

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 652

By: Dossett (J.A.)

4  
5  
6  
7 AS INTRODUCED

8 An Act relating to health insurance; amending Section  
9 1, Chapter 230, O.S.L. 2016, as amended by Section 2,  
10 Chapter 437, O.S.L. 2019 (36 O.S. Supp. 2020, Section  
11 6060.21), which relates to treatment of autism  
12 spectrum disorder; modifying age limit for certain  
13 insurance coverage; modifying maximum benefit for  
14 certain insurance coverage; and providing an  
15 effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOM

17 SECTION 1. AMENDATORY Section 1, Chapter 230, O.S.L.  
18 2016, as amended by Section 2, Chapter 437, O.S.L. 2019 (36 O.S.  
19 Supp. 2020, Section 6060.21), is amended to read as follows:

20 Section 6060.21. A. For all plans issued or renewed ~~on or~~  
21 after beginning November 1, 2016, through October 30, 2021, a health  
22 benefit plan and the Oklahoma Employees Health Insurance Plan shall  
23 provide coverage for the screening, diagnosis and treatment of  
24 autism spectrum disorder in individuals less than nine (9) years of  
age, ~~or if~~; for all plans issued or renewed on or after the  
effective date of this act, the plans shall provide for the

1 screening, diagnosis and treatment of autism spectrum disorder in  
2 individuals less than twelve (12) years of age. If an individual is  
3 not diagnosed or treated until after three (3) years of age for all  
4 plans issued or renewed beginning November 1, 2016, through October  
5 30, 2021, and after six (6) years of age for all plans issued or  
6 renewed on or after the effective date of this act, coverage shall  
7 be provided for at least six (6) years, provided that the individual  
8 continually and consistently shows sufficient progress and  
9 improvement as determined by the health care provider. No insurer  
10 shall terminate coverage, or refuse to deliver, execute, issue,  
11 amend, adjust or renew coverage to an individual solely because the  
12 individual is diagnosed with or has received treatment for an autism  
13 spectrum disorder.

14 B. Except as provided in subsection E of this section, coverage  
15 under this section shall not be subject to any limits on the number  
16 of visits an individual may make for treatment of autism spectrum  
17 disorder.

18 C. Coverage under this section shall not be subject to dollar  
19 limits, deductibles or coinsurance provisions that are less  
20 favorable to an insured than the dollar limits, deductibles or  
21 coinsurance provisions that apply to substantially all medical and  
22 surgical benefits under the health benefit plan, except as otherwise  
23 provided in subsection E of this section.

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

4 E. Coverage for applied behavior analysis shall be subject to a  
5 maximum benefit of twenty-five (25) hours per week and no more than  
6 Twenty-five Thousand Dollars (\$25,000.00) per year. On or after the  
7 effective date of this act, coverage shall not be subject to a  
8 maximum benefit of hours per week but shall be subject to a maximum  
9 benefit of Thirty Thousand Dollars (\$30,000.00). Beginning January  
10 1, 2018, the Oklahoma Insurance Commissioner shall, on an annual  
11 basis, adjust the maximum benefit for inflation by using the Medical  
12 Care Component of the United States Department of Labor Consumer  
13 Price Index for All Urban Consumers (CPI-U). The Commissioner shall  
14 submit the adjusted maximum benefit for publication annually before  
15 January 1, 2018, and before the first day of January of each  
16 calendar year thereafter, and the published adjusted maximum benefit  
17 shall be applicable in the following calendar year to the Oklahoma  
18 Employees Health Insurance Plan and health benefit plans subject to  
19 this section. Payments made by an insurer on behalf of a covered  
20 individual for treatment other than applied behavior analysis shall  
21 not be applied toward any maximum benefit established under this  
22 section.

23 F. Coverage for applied behavior analysis shall include the  
24 services provided or supervised by a board-certified behavior  
25

1 analyst, a board-certified assistant behavior analyst or a licensed  
2 doctoral-level psychologist.

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

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

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

1 J. As used in this section:

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

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

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

- 15 a. necessary to develop, maintain or restore, to the  
16 maximum extent practicable, the functioning of an  
17 individual, and  
18 b. provided or supervised by a board-certified behavior  
19 analyst, a board-certified assistant behavior analyst  
20 or by a licensed doctoral-level psychologist so long  
21 as the services performed are commensurate with the  
22 psychologist's university training and experience;

1 4. "Diagnosis of autism spectrum disorder" means medically  
2 necessary assessment, evaluations or tests to diagnose whether an  
3 individual has an autism spectrum disorder;

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

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

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

13 8. "Psychiatric care" means direct or consultative services  
14 provided by a psychiatrist licensed in the state in which the  
15 psychiatrist practices;

16 9. "Psychological care" means direct or consultative services  
17 provided by a psychologist licensed in the state in which the  
18 psychologist practices;

19 10. "Therapeutic care" means services provided by licensed or  
20 certified speech therapists, occupational therapists or physical  
21 therapists; and

22 11. "Treatment for autism spectrum disorder" means evidence-  
23 based care and related equipment prescribed or ordered for an  
24 individual diagnosed with an autism spectrum disorder by a licensed

1 physician or a licensed doctoral-level psychologist who determines  
2 the care to be medically necessary, including, but not limited to:

- 3 a. behavioral health treatment,
- 4 b. pharmacy care,
- 5 c. psychiatric care,
- 6 d. psychological care, and
- 7 e. therapeutic care.

8 SECTION 2. This act shall become effective November 1, 2021.

9  
10 58-1-1005 CB 1/21/2021 10:02:04 AM