

ACT No. 648

HOUSE BILL NO. 958

BY REPRESENTATIVE FOIL AND SENATOR CRAVINS AND REPRESENTATIVES ANDERS, ARMES, ARNOLD, AUBERT, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, HENRY BURNS, TIM BURNS, BURRELL, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DANAHAY, DIXON, DOERGE, DOVE, EDWARDS, ELLINGTON, FANNIN, GALLOT, GEYMANN, GISCLAIR, GREENE, ELBERT GUILLORY, MICKEY GUILLORY, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HONEY, HOWARD, HUTTER, GIROD JACKSON, JOHNSON, SAM JONES, KATZ, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, LORUSSO, MARCHAND, MCVEA, MONTOUCET, MORRELL, MORRIS, NORTON, PEARSON, PERRY, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RICHMOND, RITCHIE, ROY, SCHRODER, SIMON, GARY SMITH, JANE SMITH, ST. GERMAIN, TALBOT, TEMPLET, TRAHAN, TUCKER, WADDELL, WHITE, WILLIAMS, WILLMOTT, AND WOOTON AND SENATORS ADLEY, ALARIO, BROOME, CASSIDY, CHAISSON, CHEEK, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, GRAY, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, RISER, SHAW, SMITH, THOMPSON, AND WALSWORTH

1 AN ACT

2 To enact R.S. 22:215.26 and to repeal R.S. 22:669(A)(1)(b)(iii) and (viii), relative to health
3 insurance; to require health insurance policies, contracts, and plans, including health
4 maintenance organization contracts or agreements, to provide coverage of the
5 diagnosis and treatment of autism spectrum disorders in individuals less than
6 seventeen years of age; to provide for certain limitations and exceptions; to delete
7 pervasive developmental disorder or autism and Asperger's Disorder from the
8 definition of severe mental illnesses mandated to be covered; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 22:215.26 is hereby enacted to read as follows:

12 §215.26. Requirement for coverage of diagnosis and treatment of autism spectrum
13 disorders in individuals less than seventeen years of age

14 A.(1) Except as otherwise provided in Subsection H of this Section, any
15 health coverage plan specified in Paragraph (G)(6) of this Section which is issued for

1 delivery, delivered, renewed, or otherwise contracted for in this state on or after
2 January 1, 2009, shall provide coverage for the diagnosis and treatment of autism
3 spectrum disorders in individuals less than seventeen years of age.

4 (2) No insurer or other issuer of a health coverage plan may terminate
5 coverage or refuse to deliver, execute, issue, amend, adjust, or renew coverage to an
6 individual solely because the individual is diagnosed with one of the autism spectrum
7 disorders or has received treatment for an autism spectrum disorder.

8 B. Coverage under this Section shall not be subject to any limits on the
9 number of visits an individual may make to an autism services provider.

10 C. Coverage under this Section may be subject to copayment, deductible,
11 and coinsurance provisions of a health coverage plan to the extent that other medical
12 services covered by the plan are subject to these provisions.

13 D.(1) Coverage under this Section shall be subject to a maximum benefit of
14 thirty-six thousand dollars per year and a lifetime maximum benefit of one hundred
15 forty-four thousand dollars.

16 (2) Payments made by an insurer or issuer of a health coverage plan on
17 behalf of a covered individual for any care, treatment, intervention, service, or item
18 unrelated to autism spectrum disorders shall not be applied towards the maximum
19 established under this Subsection.

20 E. This Section shall not be construed as limiting benefits not related to the
21 treatment of autism spectrum disorders that are otherwise available to an individual
22 under a health coverage plan.

23 F. A health coverage plan may review proposed treatment of autism
24 spectrum disorders according to medical necessity criteria that may be based in part
25 on evidence of continued improvement as a result of the treatment. Medical
26 necessity determinations shall be subject to appeal rights as described in R.S.
27 22:3070 et seq.

28 G. As used in this Section:

29 (1) "Applied behavior analysis" means the design, implementation, and
30 evaluation of environmental modifications, using behavioral stimuli and

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

4 (2) "Autism services provider" means any person, entity, or group which
5 provides treatment of autism spectrum disorders. When the treatment provided by
6 the autism services provider is applied behavior analysis as defined in this
7 Subsection, such provider shall be certified as a behavior analyst by the Behavior
8 Analyst Certification Board or shall provide, if requested, documented evidence of
9 equivalent education, professional training, and supervised experience in applied
10 behavior analysis.

11 (3) "Autism spectrum disorders" means any of the pervasive developmental
12 disorders as defined by the most recent edition of the Diagnostic and Statistical
13 Manual of Mental Disorders (DSM), including Autistic Disorder, Asperger's
14 Disorder, and Pervasive Developmental Disorder Not Otherwise Specified.

15 (4) "Diagnosis of autism spectrum disorders" means medically necessary
16 assessment, evaluations, or tests to diagnose whether an individual has one of the
17 autism spectrum disorders.

18 (5) "Habilitative or rehabilitative care" means professional, counseling, and
19 guidance services and treatment programs, including applied behavior analysis, that
20 are necessary to develop, maintain, and restore, to the maximum extent practicable,
21 the functioning of an individual.

22 (6) "Health coverage plan" means any hospital, health, or medical expense
23 insurance policy, hospital or medical service contract, employee welfare benefit plan,
24 contract or agreement with a health maintenance organization or a preferred provider
25 organization, health and accident insurance policy, or any other insurance contract
26 of this type, including a group insurance plan and the Office of Group Benefits
27 programs.

28 (7) "Pharmacy care" means medications prescribed by a licensed physician.

29 (8) "Psychiatric care" means direct or consultative services provided by a
30 psychiatrist licensed in this state.

1 (9) "Psychological care" means direct or consultative services provided by
2 a psychologist licensed in this state.

3 (10) "Therapeutic care" means services provided by licensed or certified
4 speech therapists, occupational therapists, or physical therapists licensed or certified
5 in this state.

6 (11) "Treatment of autism spectrum disorders" shall include the following
7 care prescribed, provided, or ordered for an individual diagnosed with one of the
8 autism spectrum disorders by a physician or psychologist who shall be licensed in
9 this state and who shall supervise provision of such care:

10 (a) Habilitative or rehabilitative care.

11 (b) Pharmacy care.

12 (c) Psychiatric care.

13 (d) Psychological care.

14 (e) Therapeutic care.

15 H. The provisions of this Section shall not apply to:

16 (1) Any health coverage plan issued to an employer with fifty or fewer
17 employees.

18 (2) Individually underwritten, guaranteed renewable health insurance
19 policies.

20 Section 2. R.S. 22:669(A)(1)(b)(iii) and (viii) are hereby repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____