EVIDENCE-BASED DIRECT OR
27 CONSULTATIVE SERVICES PROVIDED BY A PSYCHOLOGIST LICENSED IN THE

1 STATE IN WHICH THE PSYCHOLOGIST PRACTICES.

2 (J) "THERAPEUTIC CARE" MEANS EVIDENCE-BASED SERVICES PROVIDED
3 BY A LICENSED OR CERTIFIED SPEECH THERAPIST, OCCUPATIONAL
4 THERAPIST, PHYSICAL THERAPIST, OR SOCIAL WORKER.

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

10 (i) BEHAVIORAL HEALTH TREATMENT.

11 (ii) PHARMACY CARE.

12 (iii) PSYCHIATRIC CARE.

13 (iv) PSYCHOLOGICAL CARE.

14 (v) THERAPEUTIC CARE.

15 (l) "TREATMENT PLAN" MEANS A WRITTEN, COMPREHENSIVE, AND
16 INDIVIDUALIZED INTERVENTION PLAN THAT INCORPORATES SPECIFIC
17 TREATMENT GOALS AND OBJECTIVES AND THAT IS DEVELOPED BY A BOARD
18 CERTIFIED OR LICENSED PROVIDER WHO HAS THE APPROPRIATE CREDENTIALS
19 AND WHO IS OPERATING WITHIN HIS OR HER SCOPE OF PRACTICE, WHEN THE
20 TREATMENT OF AN AUTISM SPECTRUM DISORDER IS FIRST PRESCRIBED OR
21 ORDERED BY A LICENSED PHYSICIAN OR LICENSED PSYCHOLOGIST AS
22 DESCRIBED IN SUBDIVISION (K).

23 Enacting section 1. This amendatory act applies to
24 certificates delivered, executed, issued, amended, adjusted, or
25 renewed in this state beginning 180 days after the date this
26 amendatory act is enacted into law.

27 Enacting section 2. This amendatory act does not take effect

1 unless all of the following bills of the 96th Legislature are
2 enacted into law:

3 (a) Senate Bill No. 415.

4 (b) Senate Bill No. 981.