

SENATE BILL No. 39

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

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 CERTIFICATE
2 SHALL PROVIDE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF AUTISM
3 SPECTRUM DISORDERS.

4 (2) COVERAGE UNDER THIS SECTION IS NOT SUBJECT TO LIMITS ON
5 THE NUMBER OF VISITS A MEMBER MAY MAKE TO AN AUTISM SERVICES
6 PROVIDER.

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

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

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

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

13 (7) AS USED IN THIS SECTION:

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

20 (B) "AUTISM SERVICES PROVIDER" MEANS A LICENSED PHYSICIAN, A
21 LICENSED PSYCHOLOGIST, OR A BEHAVIOR ANALYST CERTIFIED BY THE
22 BEHAVIOR ANALYST CERTIFICATION BOARD, OR AN INDIVIDUAL SUPERVISED
23 BY THE PHYSICIAN, PSYCHOLOGIST, OR BEHAVIOR ANALYST, WHO PROVIDES
24 TREATMENT OF AUTISM SPECTRUM DISORDERS.

25 (C) "AUTISM SPECTRUM DISORDER" MEANS ANY OF THE FOLLOWING
26 PERVERSIVE DEVELOPMENTAL DISORDERS:

27 (i) AUTISTIC DISORDER.

1 (ii) ASPERGER'S DISORDER.

2 (iii) PERVASIVE DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED.

3 (D) "DIAGNOSIS OF AUTISM SPECTRUM DISORDERS" MEANS
4 ASSESSMENTS, EVALUATIONS, OR TESTS PERFORMED BY A LICENSED
5 PHYSICIAN OR A LICENSED PSYCHOLOGIST TO DIAGNOSE WHETHER AN
6 INDIVIDUAL HAS 1 OF THE AUTISM SPECTRUM DISORDERS.

7 (E) "HABILITATIVE OR REHABILITATIVE CARE" MEANS PROFESSIONAL,
8 COUNSELING, AND GUIDANCE SERVICES AND TREATMENT PROGRAMS, INCLUDING
9 APPLIED BEHAVIOR ANALYSIS, THAT ARE NECESSARY TO DEVELOP, MAINTAIN,
10 AND RESTORE, TO THE MAXIMUM EXTENT PRACTICABLE, THE FUNCTIONING OF
11 AN INDIVIDUAL.

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

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

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

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

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

3 (i) HABILITATIVE OR REHABILITATIVE CARE.

4 (ii) PHARMACY CARE.

5 (iii) PSYCHIATRIC CARE.

6 (iv) PSYCHOLOGICAL CARE.

7 (v) THERAPEUTIC CARE.

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

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