

JAN 17 2014

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that appropriate
2 screening can determine whether an individual as young as one
3 year old is at risk for autism and demonstrates that early
4 treatment improves outcomes. Autism Speaks, an autism science
5 and advocacy organization, estimates that one out of every
6 eighty-eight children is diagnosed with some form of autism.
7 Autism Speaks stresses the importance of recognizing the early
8 signs of autism and seeking early intervention services.

9 The legislature further finds that the federal Affordable
10 Care Act has improved the availability of screening, diagnosis,
11 and treatment of autism. For example, habilitative services
12 would permit individuals with autism to access ongoing services
13 in speech, occupational, and physical therapy when their
14 physician prescribes it. However, behavioral health treatments
15 such as applied behavior analysis specific to the treatment of
16 autism have not been covered as habilitative services.

17 The purpose of this Act is to require health insurance to
18 provide coverage for behavioral health treatment of autism



1 spectrum disorders when it is prescribed by an individual's
2 physician and provided by trained professionals, at the time it
3 will most benefit the individual. This treatment shall be
4 covered by health insurance up to the age of six when the
5 individual with autism may receive services as required by
6 federal law from the department of education.

7 SECTION 2. Chapter 431, Hawaii Revised Statutes, is
8 amended by adding a new section to article 10A to be
9 appropriately designated and to read as follows:

10 **"§431:10A- Autism spectrum disorders; benefits and**
11 **coverage.** (a) Each individual or group accident and health or
12 sickness insurance policy, contract, plan, or agreement issued
13 or renewed in this State after December 31, 2015, shall provide
14 to insureds under six years of age diagnosed with an autism
15 spectrum disorder coverage for treatment of autism spectrum
16 disorders.

17 (b) Coverage under this section may be subject to
18 copayment, deductible, and coinsurance provisions of an accident
19 and health or sickness insurance policy that are no less
20 favorable than the copayment, deductible, and coinsurance
21 provisions for other medical services covered by the policy.



1 (c) This section shall not be construed as reducing any
2 obligation of the State to provide services to an individual
3 under an individualized family service plan, individualized
4 education program, or individualized service plan.

5 (d) As used in this section:

6 "Applied behavior analysis" means the evidence-based
7 design, implementation, and evaluation of environmental
8 modifications, using behavioral stimuli and consequences, to
9 produce socially significant improvement in human behavior,
10 including the use of direct observation, measurement, and
11 functional analysis of the relations between environment and
12 behavior.

13 "Autism spectrum disorders" means autism spectrum disorders
14 as defined by the most recent edition of the American
15 Psychiatric Association Diagnostic and Statistical Manual of
16 Mental Disorders (DSM).

17 "Behavioral health treatment" means treatment programs,
18 including applied behavior analysis, that are:

19 (1) Medically necessary to develop, maintain, or restore,
20 to the maximum extent practicable, the functioning of
21 an individual; and



1 (2) Provided by a board-certified behavior analyst,
2 licensed psychologist, or individual otherwise
3 qualified to be a board-certified behavior analyst, or
4 licensed psychologist who is engaging in the practicum
5 required for certification or licensure, under the
6 supervision of a board-certified behavior analyst or
7 by a licensed psychologist; provided that all
8 providers of services shall demonstrate they meet the
9 same criminal history record and background check
10 standard as required by the department of human
11 services Med-QUEST division.

12 "Diagnose" means to determine, through medically necessary
13 assessments, evaluations, or tests, that an individual has an
14 autism spectrum disorder.

15 "Treatment of autism spectrum disorders" includes
16 behavioral health treatment and habilitative services, as
17 defined by the State for the benchmark benefit package in the
18 health insurance exchange, that are prescribed or ordered for an
19 individual diagnosed with an autism spectrum disorder by a
20 licensed physician, psychiatrist, psychologist, or registered
21 nurse practitioner if the care is determined to be medically
22 necessary."



1 SECTION 3. Chapter 432, Hawaii Revised Statutes, is
2 amended by adding a new section to article 1 to be appropriately
3 designated and to read as follows:

4 **"§432:1- Autism spectrum disorders; benefits and**
5 **coverage.** (a) Each individual or group hospital and medical
6 service corporation contract issued or renewed in this State
7 after December 31, 2015, shall provide to insureds under six
8 years of age diagnosed with an autism spectrum disorder coverage
9 for treatment of autism spectrum disorders.

10 (b) Coverage under this section may be subject to
11 copayment, deductible, and coinsurance provisions of an accident
12 and health or sickness insurance policy that are no less
13 favorable than the copayment, deductible, and coinsurance
14 provisions for other medical services covered by the policy.

15 (c) This section shall not be construed as reducing any
16 obligation of the State to provide services to an individual
17 under an individualized family service plan, individualized
18 education program, or individualized service plan.

19 (d) As used in this section:

20 "Applied behavior analysis" means the evidence-based
21 design, implementation, and evaluation of environmental
22 modifications, using behavioral stimuli and consequences, to



1 produce socially significant improvement in human behavior,
2 including the use of direct observation, measurement, and
3 functional analysis of the relations between environment and
4 behavior.

5 "Autism spectrum disorders" means autism spectrum disorders
6 as defined by the most recent edition of the American
7 Psychiatric Association Diagnostic and Statistical Manual of
8 Mental Disorders (DSM).

9 "Behavioral health treatment" means treatment programs,
10 including applied behavior analysis, that are:

11 (1) Medically necessary to develop, maintain, or restore,
12 to the maximum extent practicable, the functioning of
13 an individual; and

14 (2) Provided by a board-certified behavior analyst,
15 licensed psychologist, or individual otherwise
16 qualified to be a board-certified behavior analyst, or
17 licensed psychologist who is engaging in the practicum
18 required for certification or licensure, under the
19 supervision of a board-certified behavior analyst or
20 by a licensed psychologist; provided that all
21 providers of services shall demonstrate they meet the
22 same criminal history record and background check



1 standard as required by the department of human
2 services Med-QUEST division.

3 "Diagnose" means to determine, through medically necessary
4 assessments, evaluations, or tests, that an individual has an
5 autism spectrum disorder.

6 "Treatment of autism spectrum disorders" includes
7 behavioral health treatment and habilitative services, as
8 defined by the State for the benchmark benefit package in the
9 health insurance exchange, that are prescribed or ordered for an
10 individual diagnosed with an autism spectrum disorder by a
11 licensed physician, psychiatrist, psychologist, or registered
12 nurse practitioner if the care is determined to be medically
13 necessary."

14 SECTION 4. Section 432D-23, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§432D-23 Required provisions and benefits.**

17 Notwithstanding any provision of law to the contrary, each
18 policy, contract, plan, or agreement issued in the State after
19 January 1, 1995, by health maintenance organizations pursuant to
20 this chapter, shall include benefits provided in sections
21 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
22 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,



1 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, [~~431:10A-~~
2 ~~122, and 431-10A-116.2]~~ and 431:10A- , and chapter 431M."

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: *[Signature]*

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Report Title:

Health; Insurance; Mandatory Health Coverage; Behavioral Health Treatment; Autism Spectrum Disorders

Description:

Requires health insurers, mutual benefit societies, and health maintenance organizations to provide coverage for treatment of autism spectrum disorders.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

