

SENATE BILL No. 414

June 8, 2011, Introduced by Senators GREEN, CASWELL, RICHARDVILLE, EMMONS, GLEASON, SMITH, WHITMER, BIEDA, YOUNG, HOOD, GREGORY, JOHNSON, PAPPAGEORGE, BOOHER and WARREN and referred to the Committee on Health Policy.

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) A HEALTH CARE CORPORATION GROUP OR NONGROUP
2 CERTIFICATE SHALL PROVIDE COVERAGE FOR THE DIAGNOSIS AND TREATMENT
3 OF AUTISM SPECTRUM DISORDERS.

4 (2) COVERAGE UNDER THIS SECTION IS NOT SUBJECT TO LIMITS ON
5 THE NUMBER OF VISITS A MEMBER MAY USE FOR TREATMENT OF AUTISM
6 SPECTRUM DISORDERS.

7 (3) COVERAGE UNDER THIS SECTION SHALL NOT BE DENIED OR LIMITED
8 ON THE BASIS THAT IT IS EDUCATIONAL OR HABILITATIVE IN NATURE.

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

1 GENERALLY.

2 (5) COVERAGE UNDER THIS SECTION FOR APPLIED BEHAVIOR ANALYSIS
3 MAY BE SUBJECT TO A MAXIMUM ANNUAL BENEFIT OF \$50,000.00 AND MAY BE
4 LIMITED TO A MEMBER UP TO AGE 18.

5 (6) THIS SECTION SHALL NOT BE CONSTRUED AS LIMITING BENEFITS
6 THAT ARE OTHERWISE AVAILABLE TO A MEMBER UNDER A CERTIFICATE.

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

16 (8) AS USED IN THIS SECTION:

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

23 (B) "AUTISM SPECTRUM DISORDERS" MEANS ANY OF THE FOLLOWING
24 PERVASIVE DEVELOPMENTAL DISORDERS AS DEFINED BY THE "DIAGNOSTIC AND
25 STATISTICAL MANUAL OF MENTAL DISORDERS" OF THE AMERICAN PSYCHIATRIC
26 ASSOCIATION:

27 (i) AUTISTIC DISORDER.

1 (ii) ASPERGER'S DISORDER.

2 (iii) PERVASIVE DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED.

3 (C) "BEHAVIOR HEALTH TREATMENT" MEANS PROFESSIONAL,
4 COUNSELING, AND GUIDANCE SERVICES AND TREATMENT PROGRAMS, INCLUDING
5 APPLIED BEHAVIOR ANALYSIS IF PROVIDED OR SUPERVISED BY A CERTIFIED
6 BEHAVIOR ANALYST, THAT ARE NECESSARY TO DEVELOP, MAINTAIN, AND
7 RESTORE, TO THE MAXIMUM EXTENT PRACTICABLE, THE FUNCTIONING OF AN
8 INDIVIDUAL.

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

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

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

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

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

26 (I) "TREATMENT OF AUTISM SPECTRUM DISORDERS" MEANS EVIDENCE-
27 BASED TREATMENT THAT INCLUDES THE FOLLOWING CARE PRESCRIBED OR

1 ORDERED FOR AN INDIVIDUAL DIAGNOSED WITH 1 OF THE AUTISM SPECTRUM
2 DISORDERS BY A LICENSED PHYSICIAN OR A LICENSED PSYCHOLOGIST WHO
3 DETERMINES THE CARE TO BE MEDICALLY NECESSARY:

4 (i) BEHAVIORAL HEALTH TREATMENT.

5 (ii) PHARMACY CARE.

6 (iii) PSYCHIATRIC CARE.

7 (iv) PSYCHOLOGICAL CARE.

8 (v) THERAPEUTIC CARE.

9 (J) "TREATMENT PLAN" MEANS A WRITTEN COMPREHENSIVE EVALUATION
10 BY A MULTIDISCIPLINARY TEAM, INDIVIDUALIZED FOR EACH PATIENT, AND
11 DEVELOPED BY A LICENSED PHYSICIAN OR LICENSED PSYCHOLOGIST.

12 Enacting section 1. This amendatory act applies to
13 certificates delivered, executed, issued, amended, adjusted, or
14 renewed in this state beginning 180 days after the date this
15 amendatory act is enacted into law.