

SENATE BILL No. 38

January 19, 2011, Introduced by Senators HUNTER, GLEASON, HOOD and WHITMER and referred to the Committee on Insurance.

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 GROUP CERTIFICATE DELIVERED, ISSUED FOR DELIVERY, OR
3 RENEWED IN THIS STATE AND A HEALTH MAINTENANCE ORGANIZATION GROUP
4 CONTRACT SHALL PROVIDE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF
5 AUTISM SPECTRUM DISORDERS. AN INSURER AND A HEALTH MAINTENANCE
6 ORGANIZATION SHALL NOT TERMINATE COVERAGE OR REFUSE TO DELIVER,
7 EXECUTE, ISSUE, AMEND, ADJUST, OR RENEW COVERAGE SOLELY BECAUSE AN
8 INDIVIDUAL IS DIAGNOSED WITH, OR HAS RECEIVED TREATMENT FOR, AN
9 AUTISM SPECTRUM DISORDER.

10 (2) COVERAGE UNDER THIS SECTION IS NOT SUBJECT TO LIMITS ON

1 THE NUMBER OF VISITS AN INSURED OR ENROLLEE MAY MAKE TO AN AUTISM
2 SERVICES PROVIDER.

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

7 (4) COVERAGE UNDER THIS SECTION FOR APPLIED BEHAVIOR ANALYSIS
8 MAY BE SUBJECT TO A MAXIMUM ANNUAL BENEFIT OF \$50,000.00.

9 (5) THIS SECTION SHALL NOT BE CONSTRUED AS LIMITING BENEFITS
10 THAT ARE OTHERWISE AVAILABLE TO AN INSURED OR ENROLLEE UNDER A
11 CERTIFICATE.

12 (6) IF AN INSURED OR ENROLLEE IS RECEIVING TREATMENT FOR
13 AUTISM SPECTRUM DISORDER, AN INSURER OR HEALTH MAINTENANCE
14 ORGANIZATION MAY REQUEST A REVIEW OF THAT TREATMENT CONSISTENT WITH
15 CURRENT PROTOCOLS AND MAY REQUIRE A TREATMENT PLAN. THE COST OF
16 OBTAINING A TREATMENT REVIEW SHALL BE BORNE BY THE INSURER OR
17 HEALTH MAINTENANCE ORGANIZATION. AN INSURER OR HEALTH MAINTENANCE
18 ORGANIZATION SHALL UTILIZE EVIDENCE-BASED CARE AND MANAGED CARE
19 COST-CONTAINMENT PRACTICES IN ACCORDANCE WITH THE INSURER'S OR
20 HEALTH MAINTENANCE ORGANIZATION'S PROCEDURES.

21 (7) THIS SECTION DOES NOT APPLY TO A SHORT-TERM OR 1-TIME
22 LIMITED DURATION POLICY OR CERTIFICATE OF NO LONGER THAN 6 MONTHS
23 AS DEFINED IN SECTION 2213B.

24 (8) AS USED IN THIS SECTION:

25 (A) "APPLIED BEHAVIOR ANALYSIS" MEANS THE DESIGN,
26 IMPLEMENTATION, AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS,
27 USING BEHAVIORAL STIMULI AND CONSEQUENCES, TO PRODUCE SIGNIFICANT

1 IMPROVEMENT IN HUMAN BEHAVIOR, INCLUDING THE USE OF DIRECT
2 OBSERVATION, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF THE RELATIONS
3 BETWEEN ENVIRONMENT AND BEHAVIOR.

4 (B) "AUTISM SERVICES PROVIDER" MEANS A LICENSED PHYSICIAN, A
5 LICENSED PSYCHOLOGIST, OR A BEHAVIOR ANALYST CERTIFIED BY THE
6 BEHAVIOR ANALYST CERTIFICATION BOARD, OR AN INDIVIDUAL SUPERVISED
7 BY THE PHYSICIAN, PSYCHOLOGIST, OR BEHAVIOR ANALYST, WHO PROVIDES
8 TREATMENT OF AUTISM SPECTRUM DISORDERS.

9 (C) "AUTISM SPECTRUM DISORDER" MEANS ANY OF THE FOLLOWING
10 PERVASIVE DEVELOPMENTAL DISORDERS:

11 (i) AUTISTIC DISORDER.

12 (ii) ASPERGER'S DISORDER.

13 (iii) PERVASIVE DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED.

14 (D) "DIAGNOSIS OF AUTISM SPECTRUM DISORDERS" MEANS
15 ASSESSMENTS, EVALUATIONS, OR TESTS PERFORMED BY A LICENSED
16 PHYSICIAN OR A LICENSED PSYCHOLOGIST TO DIAGNOSE WHETHER AN
17 INDIVIDUAL HAS 1 OF THE AUTISM SPECTRUM DISORDERS.

18 (E) "HABILITATIVE OR REHABILITATIVE CARE" MEANS PROFESSIONAL,
19 COUNSELING, AND GUIDANCE SERVICES AND TREATMENT PROGRAMS, INCLUDING
20 APPLIED BEHAVIOR ANALYSIS, THAT ARE NECESSARY TO DEVELOP, MAINTAIN,
21 AND RESTORE, TO THE MAXIMUM EXTENT PRACTICABLE, THE FUNCTIONING OF
22 AN INDIVIDUAL.

23 (F) "PHARMACY CARE" MEANS MEDICATIONS PRESCRIBED BY A LICENSED
24 PHYSICIAN AND RELATED SERVICES PERFORMED BY A LICENSED PHARMACIST
25 AND ANY HEALTH-RELATED SERVICES CONSIDERED MEDICALLY NECESSARY TO
26 DETERMINE THE NEED OR EFFECTIVENESS OF THE MEDICATIONS.

27 (G) "PSYCHIATRIC CARE" MEANS DIRECT OR CONSULTATIVE SERVICES

1 PROVIDED BY A PSYCHIATRIST LICENSED IN THE STATE IN WHICH THE
2 PSYCHIATRIST PRACTICES.

3 (H) "PSYCHOLOGICAL CARE" MEANS DIRECT OR CONSULTATIVE SERVICES
4 PROVIDED BY A PSYCHOLOGIST LICENSED IN THE STATE IN WHICH THE
5 PSYCHOLOGIST PRACTICES.

6 (I) "THERAPEUTIC CARE" MEANS SERVICES PROVIDED BY A LICENSED
7 OR CERTIFIED SPEECH THERAPIST, OCCUPATIONAL THERAPIST, PHYSICAL
8 THERAPIST, OR SOCIAL WORKER.

9 (J) "TREATMENT FOR AUTISM SPECTRUM DISORDERS" MEANS EVIDENCE-
10 BASED TREATMENT THAT INCLUDES THE FOLLOWING CARE PRESCRIBED,
11 PROVIDED, OR ORDERED FOR AN INDIVIDUAL DIAGNOSED WITH 1 OF THE
12 AUTISM SPECTRUM DISORDERS BY A LICENSED PHYSICIAN OR A LICENSED
13 PSYCHOLOGIST WHO DETERMINES THE CARE TO BE MEDICALLY NECESSARY:

14 (i) HABILITATIVE OR REHABILITATIVE CARE.

15 (ii) PHARMACY CARE.

16 (iii) PSYCHIATRIC CARE.

17 (iv) PSYCHOLOGICAL CARE.

18 (v) THERAPEUTIC CARE.

19 (K) "TREATMENT PLAN" MEANS A WRITTEN COMPREHENSIVE EVALUATION
20 BY A MULTIDISCIPLINARY TEAM, INDIVIDUALIZED FOR EACH PATIENT AND
21 DEVELOPED BY A LICENSED PHYSICIAN OR LICENSED PSYCHOLOGIST.

22 Enacting section 1. This amendatory act applies to policies,
23 certificates, and contracts delivered, executed, issued, amended,
24 adjusted, or renewed in this state, or outside this state if
25 covering residents of this state, beginning 180 days after the date
26 this amendatory act is enacted into law.