

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2962 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Jason Nelson

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2962

By: Nelson

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8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to insurance; requiring coverage for
10 autistic disorders under certain circumstances;
11 providing no coverage limitations for treatment
12 visits; requiring coverage be equal to other certain
13 health benefit plans; specifying that certain
14 benefits shall not be limited; capping coverage for
15 applied behavior analysis; directing the Insurance
16 Commissioner to annually adjust the maximum benefit;
17 requiring coverage for applied behavior analysis
18 include certain services; authorizing insurer to
19 review treatment plan; specifying that any obligation
20 to provide certain services shall not be affected;
21 specifying applicability of certain nongrandfathered
22 plans; defining terms; directing the Oklahoma Health
23 Care Authority to apply for waiver to cover autistic
24 disorders; amending 36 O.S. 2011, Section 6060.20,
which relates to equal health coverage for autistic
minors; removing specification that certain coverage
requirements shall not include certain diagnostic and
treatment coverage; providing for codification; and
providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6060.21 of Title 36, unless
3 there is created a duplication in numbering, reads as follows:

4 A. For all plans issued or renewed on or after November 1,
5 2016, a health benefit plan and the Oklahoma Employees Health
6 Insurance plan shall provide coverage for the screening, diagnosis
7 and treatment of autism spectrum disorder in individuals less than
8 nine (9) years of age, or if an individual is not diagnosed or
9 treated until after three (3) years of age, coverage shall be
10 provided for at least six (6) years, provided that the individual
11 continually and consistently shows sufficient progress and
12 improvement as determined by the health care provider. No insurer
13 shall terminate coverage, or refuse to deliver, execute, issue,
14 amend, adjust or renew coverage to an individual solely because the
15 individual is diagnosed with or has received treatment for an autism
16 spectrum disorder.

17 B. Coverage under this section shall not be subject to any
18 limits on the number of visits an individual may make for treatment
19 of autism spectrum disorder.

20 C. Coverage under this section shall not be subject to dollar
21 limits, deductibles or coinsurance provisions that are less
22 favorable to an insured than the dollar limits, deductibles or
23 coinsurance provisions that apply to substantially all medical and
24

1 surgical benefits under the health benefit plan, except as otherwise
2 provided in subsection E of this section.

3 D. This section shall not be construed as limiting benefits
4 that are otherwise available to an individual under a health benefit
5 plan.

6 E. Coverage for applied behavior analysis shall be subject to a
7 maximum benefit of twenty-five (25) hours per week and no more than
8 Twenty-five Thousand Dollars (\$25,000.00) per year. Beginning
9 January 1, 2018, the Oklahoma Insurance Commissioner shall, on an
10 annual basis, adjust the maximum benefit for inflation by using the
11 Medical Care Component of the United States Department of Labor
12 Consumer Price Index for All Urban Consumers (CPI-U). The
13 Commissioner shall submit the adjusted maximum benefit for
14 publication annually before January 1, 2018, and before the first
15 day of January of each calendar year thereafter, and the published
16 adjusted maximum benefit shall be applicable in the following
17 calendar year to health benefit plans subject to this section.
18 Payments made by an insurer on behalf of a covered individual for
19 treatment other than applied behavior analysis shall not be applied
20 toward any maximum benefit established under this section.

21 F. Coverage for applied behavior analysis shall include the
22 services of the personnel who work under the supervision of the
23 board-certified behavior analyst or the licensed doctoral-level
24 psychologist overseeing the program.

1 G. Except for inpatient services, if an insured is receiving
2 treatment for an autism spectrum disorder, an insurer shall have the
3 right to review the treatment plan annually, unless the insurer and
4 the insured's treating physician or psychologist agree that a more
5 frequent review is necessary. Any such agreement regarding the
6 right to review a treatment plan more frequently shall apply only to
7 a particular insured being treated for an autism spectrum disorder
8 and shall not apply to all individuals being treated for autism
9 spectrum disorder by a physician or psychologist. The cost of
10 obtaining any review or treatment plan shall be borne by the
11 insurer.

12 H. This section shall not be construed as affecting any
13 obligation to provide services to an individual under an
14 individualized family service plan, an individualized education
15 program or an individualized service plan.

16 I. Nothing in this section shall apply to nongrandfathered
17 plans in the individual and small group markets that are required to
18 include essential health benefits under the federal Patient
19 Protection and Affordable Care Act, Public Law 111-148; or to
20 Medicare supplement, accident-only, specified disease, hospital
21 indemnity, disability income, long-term care or other limited
22 benefit hospital insurance policies.

23 J. As used in this section:
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1 1. "Applied behavior analysis" means the design, implementation
2 and evaluation of environmental modifications, using behavioral
3 stimuli and consequences, to produce socially significant
4 improvement in human behavior, including the use of direct
5 observation, measurement and functional analysis of the relationship
6 between environment and behavior;

7 2. "Autism spectrum disorder" means any of the pervasive
8 developmental disorders or autism spectrum disorders as defined by
9 the most recent edition of the Diagnostic and Statistical Manual of
10 Mental Disorders (DSM) or the edition that was in effect at the time
11 of diagnosis;

12 3. "Behavioral health treatment" means counseling and treatment
13 programs, including applied behavior analysis, that are:

14 a. necessary to develop, maintain or restore, to the
15 maximum extent practicable, the functioning of an
16 individual, and

17 b. provided or supervised by a board-certified behavior
18 analyst or by a licensed doctoral-level psychologist
19 so long as the services performed are commensurate
20 with the psychologist's university training and
21 supervised experience;

22 4. "Diagnosis of autism spectrum disorder" means medically
23 necessary assessment, evaluations or tests to diagnose whether an
24 individual has an autism spectrum disorder;

1 5. "Health benefit plan" means any plan or arrangement as
2 defined in subsection C of Section 6060.4 of Title 36 of the
3 Oklahoma Statutes;

4 6. "Oklahoma Employees Health Insurance Plan" means "Health
5 Insurance Plan" as defined in Section 1303 of Title 74 of the
6 Oklahoma Statutes;

7 7. "Pharmacy care" means medications prescribed by a licensed
8 physician and any health-related services deemed medically necessary
9 to determine the need or effectiveness of the medications;

10 8. "Psychiatric care" means direct or consultative services
11 provided by a psychiatrist licensed in the state in which the
12 psychiatrist practices;

13 9. "Psychological care" means direct or consultative services
14 provided by a psychologist licensed in the state in which the
15 psychologist practices;

16 10. "Therapeutic care" means services provided by licensed or
17 certified speech therapists, occupational therapists or physical
18 therapists; and

19 11. "Treatment for autism spectrum disorder" means evidence-
20 based care and related equipment prescribed or ordered for an
21 individual diagnosed with an autism spectrum disorder by a licensed
22 physician or a licensed doctoral-level psychologist who determines
23 the care to be medically necessary, including, but not limited to:

24 a. behavioral health treatment,

- b. pharmacy care,
- c. psychiatric care,
- d. psychological care, and
- e. therapeutic care.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1011.12 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Health Care Authority shall apply for any necessary waiver to extend health care benefits to individuals for the screening, diagnosis and treatment of autism spectrum disorder.

SECTION 3. AMENDATORY 36 O.S. 2011, Section 6060.20, is amended to read as follows:

Section 6060.20 A. All individual and group health insurance policies that provide medical and surgical benefits shall provide the same coverage and benefits to any individual under the age of eighteen (18) years who has been diagnosed with an autistic disorder as it would provide coverage and benefits to an individual under the age of eighteen (18) years who has not been diagnosed with an autistic disorder.

B. As used in this section, "autistic disorder" means a neurological disorder that is marked by severe impairment in social interaction, communication, and imaginative ~~plan~~ play, with onset during the first three (3) years of life and is included in a group of disorders known as autism spectrum disorders.

1 ~~C. Nothing in this section shall be construed to require an~~
2 ~~insurer to provide any benefits for the diagnosis or treatment of~~
3 ~~any autistic disorder.~~

4 SECTION 4. This act shall become effective November 1, 2016.

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6 55-2-9276 AMM 02/24/16

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