

S T A T E O F N E W Y O R K

6888--B

2009-2010 Regular Sessions

I N A S S E M B L Y

March 13, 2009

Introduced by M. of A. KOON, REILLY, CAHILL, BING, SCHROEDER, MENG, SPANO, GUNTHER, BENEDETTO, ESPAILLAT, JAFFEE, COOK, EDDINGTON, COLTON, MAYERSOHN, DenDEKKER, TITONE, KELLNER, HYER-SPENCER, FIELDS, WEISENBERG -- Multi-Sponsored by -- M. of A. BARRON, BOYLAND, CONTE, GALEF, HOOPER, LUPARDO, MCENENY, SWEENEY -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to requiring health insurance coverage of the diagnosis and treatment of autism spectrum disorders

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Paragraph 25 of subsection (i) of section 3216 of the
2 insurance law, as added by chapter 557 of the laws of 2006, is amended
3 to read as follows:
4 (25) (A) Every policy which provides coverage for hospital, surgical,
5 or medical care coverage shall [not exclude] PROVIDE coverage for THE
6 diagnosis and treatment of [medical conditions otherwise covered by the
7 policy solely because the treatment is provided to diagnose or treat]
8 autism spectrum [disorder] DISORDERS.
9 (B) For purposes of this [section, "autism] PARAGRAPH:
10 (I) "AUTISM spectrum [disorder" means a neurobiological condition that
11 includes autism, Asperger syndrome, Rett's syndrome, or pervasive devel-
12 opmental disorder] DISORDERS" MEANS PERVASIVE DEVELOPMENTAL DISORDERS AS
13 DEFINED IN THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS IV
14 REVISED, INCLUDING AUTISM, ASPERGER'S DISORDER AND PERVASIVE DEVELOP-
15 MENTAL DISORDERS NOT OTHERWISE SPECIFIED.
16 (II) "DIAGNOSIS OF AUTISM SPECTRUM DISORDERS" MEANS ONE OR MORE TESTS,
17 EVALUATIONS OR ASSESSMENTS TO DIAGNOSE, WHETHER AN INDIVIDUAL HAS AUTISM

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD10358-04-9

1 SPECTRUM DISORDERS OR EARLY INDICATIONS IN CHILDREN YOUNGER THAN THREE
2 YEARS OF AGE THAT ARE PRESCRIBED, PERFORMED OR ORDERED BY (I) A PHYSI-
3 CIAN LICENSED TO PRACTICE MEDICINE IN THIS STATE OR (II) A PSYCHOLOGIST
4 LICENSED TO PRACTICE IN THIS STATE AND HAVING EXPERTISE IN DIAGNOSING
5 AUTISM SPECTRUM DISORDERS.

6 (III) "MEDICALLY NECESSARY" MEANS ANY CARE, TREATMENT, INTERVENTION,
7 SERVICE OR ITEM WHICH WILL OR IS REASONABLY EXPECTED TO DO ANY OF THE
8 FOLLOWING:

9 (I) PREVENT THE ONSET OF AN ILLNESS, CONDITION, INJURY, DISEASE OR
10 DISABILITY;

11 (II) REDUCE OR AMELIORATE THE PHYSICAL, MENTAL OR DEVELOPMENTAL
12 EFFECTS OF AN ILLNESS, CONDITION, INJURY, DISEASE OR DISABILITY; OR

13 (III) ASSIST TO ACHIEVE OR MAINTAIN MAXIMUM FUNCTIONAL ACTIVITY IN
14 PERFORMING DAILY ACTIVITIES.

15 (IV) "TREATMENT FOR AUTISM SPECTRUM DISORDERS" SHALL INCLUDE BUT NOT
16 BE LIMITED TO THE FOLLOWING CARE PRESCRIBED, PROVIDED OR ORDERED FOR AN
17 INDIVIDUAL DIAGNOSED WITH AUTISM SPECTRUM DISORDERS:

18 (I) PSYCHIATRIC CARE, INCLUDING DIRECT, CONSULTATIVE OR DIAGNOSTIC
19 SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN PSYCHIATRY;

20 (II) PSYCHOLOGICAL CARE, INCLUDING DIRECT OR CONSULTATIVE SERVICES
21 PROVIDED BY A LICENSED PSYCHOLOGIST;

22 (III) HABILITATIVE OR REHABILITATIVE CARE, INCLUDING PROFESSIONAL,
23 COUNSELING AND GUIDANCE SERVICES AND TREATMENT PROGRAMS THAT ARE
24 INTENDED TO DEVELOP, MAINTAIN AND RESTORE THE FUNCTIONING OF AN INDIVID-
25 UAL;

26 (IV) PEDIATRIC AND DEVELOPMENTAL PEDIATRIC CARE, INCLUDING DIRECT,
27 CONSULTATIVE OR DIAGNOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN
28 SPECIALIZING IN PEDIATRICS AND DEVELOPMENTAL PEDIATRICS;

29 (V) ANESTHESIOLOGICAL CARE AND ANESTHETIC SERVICES, INCLUDING DIRECT,
30 CONSULTATIVE OR DIAGNOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN
31 SPECIALIZING IN ANESTHESIOLOGY;

32 (VI) NEUROLOGICAL CARE INCLUDING DIRECT, CONSULTATIVE OR DIAGNOSTIC
33 SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN NEUROLOGY;

34 (VII) GASTRO-ENTEROLOGIC CARE INCLUDING DIRECT, CONSULTATIVE OR DIAG-
35 NOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN
36 GASTROENTEROLOGY;

37 (VIII) ENDOCRINOLOGICAL CARE INCLUDING DIRECT, CONSULTATIVE OR DIAG-
38 NOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN ENDO-
39 CRINOLOGY;

40 (IX) THERAPEUTIC CARE, INCLUDING BEHAVIORAL, SPEECH, OCCUPATIONAL AND
41 PHYSICAL THERAPIES THAT PROVIDE TREATMENT IN THE FOLLOWING AREAS:

- 42 1. SELF CARE AND FEEDING,
- 43 2. PRAGMATIC, RECEPTIVE AND EXPRESSIVE LANGUAGE,
- 44 3. COGNITIVE FUNCTIONING,
- 45 4. APPLIED BEHAVIOR ANALYSIS, INTERVENTION AND MODIFICATION,
- 46 5. MOTOR PLANNING,
- 47 6. SENSORY PROCESSING AND INTEGRATION, AND
- 48 7. ASSISTIVE TECHNOLOGY;

49 (X) SOCIAL SKILLS EDUCATION TRAINING.

50 (C) UPON REQUEST OF THE COVERAGE PROVIDER, A PROVIDER OF TREATMENT FOR
51 AUTISM SPECTRUM DISORDERS SHALL FURNISH MEDICAL RECORDS, CLINICAL NOTES
52 OR OTHER NECESSARY DATA THAT SUBSTANTIATE THAT THE INITIAL AND CONTINUED
53 MEDICAL TREATMENT IS MEDICALLY NECESSARY AND RESULTING IN IMPROVED CLIN-
54 ICAL STATUS OR THE PREVENTION OF REGRESSION OR LOSS OF SKILLS AND FUNC-
55 TIONING. WHEN TREATMENT IS ANTICIPATED TO REQUIRE CONTINUED SERVICES TO
56 ACHIEVE DEMONSTRABLE PROGRESS, THE COVERAGE PROVIDER MAY REQUEST A

1 TREATMENT PLAN CONSISTING OF DIAGNOSIS, PROPOSED TREATMENT BY TYPE,
2 FREQUENCY, ANTICIPATED DURATION OF TREATMENT, THE ANTICIPATED OUTCOMES
3 STATED AS GOALS, AND THE FREQUENCY BY WHICH THE TREATMENT PLAN WILL BE
4 UPDATED.

5 (D) AN INSURER PROVIDING COVERAGE UNDER THIS PARAGRAPH SHALL HAVE IN
6 PLACE A PROCEDURE UNDER WHICH A PERSON WITH AUTISM SPECTRUM DISORDER WHO
7 IS COVERED UNDER SUCH POLICY AND WHOSE CONDITION OR DISEASE REQUIRES
8 SPECIALIZED MEDICAL CARE OVER A PROLONGED PERIOD OF TIME SHALL RECEIVE A
9 REFERRAL TO A SPECIALIST WITH APPROPRIATE TRAINING AND EXPERIENCE IN ITS
10 PANEL OR NETWORK TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROL-
11 LEE, OR IF NOT AVAILABLE WITH THE PLAN, TO A NONPARTICIPATING PROVIDER
12 WITH APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH
13 CARE NEEDS OF AN ENROLLEE, AT NO ADDITIONAL COST TO THE ENROLLEE BEYOND
14 WHAT THE ENROLLEE WOULD OTHERWISE PAY FOR SERVICES RECEIVED WITHIN THE
15 NETWORK. SUCH SPECIALIST MAY BE RESPONSIBLE FOR AND SHALL BE DEEMED
16 CAPABLE OF PROVIDING AND COORDINATING THE ENROLLEE'S PRIMARY AND
17 SPECIALTY CARE.

18 (E) SUCH INSURER SHALL HAVE A PROCEDURE BY WHICH A PERSON WITH AUTISM
19 SPECTRUM DISORDER WHOSE CONDITION, DISABILITY, OR DISEASE REQUIRES ONGO-
20 ING CARE FROM A SPECIALIST MAY REQUEST AND OBTAIN A STANDING REFERRAL TO
21 SUCH SPECIALIST FOR TREATMENT OF SUCH CONDITION. IF THE PRIMARY CARE
22 PROVIDER AND THE SPECIALIST (IF ANY), DETERMINES THAT SUCH A STANDING
23 REFERRAL IS APPROPRIATE, THE PLAN OR ISSUER SHALL AUTHORIZE SUCH A
24 REFERRAL TO SUCH A SPECIALIST. SUCH STANDING REFERRAL SHALL BE CONSIST-
25 ENT WITH A TREATMENT PLAN.

26 S 2. Paragraph 17 of subsection (1) of section 3221 of the insurance
27 law, as added by chapter 557 of the laws of 2006, is amended to read as
28 follows:

29 (17) (A) A group or blanket accident or health insurance policy or
30 issuing a group or blanket policy for delivery in this state which
31 provides coverage for hospital, surgical, or medical care coverage shall
32 [not exclude] PROVIDE coverage for THE diagnosis and treatment of
33 [medical conditions otherwise covered by the policy because the treat-
34 ment is provided to diagnose or treat] autism spectrum [disorder] DISOR-
35 DERS.

36 (B) For purposes of this [section, "autism] PARAGRAPH:

37 (I) "AUTISM spectrum [disorder]" means a neurobiological condition that
38 includes autism, Asperger syndrome, Rett's syndrome, or pervasive devel-
39 opmental disorder] DISORDERS" MEANS PERVASIVE DEVELOPMENTAL DISORDERS AS
40 DEFINED IN THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS IV
41 REVISED, INCLUDING AUTISM, ASPERGER'S DISORDER AND PERVASIVE DEVELOP-
42 MENTAL DISORDERS NOT OTHERWISE SPECIFIED.

43 (II) "DIAGNOSIS OF AUTISM SPECTRUM DISORDERS" MEANS ONE OR MORE TESTS,
44 EVALUATIONS OR ASSESSMENTS TO DIAGNOSE, WHETHER AN INDIVIDUAL HAS AUTISM
45 SPECTRUM DISORDERS OR EARLY INDICATIONS IN CHILDREN YOUNGER THAN THREE
46 YEARS OF AGE THAT ARE PRESCRIBED, PERFORMED OR ORDERED BY (I) A PHYSI-
47 CIAN LICENSED TO PRACTICE MEDICINE IN THIS STATE OR (II) A PSYCHOLOGIST
48 LICENSED TO PRACTICE IN THIS STATE AND HAVING EXPERTISE IN DIAGNOSING
49 AUTISM SPECTRUM DISORDERS.

50 (III) "MEDICALLY NECESSARY" MEANS ANY CARE, TREATMENT, INTERVENTION,
51 SERVICE OR ITEM WHICH WILL OR IS REASONABLY EXPECTED TO DO ANY OF THE
52 FOLLOWING:

53 (I) PREVENT THE ONSET OF AN ILLNESS, CONDITION, INJURY, DISEASE OR
54 DISABILITY;

55 (II) REDUCE OR AMELIORATE THE PHYSICAL, MENTAL OR DEVELOPMENTAL
56 EFFECTS OF AN ILLNESS, CONDITION, INJURY, DISEASE OR DISABILITY; OR

1 (III) ASSIST TO ACHIEVE OR MAINTAIN MAXIMUM FUNCTIONAL ACTIVITY IN
2 PERFORMING DAILY ACTIVITIES.

3 (IV) "TREATMENT FOR AUTISM SPECTRUM DISORDERS" SHALL INCLUDE BUT NOT
4 BE LIMITED TO THE FOLLOWING CARE PRESCRIBED, PROVIDED OR ORDERED FOR AN
5 INDIVIDUAL DIAGNOSED WITH AUTISM SPECTRUM DISORDERS:

6 (I) PSYCHIATRIC CARE, INCLUDING DIRECT, CONSULTATIVE OR DIAGNOSTIC
7 SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN PSYCHIATRY;

8 (II) PSYCHOLOGICAL CARE, INCLUDING DIRECT OR CONSULTATIVE SERVICES
9 PROVIDED BY A LICENSED PSYCHOLOGIST;

10 (III) HABILITATIVE OR REHABILITATIVE CARE, INCLUDING PROFESSIONAL,
11 COUNSELING AND GUIDANCE SERVICES AND TREATMENT PROGRAMS THAT ARE
12 INTENDED TO DEVELOP, MAINTAIN AND RESTORE THE FUNCTIONING OF AN INDIVID-
13 UAL;

14 (IV) PEDIATRIC AND DEVELOPMENTAL PEDIATRIC CARE, INCLUDING DIRECT,
15 CONSULTATIVE OR DIAGNOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN
16 SPECIALIZING IN PEDIATRICS AND DEVELOPMENTAL PEDIATRICS;

17 (V) ANESTHESIOLOGICAL CARE AND ANESTHETIC SERVICES, INCLUDING DIRECT,
18 CONSULTATIVE OR DIAGNOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN
19 SPECIALIZING IN ANESTHESIOLOGY;

20 (VI) NEUROLOGICAL CARE INCLUDING DIRECT, CONSULTATIVE OR DIAGNOSTIC
21 SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN NEUROLOGY;

22 (VII) GASTRO-ENTEROLOGIC CARE INCLUDING DIRECT, CONSULTATIVE OR DIAG-
23 NOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN
24 GASTROENTEROLOGY;

25 (VIII) ENDOCRINOLOGICAL CARE INCLUDING DIRECT, CONSULTATIVE OR DIAG-
26 NOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN ENDO-
27 CRINOLOGY;

28 (IX) THERAPEUTIC CARE, INCLUDING BEHAVIORAL, SPEECH, OCCUPATIONAL AND
29 PHYSICAL THERAPIES THAT PROVIDE TREATMENT IN THE FOLLOWING AREAS:

30 1. SELF CARE AND FEEDING,
31 2. PRAGMATIC, RECEPTIVE AND EXPRESSIVE LANGUAGE,
32 3. COGNITIVE FUNCTIONING,
33 4. APPLIED BEHAVIOR ANALYSIS, INTERVENTION AND MODIFICATION,
34 5. MOTOR PLANNING,
35 6. SENSORY PROCESSING AND INTEGRATION, AND
36 7. ASSISTIVE TECHNOLOGY;

37 (X) SOCIAL SKILLS EDUCATION TRAINING.

38 (C) UPON REQUEST OF THE COVERAGE PROVIDER, A PROVIDER OF TREATMENT FOR
39 AUTISM SPECTRUM DISORDERS SHALL FURNISH MEDICAL RECORDS, CLINICAL NOTES
40 OR OTHER NECESSARY DATA THAT SUBSTANTIATE THAT THE INITIAL AND CONTINUED
41 MEDICAL TREATMENT IS MEDICALLY NECESSARY AND RESULTING IN IMPROVED CLIN-
42 ICAL STATUS OR THE PREVENTION OF REGRESSION OR LOSS OF SKILLS AND FUNC-
43 TIONING. WHEN TREATMENT IS ANTICIPATED TO REQUIRE CONTINUED SERVICES TO
44 ACHIEVE DEMONSTRABLE PROGRESS, THE COVERAGE PROVIDER MAY REQUEST A
45 TREATMENT PLAN CONSISTING OF DIAGNOSIS, PROPOSED TREATMENT BY TYPE,
46 FREQUENCY, ANTICIPATED DURATION OF TREATMENT, THE ANTICIPATED OUTCOMES
47 STATED AS GOALS, AND THE FREQUENCY BY WHICH THE TREATMENT PLAN WILL BE
48 UPDATED.

49 (D) AN INSURER PROVIDING COVERAGE UNDER THIS PARAGRAPH SHALL HAVE IN
50 PLACE A PROCEDURE UNDER WHICH A PERSON WITH AUTISM SPECTRUM DISORDER WHO
51 IS COVERED UNDER SUCH POLICY AND WHOSE CONDITION OR DISEASE REQUIRES
52 SPECIALIZED MEDICAL CARE OVER A PROLONGED PERIOD OF TIME SHALL RECEIVE A
53 REFERRAL TO A SPECIALIST WITH APPROPRIATE TRAINING AND EXPERIENCE IN ITS
54 PANEL OR NETWORK TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROL-
55 LEE, OR IF NOT AVAILABLE WITH THE PLAN, TO A NONPARTICIPATING PROVIDER
56 WITH APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH

CARE NEEDS OF AN ENROLLEE, AT NO ADDITIONAL COST TO THE ENROLLEE BEYOND WHAT THE ENROLLEE WOULD OTHERWISE PAY FOR SERVICES RECEIVED WITHIN THE NETWORK. SUCH SPECIALIST MAY BE RESPONSIBLE FOR AND SHALL BE DEEMED CAPABLE OF PROVIDING AND COORDINATING THE ENROLLEE'S PRIMARY AND SPECIALTY CARE.

(E) SUCH INSURER SHALL HAVE A PROCEDURE BY WHICH A PERSON WITH AUTISM SPECTRUM DISORDER WHOSE CONDITION, DISABILITY, OR DISEASE REQUIRES ONGOING CARE FROM A SPECIALIST MAY REQUEST AND OBTAIN A STANDING REFERRAL TO SUCH SPECIALIST FOR TREATMENT OF SUCH CONDITION. IF THE PRIMARY CARE PROVIDER AND THE SPECIALIST (IF ANY), DETERMINES THAT SUCH A STANDING REFERRAL IS APPROPRIATE, THE PLAN OR ISSUER SHALL AUTHORIZE SUCH A REFERRAL TO SUCH A SPECIALIST. SUCH STANDING REFERRAL SHALL BE CONSISTENT WITH A TREATMENT PLAN.

S 3. Subsection (ee) of section 4303 of the insurance law, as added by chapter 557 of the laws of 2006, is amended to read as follows:

(ee) (1) A medical expense indemnity corporation, a hospital service corporation or a health service corporation which provides coverage for hospital, surgical, or medical care coverage shall [not exclude] INCLUDE coverage for THE diagnosis and treatment of [medical conditions otherwise covered by the policy solely because the treatment is provided to diagnose or treat] autism spectrum [disorder] DISORDERS.

(2) For purposes of this [section, "autism] SUBSECTION:

(A) "AUTISM spectrum [disorder]" means a neurobiological condition that includes autism, Asperger syndrome, Rett's syndrome, or pervasive developmental disorder] DISORDERS" MEANS PERVASIVE DEVELOPMENTAL DISORDERS AS DEFINED IN THE THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS IV REVISED, INCLUDING AUTISM, ASPERGER'S DISORDER AND PERVASIVE DEVELOPMENTAL DISORDERS NOT OTHERWISE SPECIFIED.

(B) "DIAGNOSIS OF AUTISM SPECTRUM DISORDERS" MEANS ONE OR MORE TESTS, EVALUATIONS OR ASSESSMENTS TO DIAGNOSE, WHETHER AN INDIVIDUAL HAS AUTISM SPECTRUM DISORDERS OR EARLY INDICATIONS IN CHILDREN YOUNGER THAN THREE YEARS OF AGE THAT ARE PRESCRIBED, PERFORMED OR ORDERED BY (I) A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THIS STATE OR (II) A PSYCHOLOGIST LICENSED TO PRACTICE IN THIS STATE AND HAVING EXPERTISE IN DIAGNOSING AUTISM SPECTRUM DISORDERS.

(C) "MEDICALLY NECESSARY" MEANS ANY CARE, TREATMENT, INTERVENTION, SERVICE OR ITEM WHICH WILL OR IS REASONABLY EXPECTED TO DO ANY OF THE FOLLOWING:

(I) PREVENT THE ONSET OF AN ILLNESS, CONDITION, INJURY, DISEASE OR DISABILITY;

(II) REDUCE OR AMELIORATE THE PHYSICAL, MENTAL OR DEVELOPMENTAL EFFECTS OF AN ILLNESS, CONDITION, INJURY, DISEASE OR DISABILITY; OR

(III) ASSIST TO ACHIEVE OR MAINTAIN MAXIMUM FUNCTIONAL ACTIVITY IN PERFORMING DAILY ACTIVITIES.

(D) "TREATMENT FOR AUTISM SPECTRUM DISORDERS" SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING CARE PRESCRIBED, PROVIDED OR ORDERED FOR AN INDIVIDUAL DIAGNOSED WITH AUTISM SPECTRUM DISORDERS:

(I) PSYCHIATRIC CARE, INCLUDING DIRECT, CONSULTATIVE OR DIAGNOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN PSYCHIATRY;

(II) PSYCHOLOGICAL CARE, INCLUDING DIRECT OR CONSULTATIVE SERVICES PROVIDED BY A LICENSED PSYCHOLOGIST;

(III) HABILITATIVE OR REHABILITATIVE CARE, INCLUDING PROFESSIONAL, COUNSELING AND GUIDANCE SERVICES AND TREATMENT PROGRAMS THAT ARE INTENDED TO DEVELOP, MAINTAIN AND RESTORE THE FUNCTIONING OF AN INDIVIDUAL;

1 (IV) PEDIATRIC AND DEVELOPMENTAL PEDIATRIC CARE, INCLUDING DIRECT,
2 CONSULTATIVE OR DIAGNOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN
3 SPECIALIZING IN PEDIATRICS AND DEVELOPMENTAL PEDIATRICS;
4 (V) ANESTHESIOLOGICAL CARE AND ANESTHETIC SERVICES, INCLUDING DIRECT,
5 CONSULTATIVE OR DIAGNOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN
6 SPECIALIZING IN ANESTHESIOLOGY;
7 (VI) NEUROLOGICAL CARE INCLUDING DIRECT, CONSULTATIVE OR DIAGNOSTIC
8 SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN NEUROLOGY;
9 (VII) GASTRO-ENTEROLOGIC CARE INCLUDING DIRECT, CONSULTATIVE OR DIAG-
10 NOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN
11 GASTROENTEROLOGY;
12 (VIII) ENDOCRINOLOGICAL CARE INCLUDING DIRECT, CONSULTATIVE OR DIAG-
13 NOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN ENDO-
14 CRINOLOGY;
15 (IX) THERAPEUTIC CARE, INCLUDING BEHAVIORAL, SPEECH, OCCUPATIONAL AND
16 PHYSICAL THERAPIES THAT PROVIDE TREATMENT IN THE FOLLOWING AREAS:
17 (I) SELF CARE AND FEEDING,
18 (II) PRAGMATIC, RECEPTIVE AND EXPRESSIVE LANGUAGE,
19 (III) COGNITIVE FUNCTIONING,
20 (IV) APPLIED BEHAVIOR ANALYSIS, INTERVENTION AND MODIFICATION,
21 (V) MOTOR PLANNING,
22 (VI) SENSORY PROCESSING AND INTEGRATION, AND
23 (VII) ASSISTIVE TECHNOLOGY;
24 (X) SOCIAL SKILLS EDUCATION TRAINING.
25 (3) UPON REQUEST OF THE COVERAGE PROVIDER, A PROVIDER OF TREATMENT FOR
26 AUTISM SPECTRUM DISORDERS SHALL FURNISH MEDICAL RECORDS, CLINICAL NOTES
27 OR OTHER NECESSARY DATA THAT SUBSTANTIATE THAT THE INITIAL AND CONTINUED
28 MEDICAL TREATMENT IS MEDICALLY NECESSARY AND RESULTING IN IMPROVED CLIN-
29 ICAL STATUS OR THE PREVENTION OF REGRESSION OR LOSS OF SKILLS AND FUNC-
30 TIONING. WHEN TREATMENT IS ANTICIPATED TO REQUIRE CONTINUED SERVICES TO
31 ACHIEVE DEMONSTRABLE PROGRESS, THE COVERAGE PROVIDER MAY REQUEST A
32 TREATMENT PLAN CONSISTING OF DIAGNOSIS, PROPOSED TREATMENT BY TYPE,
33 FREQUENCY, ANTICIPATED DURATION OF TREATMENT, THE ANTICIPATED OUTCOMES
34 STATED AS GOALS, AND THE FREQUENCY BY WHICH THE TREATMENT PLAN WILL BE
35 UPDATED.
36 (4) AN INSURER PROVIDING COVERAGE UNDER THIS SUBSECTION SHALL HAVE IN
37 PLACE A PROCEDURE UNDER WHICH A PERSON WITH AUTISM SPECTRUM DISORDER WHO
38 IS COVERED UNDER SUCH POLICY AND WHOSE CONDITION OR DISEASE REQUIRES
39 SPECIALIZED MEDICAL CARE OVER A PROLONGED PERIOD OF TIME SHALL RECEIVE A
40 REFERRAL TO A SPECIALIST WITH APPROPRIATE TRAINING AND EXPERIENCE IN ITS
41 PANEL OR NETWORK TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROL-
42 LEE, OR IF NOT AVAILABLE WITH THE PLAN, TO A NONPARTICIPATING PROVIDER
43 WITH APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH
44 CARE NEEDS OF AN ENROLLEE, AT NO ADDITIONAL COST TO THE ENROLLEE BEYOND
45 WHAT THE ENROLLEE WOULD OTHERWISE PAY FOR SERVICES RECEIVED WITHIN THE
46 NETWORK. SUCH SPECIALIST MAY BE RESPONSIBLE FOR AND SHALL BE DEEMED
47 CAPABLE OF PROVIDING AND COORDINATING THE ENROLLEE'S PRIMARY AND
48 SPECIALITY CARE.
49 (5) SUCH INSURER SHALL HAVE A PROCEDURE BY WHICH A PERSON WITH AUTISM
50 SPECTRUM DISORDER WHOSE CONDITION, DISABILITY, OR DISEASE REQUIRE ONGO-
51 ING CARE FROM A SPECIALIST MAY REQUEST AND OBTAIN A STANDING REFERRAL TO
52 SUCH SPECIALIST FOR TREATMENT OF SUCH CONDITION. IF THE PRIMARY CARE
53 PROVIDER AND THE SPECIALIST (IF ANY), DETERMINES THAT SUCH A STANDING
54 REFERRAL IS APPROPRIATE, THE PLAN OR ISSUER SHALL AUTHORIZE SUCH A
55 REFERRAL TO SUCH A SPECIALIST. SUCH STANDING REFERRAL SHALL BE CONSIST-
56 ENT WITH A TREATMENT PLAN.

1 S 4. This act shall take effect on the first of January next succeed-
2 ing the date on which it shall have become a law and shall apply to all
3 policies or contracts issued, renewed, modified, altered or amended on
4 and after such effective date.