

SB244_L.005

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee_____
DateCommittee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

SB09-244 be amended as follows:

1 Amend printed bill, page 3, strike lines 13 through 18 and substitute the
2 following:

3 "(I) "APPLIED BEHAVIOR ANALYSIS" MEANS THE USE OF BEHAVIOR
4 ANALYTIC METHODS AND RESEARCH FINDINGS TO CHANGE SOCIALLY
5 IMPORTANT BEHAVIORS IN MEANINGFUL WAYS.";

6 line 21, strike "(X) TO (XIII)" and substitute "(IX) TO (XII)";

7 line 26, strike "ORGANIZATION OR SHALL" and substitute
8 "ORGANIZATION.";

9 strike line 27.

10 Page 4, strike lines 1 through 10 and substitute the following:

11 "WHEN THE THERAPEUTIC CARE PROVIDED BY THE AUTISM SERVICES
12 PROVIDER IS APPLIED BEHAVIOR ANALYSIS, AN INDIVIDUAL WHO IS
13 DIRECTLY SUPERVISED BY THE PERSON PROFESSIONALLY CERTIFIED AS A
14 BEHAVIOR ANALYST MAY PROVIDE THERAPY AND IMPLEMENT SERVICES TO
15 THE COVERED MEMBER WITH AN AUTISM SPECTRUM DISORDER AS
16 INSTRUCTED BY THE APPLIED BEHAVIOR ANALYST.

17 (III) "AUTISM SPECTRUM DISORDERS" OR "ASD" INCLUDES THE
18 FOLLOWING NEUROBIOLOGICAL DISORDERS: AUTISTIC DISORDER,
19 ASPERGER'S DISORDER, AND PERVASIVE DEVELOPMENTAL DISORDER NOT



- 1 OTHERWISE SPECIFIED.
- 2 (IV) "HEALTH BENEFIT PLAN" SHALL HAVE THE SAME MEANING AS
3 PROVIDED IN SECTION 10-16-102 (21). IN ADDITION, THE TERM "HEALTH
4 BENEFIT PLAN", AS USED IN THIS SUBSECTION (1.4), EXCLUDES
5 SHORT-TERM LIMITED DURATION HEALTH INSURANCE POLICIES AS DEFINED
6 IN SECTION 10-16-102 (21) (b)."
- 7 Renumber succeeding subparagraphs accordingly.
- 8 Page 4, strike lines 17 through 26.
- 9 Renumber succeeding subparagraphs accordingly.
- 10 Page 5, strike lines 4 through 10;
- 11 Reletter succeeding subparagraphs accordingly.
- 12 Page 5, strike lines 20 through 22 and substitute the following:
- 13 "12, C.R.S."
- 14 Page 6, strike lines 2 through 15 and substitute the following:
- 15 "ANALYST. THERAPEUTIC CARE INCLUDES, BUT IS NOT LIMITED TO,
16 SPEECH, OCCUPATIONAL, AND APPLIED BEHAVIOR ANALYTIC AND
17 PHYSICAL THERAPIES.";
- 18 line 20, strike "AND DIRECT CARE AND" and substitute "OR DIRECT CARE
19 OR";
- 20 line 21, after "TREATMENT", insert "OR ANY COMBINATION THEREOF";
- 21 line 22, strike "SUCH COVERAGE SHALL BE AT A LEVEL SUFFICIENT";
- 22 strike lines 23 through 27.
- 23 Page 7, line 3, strike "THERAPIES;" and substitute "THERAPIES. FOR A
24 PERSON WHO IS ALSO COVERED UNDER SUBSECTION (1.7) OF THIS SECTION,
25 THE LEVEL OF BENEFITS FOR OCCUPATIONAL THERAPY, PHYSICAL
26 THERAPY, OR SPEECH THERAPY SHALL EXCEED THE LIMIT OF TWENTY



- 1 VISITS FOR EACH THERAPY IF SUCH THERAPY IS MEDICALLY NECESSARY TO
2 TREAT AUTISM SPECTRUM DISORDERS UNDER THIS SUBSECTION (1.4).";
- 3 line 4, strike "MEDICATION;" and substitute "MEDICATION, IF COVERED BY
4 THE HEALTH BENEFIT PLAN;";
- 5 line 8, strike "FOR AN INDIVIDUAL" and substitute "DEVELOPED FOR AN
6 INDIVIDUAL BY A LICENSED PHYSICIAN OR A LICENSED CLINICAL
7 PSYCHOLOGIST PURSUANT TO A COMPREHENSIVE EVALUATION OR
8 REEVALUATION FOR AN INDIVIDUAL";
- 9 line 12, after the period add "THE LICENSED PHYSICIAN OR LICENSED
10 CLINICAL PSYCHOLOGIST SHALL DETERMINE WHAT IS MEDICALLY
11 NECESSARY OR IS A MEDICAL NECESSITY ON AN INDIVIDUAL BASIS.";
- 12 line 13, strike "POLICIES" and substitute "HEALTH BENEFIT PLANS";
- 13 line 15, after the period add "FOR A CHILD FROM BIRTH THROUGH TEN
14 YEARS OF AGE UP TO, BUT NOT INCLUDING, ELEVEN YEARS OF AGE, THE
15 ANNUAL MAXIMUM BENEFIT SHALL BE IN AN AMOUNT NOT TO EXCEED
16 SEVENTY-FIVE THOUSAND DOLLARS; FOR A CHILD ELEVEN YEARS OF AGE
17 OR OLDER AND UNDER TWENTY-ONE YEARS OF AGE, THE ANNUAL
18 MAXIMUM BENEFIT SHALL BE IN AN AMOUNT NOT TO EXCEED
19 TWENTY-FIVE THOUSAND DOLLARS; AND FOR PERSONS TWENTY-ONE
20 YEARS OF AGE OR OLDER, THE ANNUAL MAXIMUM BENEFIT SHALL BE IN AN
21 AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS.".
- 22 line 18, strike "POLICY" and substitute "HEALTH BENEFIT PLAN";
- 23 line 24, strike "POLICY." and substitute "HEALTH BENEFIT PLAN.";
- 24 line 27, strike "PSYCHOLOGIST, OR BY A DOCTORAL DEGREED
25 PROFESSIONAL" and substitute "PSYCHOLOGIST.".
- 26 Page 8, strike lines 1 through 3;
- 27 line 4, strike "POLICY" and substitute "HEALTH BENEFIT PLAN";
- 28 line 6, strike "PROVIDE SPECIFIC EXCLUSIONS FOR" and substitute
29 "EXCLUDE";



- 1 line 13, strike "NETWORK ADEQUACY,";
- 2 line 14, strike "POLICY OF SICKNESS AND ACCIDENT INSURANCE" and
- 3 substitute "HEALTH BENEFIT PLAN";
- 4 line 16, strike "POLICY OF SICKNESS AND ACCIDENT INSURANCE" and
- 5 substitute "HEALTH BENEFIT PLAN";
- 6 line 26, strike "POLICY" and substitute "HEALTH BENEFIT PLAN".
- 7 Page 9, line 10, strike "DEMONSTRABLE PROGRESS OR TO TREAT
- 8 REGRESSION," and substitute "PROGRESS,";

9 strike lines 12 through 14 and substitute the following:

10 "CARRIER SHALL HAVE THE RIGHT TO REQUEST A REVIEW OF THE
11 TREATMENT PLAN ONCE EVERY SIX MONTHS, THE COST OF WHICH SHALL
12 BE BORNE BY THE AUTISM SERVICES PROVIDER. IF THE CARRIER REQUESTS
13 A REVIEW MORE FREQUENTLY THAN SIX MONTHS, THE AUTISM SERVICES
14 PROVIDER MAY BILL THE CARRIER FOR THE REASONABLE COSTS
15 ASSOCIATED WITH GENERATING ADDITIONAL REPORTS. DURING THE
16 PENDENCY OF ANY";

17 line 25, strike "POLICY," and substitute "HEALTH BENEFIT PLAN,".

18 Page 10, strike lines 14 through 26 and substitute the following:

19 "(k) COVERAGE UNDER THIS SUBSECTION (1.4) IS SUBJECT TO ALL
20 TERMS AND CONDITIONS, DEFINITIONS, RESTRICTIONS, EXCLUSIONS, AND
21 LIMITATIONS THAT APPLY TO ANY OTHER COVERAGE UNDER THE HEALTH
22 BENEFIT PLAN, INCLUDING THE TREATMENT UNDER THE HEALTH BENEFIT
23 PLAN OF SERVICES PERFORMED BY PARTICIPATING AND NONPARTICIPATING
24 PROVIDERS.

25 **SECTION 3.** 10-16-104.5, Colorado Revised Statutes, is
26 amended to read:

27 **10-16-104.5. Autism - treatment - not mental illness.** (1) Any
28 sickness and accident insurance policy providing indemnity for disability
29 due to sickness issued by an entity subject to the provisions of part 2 of
30 this article and any individual or ~~group service or indemnity contracts~~



1 POLICIES issued by an entity subject to the provisions of part 3 or 4 of this
2 article which provide coverage for autism shall provide such coverage in
3 the same manner as for any other accident or sickness, other than mental
4 illness, otherwise covered under such policy.

5 (2) Nothing in this section shall mandate or be construed or
6 interpreted to mandate that any INDIVIDUAL policy ~~hospital service or~~
7 ~~indemnity contract, or evidence of coverage~~ must provide coverage for
8 autism.

9 (3) NOTHING IN THIS SECTION SHALL PROHIBIT OR PREVENT A
10 PERSON WITH AN AUTISM SPECTRUM DISORDER FROM RECEIVING MENTAL
11 HEALTH BENEFITS IN HIS OR HER HEALTH BENEFIT PLAN."

12 Page 11, strike lines 6 through 10 and substitute the following:

13 "(gg) ISSUING OR RENEWING A HEALTH BENEFIT PLAN AS DEFINED
14 IN SECTION 10-16-104 (1.4) (a) (IV) THAT IS SUBJECT TO THE
15 REQUIREMENTS OF SECTION 10-16-104 (1.4) IF THE HEALTH BENEFIT PLAN
16 EXCLUDES".

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