



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 347

S.P. 127

In Senate, February 12, 2013

An Act To Amend Insurance Coverage for Diagnosis of Autism Spectrum Disorders

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LACHOWICZ of Kennebec.
Cosponsored by Representative FARNSWORTH of Portland and
Senators: CAIN of Penobscot, CRAVEN of Androscoggin, DUTREMBLE of York, PATRICK
of Oxford, Representatives: HICKMAN of Winthrop, MALABY of Hancock, WILSON of
Augusta.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24-A MRSA §2768, sub-§2,** as reallocated by PL 2011, c. 420, Pt. A,
3 §24, is amended to read:

4 **2. Required coverage.** All individual health insurance policies and contracts must
5 provide coverage for autism spectrum disorders for an individual covered under a policy
6 or contract who is ~~5~~ 21 years of age or under in accordance with the following.

7 A. The policy or contract must provide coverage for any assessments, evaluations or
8 tests by a licensed physician or licensed psychologist to diagnose whether an
9 individual has an autism spectrum disorder.

10 B. The policy or contract must provide coverage for the treatment of autism
11 spectrum disorders when it is determined by a licensed physician or licensed
12 psychologist that the treatment is medically necessary health care as defined in
13 section 4301-A, subsection 10-A. A licensed physician or licensed psychologist may
14 be required to demonstrate ongoing medical necessity for coverage provided under
15 this section at least annually.

16 C. The policy or contract may not include any limits on the number of visits.

17 D. The policy or contract may limit coverage for applied behavior analysis to
18 \$36,000 per year. An insurer may not apply payments for coverage unrelated to
19 autism spectrum disorders to any maximum benefit established under this paragraph.

20 E. This subsection may not be construed to require coverage for prescription drugs if
21 prescription drug coverage is not provided by the policy or contract. Coverage for
22 prescription drugs for the treatment of autism spectrum disorders must be determined
23 in the same manner as coverage for prescription drugs for the treatment of any other
24 illness or condition is determined under the policy or contract.

25 **Sec. 2. 24-A MRSA §2847-T, sub-§2,** as reallocated by PL 2011, c. 420, Pt. A,
26 §26, is amended to read:

27 **2. Required coverage.** All group health insurance policies, contracts and
28 certificates must provide coverage for autism spectrum disorders for an individual
29 covered under a policy, contract or certificate who is ~~5~~ 21 years of age or under in
30 accordance with the following.

31 A. The policy, contract or certificate must provide coverage for any assessments,
32 evaluations or tests by a licensed physician or licensed psychologist to diagnose
33 whether an individual has an autism spectrum disorder.

34 B. The policy, contract or certificate must provide coverage for the treatment of
35 autism spectrum disorders when it is determined by a licensed physician or licensed
36 psychologist that the treatment is medically necessary health care as defined in
37 section 4301-A, subsection 10-A. A licensed physician or licensed psychologist may
38 be required to demonstrate ongoing medical necessity for coverage provided under
39 this section at least annually.

1 C. The policy, contract or certificate may not include any limits on the number of
2 visits.

3 D. Notwithstanding section 2843 and to the extent allowed by federal law, the
4 policy, contract or certificate may limit coverage for applied behavior analysis to
5 \$36,000 per year. An insurer may not apply payments for coverage unrelated to
6 autism spectrum disorders to any maximum benefit established under this paragraph.

7 E. This subsection may not be construed to require coverage for prescription drugs if
8 prescription drug coverage is not provided by the policy, contract or certificate.
9 Coverage for prescription drugs for the treatment of autism spectrum disorders must
10 be determined in the same manner as coverage for prescription drugs for the
11 treatment of any other illness or condition is determined under the policy, contract or
12 certificate.

13 **Sec. 3. 24-A MRSA §4259, sub-§2**, as reallocated by PL 2011, c. 420, Pt. A,
14 §27, is amended to read:

15 **2. Required coverage.** All individual and group health maintenance organization
16 contracts must provide coverage for autism spectrum disorders for an individual covered
17 under a contract who is ~~5~~ 21 years of age or under in accordance with the following.

18 A. The contract must provide coverage for any assessments, evaluations or tests by a
19 licensed physician or licensed psychologist to diagnose whether an individual has an
20 autism spectrum disorder.

21 B. The contract must provide coverage for the treatment of autism spectrum
22 disorders when it is determined by a licensed physician or licensed psychologist that
23 the treatment is medically necessary health care as defined in section 4301-A,
24 subsection 10-A. A licensed physician or licensed psychologist may be required to
25 demonstrate ongoing medical necessity for coverage provided under this section at
26 least annually.

27 C. The contract may not include any limits on the number of visits.

28 D. Notwithstanding section 4234-A and to the extent allowed by federal law for
29 group contracts, the contract may limit coverage for applied behavior analysis to
30 \$36,000 per year. A health maintenance organization may not apply payments for
31 coverage unrelated to autism spectrum disorders to any maximum benefit established
32 under this paragraph.

33 E. This subsection may not be construed to require coverage for prescription drugs if
34 prescription drug coverage is not provided by the contract. Coverage for prescription
35 drugs for the treatment of autism spectrum disorders must be determined in the same
36 manner as coverage for prescription drugs for the treatment of any other illness or
37 condition is determined under the contract.

38 **Sec. 4. Application.** The requirements of this Act apply to all policies, contracts
39 and certificates executed, delivered, issued for delivery, continued or renewed in this
40 State on or after January 1, 2014. For purposes of this Act, all contracts are deemed to be
41 renewed no later than the next yearly anniversary of the contract date.

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SUMMARY

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This bill expands health insurance coverage for autism spectrum disorders to persons 21 years of age and under. Current law requires coverage for only those 5 years of age and under. The bill applies to individual, group health and group health maintenance organization insurance policies, contracts and certificates issued or renewed on or after January 1, 2014.