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

6123

2009-2010 Regular Sessions

I N S E N A T E

August 10, 2009

Introduced by Sen. HUNTLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

Section 1. Paragraph 25 of subsection (i) of section 3216 of the insurance law, as added by chapter 557 of the laws of 2006, is amended to read as follows:

(25) (A) Every policy which provides coverage for hospital, surgical, or medical care coverage shall [not exclude] PROVIDE 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.

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

(I) "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 DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS IV REVISED, INCLUDING AUTISM, ASPERGER'S DISORDER AND PERVASIVE DEVELOPMENTAL DISORDERS NOT OTHERWISE SPECIFIED.

(II) "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.

(III) "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;

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

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(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.

(IV) "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;

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

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

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

(VII) GASTRO-ENTEROLOGIC CARE INCLUDING DIRECT, CONSULTATIVE OR DIAGNOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN GASTROENTEROLOGY;

(VIII) ENDOCRINOLOGICAL CARE INCLUDING DIRECT, CONSULTATIVE OR DIAGNOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN ENDOCRINOLOGY;

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

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

(X) SOCIAL SKILLS EDUCATION TRAINING.

(C) UPON REQUEST OF THE COVERAGE PROVIDER, A PROVIDER OF TREATMENT FOR AUTISM SPECTRUM DISORDERS SHALL FURNISH MEDICAL RECORDS, CLINICAL NOTES OR OTHER NECESSARY DATA THAT SUBSTANTIATE THAT THE INITIAL AND CONTINUED MEDICAL TREATMENT IS MEDICALLY NECESSARY AND RESULTING IN IMPROVED CLINICAL STATUS OR THE PREVENTION OF REGRESSION OR LOSS OF SKILLS AND FUNCTIONING. WHEN TREATMENT IS ANTICIPATED TO REQUIRE CONTINUED SERVICES TO ACHIEVE DEMONSTRABLE PROGRESS, THE COVERAGE PROVIDER MAY REQUEST A TREATMENT PLAN CONSISTING OF DIAGNOSIS, PROPOSED TREATMENT BY TYPE, FREQUENCY, ANTICIPATED DURATION OF TREATMENT, THE ANTICIPATED OUTCOMES STATED AS GOALS, AND THE FREQUENCY BY WHICH THE TREATMENT PLAN WILL BE UPDATED.

(D) AN INSURER PROVIDING COVERAGE UNDER THIS PARAGRAPH SHALL HAVE IN PLACE A PROCEDURE UNDER WHICH A PERSON WITH AUTISM SPECTRUM DISORDER WHO IS COVERED UNDER SUCH POLICY AND WHOSE CONDITION OR DISEASE REQUIRES SPECIALIZED MEDICAL CARE OVER A PROLONGED PERIOD OF TIME SHALL RECEIVE A REFERRAL TO A SPECIALIST WITH APPROPRIATE TRAINING AND EXPERIENCE IN ITS PANEL OR NETWORK TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROL-

LEE, OR IF NOT AVAILABLE WITH THE PLAN, TO A NONPARTICIPATING PROVIDER 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 2. Paragraph 17 of subsection (l) of section 3221 of the insurance law, as added by chapter 557 of the laws of 2006, is amended to read as follows:

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

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

(I) "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 DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS IV REVISED, INCLUDING AUTISM, ASPERGER'S DISORDER AND PERVASIVE DEVELOPMENTAL DISORDERS NOT OTHERWISE SPECIFIED.

(II) "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.

(III) "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.

(IV) "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;

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

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

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

(VII) GASTRO-ENTEROLOGIC CARE INCLUDING DIRECT, CONSULTATIVE OR DIAGNOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN GASTROENTEROLOGY;

(VIII) ENDOCRINOLOGICAL CARE INCLUDING DIRECT, CONSULTATIVE OR DIAGNOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN ENDOCRINOLOGY;

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

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

(X) SOCIAL SKILLS EDUCATION TRAINING.

(C) UPON REQUEST OF THE COVERAGE PROVIDER, A PROVIDER OF TREATMENT FOR AUTISM SPECTRUM DISORDERS SHALL FURNISH MEDICAL RECORDS, CLINICAL NOTES OR OTHER NECESSARY DATA THAT SUBSTANTIATE THAT THE INITIAL AND CONTINUED MEDICAL TREATMENT IS MEDICALLY NECESSARY AND RESULTING IN IMPROVED CLINICAL STATUS OR THE PREVENTION OF REGRESSION OR LOSS OF SKILLS AND FUNCTIONING. WHEN TREATMENT IS ANTICIPATED TO REQUIRE CONTINUED SERVICES TO ACHIEVE DEMONSTRABLE PROGRESS, THE COVERAGE PROVIDER MAY REQUEST A TREATMENT PLAN CONSISTING OF DIAGNOSIS, PROPOSED TREATMENT BY TYPE, FREQUENCY, ANTICIPATED DURATION OF TREATMENT, THE ANTICIPATED OUTCOMES STATED AS GOALS, AND THE FREQUENCY BY WHICH THE TREATMENT PLAN WILL BE UPDATED.

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

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

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

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

(VII) GASTRO-ENTEROLOGIC CARE INCLUDING DIRECT, CONSULTATIVE OR DIAGNOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN GASTROENTEROLOGY;

(VIII) ENDOCRINOLOGICAL CARE INCLUDING DIRECT, CONSULTATIVE OR DIAGNOSTIC SERVICES PROVIDED BY A LICENSED PHYSICIAN SPECIALIZING IN ENDOCRINOLOGY;

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

(I) SELF CARE AND FEEDING,

(II) PRAGMATIC, RECEPTIVE AND EXPRESSIVE LANGUAGE,

(III) COGNITIVE FUNCTIONING,

(IV) APPLIED BEHAVIOR ANALYSIS, INTERVENTION AND MODIFICATION,

(V) MOTOR PLANNING,

(VI) SENSORY PROCESSING AND INTEGRATION, AND

(VII) ASSISTIVE TECHNOLOGY;

(X) SOCIAL SKILLS EDUCATION TRAINING.

(3) UPON REQUEST OF THE COVERAGE PROVIDER, A PROVIDER OF TREATMENT FOR AUTISM SPECTRUM DISORDERS SHALL FURNISH MEDICAL RECORDS, CLINICAL NOTES OR OTHER NECESSARY DATA THAT SUBSTANTIATE THAT THE INITIAL AND CONTINUED MEDICAL TREATMENT IS MEDICALLY NECESSARY AND RESULTING IN IMPROVED CLINICAL STATUS OR THE PREVENTION OF REGRESSION OR LOSS OF SKILLS AND FUNCTIONING. WHEN TREATMENT IS ANTICIPATED TO REQUIRE CONTINUED SERVICES TO ACHIEVE DEMONSTRABLE PROGRESS, THE COVERAGE PROVIDER MAY REQUEST A TREATMENT PLAN CONSISTING OF DIAGNOSIS, PROPOSED TREATMENT BY TYPE, FREQUENCY, ANTICIPATED DURATION OF TREATMENT, THE ANTICIPATED OUTCOMES STATED AS GOALS, AND THE FREQUENCY BY WHICH THE TREATMENT PLAN WILL BE UPDATED.

(4) AN INSURER PROVIDING COVERAGE UNDER THIS SUBSECTION SHALL HAVE IN PLACE A PROCEDURE UNDER WHICH A PERSON WITH AUTISM SPECTRUM DISORDER WHO IS COVERED UNDER SUCH POLICY AND WHOSE CONDITION OR DISEASE REQUIRES SPECIALIZED MEDICAL CARE OVER A PROLONGED PERIOD OF TIME SHALL RECEIVE A REFERRAL TO A SPECIALIST WITH APPROPRIATE TRAINING AND EXPERIENCE IN ITS PANEL OR NETWORK TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROLLEE, OR IF NOT AVAILABLE WITH THE PLAN, TO A NONPARTICIPATING PROVIDER 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 SPECIALITY CARE.

(5) SUCH INSURER SHALL HAVE A PROCEDURE BY WHICH A PERSON WITH AUTISM SPECTRUM DISORDER WHOSE CONDITION, DISABILITY, OR DISEASE REQUIRE 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 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all policies or contracts issued, renewed, modified, altered or amended on and after such effective date.