

SUBSTITUTE FOR
SENATE BILL NO. 415

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) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
2 AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL GROUP OR
3 INDIVIDUAL POLICY OR CERTIFICATE DELIVERED, ISSUED FOR DELIVERY, OR
4 RENEWED IN THIS STATE AND A HEALTH MAINTENANCE ORGANIZATION GROUP
5 OR INDIVIDUAL CONTRACT SHALL PROVIDE COVERAGE FOR THE DIAGNOSIS AND
6 TREATMENT OF AUTISM SPECTRUM DISORDERS. AN INSURER AND A HEALTH
7 MAINTENANCE ORGANIZATION SHALL NOT DO ANY OF THE FOLLOWING:
8 (A) TERMINATE COVERAGE OR REFUSE TO DELIVER, EXECUTE, ISSUE,
9 AMEND, ADJUST, OR RENEW COVERAGE SOLELY BECAUSE AN INDIVIDUAL IS
10 DIAGNOSED WITH, OR HAS RECEIVED TREATMENT FOR, AN AUTISM SPECTRUM

1 DISORDER.

2 (B) LIMIT THE NUMBER OF VISITS AN INSURED OR ENROLLEE MAY USE
3 FOR TREATMENT OF AUTISM SPECTRUM DISORDERS COVERED UNDER THIS
4 SECTION.

5 (C) DENY OR LIMIT COVERAGE UNDER THIS SECTION ON THE BASIS
6 THAT IT IS EDUCATIONAL OR HABILITATIVE IN NATURE.

7 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, SUBJECT
8 COVERAGE UNDER THIS SECTION TO DOLLAR LIMITS, COPAYS, DEDUCTIBLES,
9 OR COINSURANCE PROVISIONS THAT DO NOT APPLY TO PHYSICAL ILLNESS
10 GENERALLY. COVERAGE UNDER THIS SECTION FOR APPLIED BEHAVIOR
11 ANALYSIS MAY BE SUBJECT TO A MAXIMUM ANNUAL BENEFIT OF \$50,000.00
12 PER COVERED INSURED OR ENROLLEE AND MAY BE LIMITED TO AN INSURED OR
13 ENROLLEE UP TO AGE 18.

14 (2) THIS SECTION DOES NOT LIMIT BENEFITS THAT ARE OTHERWISE
15 AVAILABLE TO AN INSURED OR ENROLLEE UNDER A POLICY OR CERTIFICATE.

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

26 (4) BEGINNING JANUARY 1, 2014, A QUALIFIED HEALTH PLAN OFFERED
27 THROUGH AN AMERICAN HEALTH BENEFIT EXCHANGE ESTABLISHED IN THIS

1 STATE PURSUANT TO THE FEDERAL ACT IS NOT REQUIRED TO PROVIDE
2 COVERAGE UNDER THIS SECTION TO THE EXTENT THAT IT EXCEEDS COVERAGE
3 THAT IS INCLUDED IN THE ESSENTIAL HEALTH BENEFITS AS REQUIRED
4 PURSUANT TO THE FEDERAL ACT. AS USED IN THIS SUBSECTION, "FEDERAL
5 ACT" MEANS THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT,
6 PUBLIC LAW 111-148, AS AMENDED BY THE FEDERAL HEALTH CARE AND
7 EDUCATION RECONCILIATION ACT OF 2010, PUBLIC LAW 111-152, AND ANY
8 REGULATIONS PROMULGATED UNDER THOSE ACTS.

9 (5) THIS SECTION DOES NOT APPLY TO A SHORT-TERM OR 1-TIME
10 LIMITED DURATION POLICY OR CERTIFICATE OF NO LONGER THAN 6 MONTHS
11 AS DESCRIBED IN SECTION 2213B.

12 (6) AS USED IN THIS SECTION:

13 (A) "APPLIED BEHAVIOR ANALYSIS" MEANS THE DESIGN,
14 IMPLEMENTATION, AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS,
15 USING BEHAVIORAL STIMULI AND CONSEQUENCES, TO PRODUCE SIGNIFICANT
16 IMPROVEMENT IN HUMAN BEHAVIOR, INCLUDING THE USE OF DIRECT
17 OBSERVATION, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF THE
18 RELATIONSHIP BETWEEN ENVIRONMENT AND BEHAVIOR.

19 (B) "AUTISM SPECTRUM DISORDERS" MEANS ANY OF THE FOLLOWING
20 PERVASIVE DEVELOPMENTAL DISORDERS AS DEFINED BY THE "DIAGNOSTIC AND
21 STATISTICAL MANUAL OF MENTAL DISORDERS" OF THE AMERICAN PSYCHIATRIC
22 ASSOCIATION:

23 (i) AUTISTIC DISORDER.

24 (ii) ASPERGER'S DISORDER.

25 (iii) PERVASIVE DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED.

26 (C) "BEHAVIORAL HEALTH TREATMENT" MEANS EVIDENCE-BASED,
27 COUNSELING AND TREATMENT PROGRAMS, INCLUDING APPLIED BEHAVIOR

1 ANALYSIS, THAT MEETS BOTH OF THE FOLLOWING REQUIREMENTS:

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

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

8 (D) "DIAGNOSIS OF AUTISM SPECTRUM DISORDERS" MEANS
9 ASSESSMENTS, EVALUATIONS, OR TESTS PERFORMED BY A LICENSED
10 PHYSICIAN OR A LICENSED PSYCHOLOGIST TO DIAGNOSE WHETHER AN
11 INDIVIDUAL HAS 1 OF THE AUTISM SPECTRUM DISORDERS.

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

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

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

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

25 (I) "TREATMENT OF AUTISM SPECTRUM DISORDERS" MEANS EVIDENCE-
26 BASED TREATMENT THAT INCLUDES THE FOLLOWING CARE PRESCRIBED OR
27 ORDERED FOR AN INDIVIDUAL DIAGNOSED WITH 1 OF THE AUTISM SPECTRUM

Senate Bill No. 415 as amended March 13, 2012

1 DISORDERS BY A LICENSED PHYSICIAN OR A LICENSED PSYCHOLOGIST WHO
2 DETERMINES THE CARE TO BE MEDICALLY NECESSARY:

3 (i) BEHAVIORAL HEALTH TREATMENT.

4 (ii) PHARMACY CARE.

5 (iii) PSYCHIATRIC CARE.

6 (iv) PSYCHOLOGICAL CARE.

7 (v) THERAPEUTIC CARE.

8 (J) "TREATMENT PLAN" MEANS A WRITTEN, COMPREHENSIVE, AND
9 INDIVIDUALIZED INTERVENTION PLAN THAT INCORPORATES SPECIFIC
10 TREATMENT GOALS AND OBJECTIVES AND THAT IS DEVELOPED BY A BOARD
11 CERTIFIED OR LICENSED PROVIDER WHO HAS THE APPROPRIATE CREDENTIALS
12 AND WHO IS OPERATING WITHIN HIS OR HER SCOPE OF PRACTICE, WHEN THE
13 TREATMENT OF AN AUTISM SPECTRUM DISORDER IS FIRST PRESCRIBED OR
14 ORDERED BY A LICENSED PHYSICIAN OR LICENSED PSYCHOLOGIST AS
15 DESCRIBED IN SUBDIVISION (I).

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

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

19 (a) Senate Bill No. 414.

20 (b) Senate Bill No. 981.