

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 AND TREATMENT OF AUTISM SPECTRUM
4 DISORDERS. A HEALTH CARE CORPORATION SHALL NOT DO ANY OF THE
5 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 IT 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 APPLIED BEHAVIOR
4 ANALYSIS MAY BE SUBJECT TO A MAXIMUM ANNUAL BENEFIT OF \$50,000.00
5 PER COVERED MEMBER AND MAY BE LIMITED TO A MEMBER UP TO AGE 18.

6 (2) THIS SECTION DOES NOT LIMIT BENEFITS THAT ARE OTHERWISE
7 AVAILABLE TO A MEMBER UNDER A CERTIFICATE.

8 (3) IF A MEMBER IS RECEIVING TREATMENT FOR AN AUTISM SPECTRUM
9 DISORDER, A HEALTH CARE CORPORATION MAY REQUEST A REVIEW OF THAT
10 TREATMENT CONSISTENT WITH CURRENT PROTOCOLS AND MAY REQUIRE A
11 TREATMENT PLAN. THE COST OF OBTAINING A TREATMENT REVIEW SHALL BE
12 BORNE BY THE HEALTH CARE CORPORATION. A HEALTH CARE CORPORATION
13 SHALL UTILIZE EVIDENCE-BASED CARE AND MANAGED CARE COST-CONTAINMENT
14 PRACTICES PURSUANT TO THE HEALTH CARE CORPORATION'S PROCEDURES SO
15 LONG AS THAT CARE AND THOSE PRACTICES ARE CONSISTENT WITH THIS
16 SECTION.

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

27 (5) AS USED IN THIS SECTION:

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

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

11 (i) AUTISTIC DISORDER.

12 (ii) ASPERGER'S DISORDER.

13 (iii) PERVASIVE DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED.

14 (C) "BEHAVIOR HEALTH TREATMENT" MEANS EVIDENCE-BASED
15 COUNSELING AND TREATMENT PROGRAMS, INCLUDING APPLIED BEHAVIOR
16 ANALYSIS, THAT MEET BOTH OF THE FOLLOWING REQUIREMENTS:

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

19 (ii) ARE PROVIDED OR SUPERVISED BY A BOARD CERTIFIED BEHAVIOR
20 ANALYST OR A LICENSED PSYCHOLOGIST SO LONG AS THE SERVICES
21 PERFORMED ARE COMMENSURATE WITH THE PSYCHOLOGIST'S FORMAL
22 UNIVERSITY TRAINING AND SUPERVISED EXPERIENCE.

23 (D) "DIAGNOSIS OF AUTISM SPECTRUM DISORDERS" MEANS
24 ASSESSMENTS, EVALUATIONS, OR TESTS PERFORMED BY A LICENSED
25 PHYSICIAN OR A LICENSED PSYCHOLOGIST TO DIAGNOSE WHETHER AN
26 INDIVIDUAL HAS 1 OF THE AUTISM SPECTRUM DISORDERS.

27 (E) "PHARMACY CARE" MEANS MEDICATIONS PRESCRIBED BY A LICENSED

1 PHYSICIAN AND RELATED SERVICES PERFORMED BY A LICENSED PHARMACIST
2 AND ANY HEALTH-RELATED SERVICES CONSIDERED MEDICALLY NECESSARY TO
3 DETERMINE THE NEED OR EFFECTIVENESS OF THE MEDICATIONS.

4 (F) "PSYCHIATRIC CARE" MEANS EVIDENCE-BASED DIRECT OR
5 CONSULTATIVE SERVICES PROVIDED BY A PSYCHIATRIST LICENSED IN THE
6 STATE IN WHICH THE PSYCHIATRIST PRACTICES.

7 (G) "PSYCHOLOGICAL CARE" MEANS EVIDENCE-BASED DIRECT OR
8 CONSULTATIVE SERVICES PROVIDED BY A PSYCHOLOGIST LICENSED IN THE
9 STATE IN WHICH THE PSYCHOLOGIST PRACTICES.

10 (H) "THERAPEUTIC CARE" MEANS EVIDENCE-BASED SERVICES PROVIDED
11 BY A LICENSED OR CERTIFIED SPEECH THERAPIST, OCCUPATIONAL
12 THERAPIST, PHYSICAL THERAPIST, OR SOCIAL WORKER.

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

18 (i) BEHAVIORAL HEALTH TREATMENT.

19 (ii) PHARMACY CARE.

20 (iii) PSYCHIATRIC CARE.

21 (iv) PSYCHOLOGICAL CARE.

22 (v) THERAPEUTIC CARE.

23 (J) "TREATMENT PLAN" MEANS A WRITTEN, COMPREHENSIVE, AND
24 INDIVIDUALIZED INTERVENTION PLAN THAT INCORPORATES SPECIFIC
25 TREATMENT GOALS AND OBJECTIVES AND THAT IS DEVELOPED BY A BOARD
26 CERTIFIED OR LICENSED PROVIDER WHO HAS THE APPROPRIATE CREDENTIALS
27 AND WHO IS OPERATING WITHIN HIS OR HER SCOPE OF PRACTICE, WHEN THE

Senate Bill No. 414 as amended March 13, 2012

1 TREATMENT OF AN AUTISM SPECTRUM DISORDER IS FIRST PRESCRIBED OR
2 ORDERED BY A LICENSED PHYSICIAN OR LICENSED PSYCHOLOGIST AS
3 DESCRIBED IN SUBDIVISION (I).

<<Enacting section 1. This amendatory act takes effect October 1,
2012.>>

4 Enacting section <<2>>. This amendatory act does not take effect
5 unless all of the following bills of the 96th Legislature are
6 enacted into law:

7 (a) Senate Bill No. 415.

8 (b) Senate Bill No. 981.