SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 19, 2009 Date

Committee on Health and Human Services.

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

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

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

17 (III) "AUTISM SPECTRUM DISORDERS" OR "ASD" INCLUDES THE 18 FOLLOWING NEUROBIOLOGICAL DISORDERS: AUTISTIC DISORDER,

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<u>SB09-244</u> be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation:

ASPERGER'S DISORDER, AND PERVASIVE DEVELOPMENTAL DISORDER NOT
 OTHERWISE SPECIFIED.

3 (IV) "HEALTH BENEFIT PLAN" SHALL HAVE THE SAME MEANING AS
4 PROVIDED IN SECTION 10-16-102 (21). IN ADDITION, THE TERM "HEALTH
5 BENEFIT PLAN", AS USED IN THIS SUBSECTION (1.4), EXCLUDES
6 SHORT-TERM LIMITED DURATION HEALTH INSURANCE POLICIES AS DEFINED
7 IN SECTION 10-16-102 (21) (b).".

- 8 Renumber succeeding subparagraphs accordingly.
- 9 Page 4, strike lines 17 through 26.
- 10 Renumber succeeding subparagraphs accordingly.
- 11 Page 5, strike lines 4 though 10.
- 12 Renumber succeeding subparagraphs accordingly.
- 13 Page 5, strike lines 20 through 22 and substitute the following:
- 14 "12, C.R.S.".
- 15 Page 6, strike lines 2 through 15 and substitute the following:
- 16 "ANALYST. THERAPEUTIC CARE INCLUDES, BUT IS NOT LIMITED TO,
 17 SPEECH, OCCUPATIONAL, AND APPLIED BEHAVIOR ANALYTIC AND
 18 PHYSICAL THERAPIES.";
- line 20, strike "AND DIRECT CARE AND" and substitute "OR DIRECT CAREOR";
- 21 line 21, after "TREATMENT", insert "OR ANY COMBINATION THEREOF";
- 22 line 22, strike "SUCH COVERAGE SHALL BE AT A LEVEL SUFFICIENT";
- 23 strike lines 23 through 27.

Page 7, line 3, strike "THERAPIES;" and substitute "THERAPIES. FOR A
PERSON WHO IS ALSO COVERED UNDER SUBSECTION (1.7) OF THIS SECTION,
THE LEVEL OF BENEFITS FOR OCCUPATIONAL THERAPY, PHYSICAL
THERAPY, OR SPEECH THERAPY SHALL EXCEED THE LIMIT OF TWENTY

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- 1 VISITS FOR EACH THERAPY IF SUCH THERAPY IS MEDICALLY NECESSARY TO
- 2 TREAT AUTISM SPECTRUM DISORDERS UNDER THIS SUBSECTION (1.4).";

line 4, strike "MEDICATION;" and substitute "MEDICATION, IF COVERED BY
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";

30 line 13, strike "NETWORK ADEQUACY,";

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- line 14, strike "POLICY OF SICKNESS AND ACCIDENT INSURANCE" and
 substitute "HEALTH BENEFIT PLAN";
- line 16, strike "POLICY OF SICKNESS AND ACCIDENT INSURANCE" and
 substitute "HEALTH BENEFIT PLAN";
- 5 line 26, strike "POLICY" and substitute "HEALTH BENEFIT PLAN".
- 6 Page 9, line 10, strike "DEMONSTRABLE PROGRESS OR TO TREAT
 7 REGRESSION," and substitute "PROGRESS,";
- 8 strike lines 13 and 14 and substitute the following:

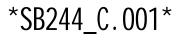
9 "TREATMENT PLAN ONCE EVERY SIX MONTHS, THE COST OF WHICH SHALL
10 BE BORNE BY THE AUTISM SERVICES PROVIDER. IF THE CARRIER REQUESTS
11 A REVIEW MORE FREQUENTLY THAN SIX MONTHS, THE AUTISM SERVICES
12 PROVIDER MAY BILL THE CARRIER FOR THE REASONABLE COSTS
13 ASSOCIATED WITH GENERATING ADDITIONAL REPORTS.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

- 15 line 25, strike "POLICY," and substitute "HEALTH BENEFIT PLAN,".
- 16 Page 10, strike lines 14 through 26 and substitute the following:

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

23 **SECTION 3.** 10-16-104.5, Colorado Revised Statutes, is 24 amended to read:

25 10-16-104.5. Autism - treatment - not mental illness. (1) Any 26 sickness and accident insurance policy providing indemnity for disability 27 due to sickness issued by an entity subject to the provisions of part 2 of 28 this article and any individual or group service or indemnity contracts 29 POLICIES issued by an entity subject to the provisions of part 3 or 4 of this article which provide coverage for autism shall provide such coverage in 30 the same manner as for any other accident or sickness, other than mental 31 32 illness, otherwise covered under such policy.



1 (2) Nothing in this section shall mandate or be construed or 2 interpreted to mandate that any INDIVIDUAL policy hospital service or 3 indemnity contract, or evidence of coverage must provide coverage for 4 autism.

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

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

9 "(gg) ISSUING OR RENEWING A HEALTH BENEFIT PLAN AS DEFINED 10 IN SECTION 10-16-104 (1.4) (a) (IV) THAT IS SUBJECT TO THE 11 REQUIREMENTS OF SECTION 10-16-104 (1.4) IF THE HEALTH BENEFIT PLAN 12 EXCLUDES";

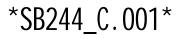
13 after line 14, insert the following:

14 "SECTION 5. 25.5-6-802 (1), Colorado Revised Statutes, is15 amended to read:

16 25.5-6-802. Definitions. As used in this part 8, unless the context
 17 otherwise requires:

- 18 (1) "Eligible child" means a child who:
- (a) Is eligible for the state's medicaid program pursuant to section
 25.5-5-101, 25.5-5-201, or 25.5-5-203;
- 21 (b) Is age birth to six TWENTY-ONE years;
- 22 (c) Has a diagnosis of autism;
- (d) Is at risk of institutionalization in either an intermediate care
 facility for the mentally retarded, a hospital, or a nursing facility; and
- (e) Is not receiving services from any of the alternatives tolong-term care waiver programs established in this title.

27 **SECTION 6.** 25.5-6-804 (1), Colorado Revised Statutes, is 28 amended to read:



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25.5-6-804. Services - duties of the state department - rules.
 (1) Subject to the provisions of this part 8, home- and community-based
 services for children with autism shall include only the following
 services, as specified in the eligible child's care plan, AND SERVICES
 EQUIVALENT TO THE SAME TYPES OF SERVICES AND COVERAGE REQUIRED
 TO BE PROVIDED BY PRIVATE HEALTH INSURANCE CARRIERS PURSUANT TO
 SECTION 10-16-104 (1.4), C.R.S.:

- 8 (a) Occupational therapy;
- 9 (b) Speech therapy;
- 10 (c) Psychological and psychiatric services;
- 11 (d) Physical therapy;
- 12 (e) Behavioral therapy; and
- 13 (f) Services provided under the consumer-directed care service14 model, part 11 of this article.
- SECTION 7. 25.5-8-107 (1) (a), Colorado Revised Statutes, is
 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

17 25.5-8-107. Duties of the department - schedule of services premiums - copayments - subsidies. (1) In addition to any other duties
 pursuant to this article, the department shall have the following duties:

(a) (IV) IN ADDITION TO THE ITEMS SPECIFIED IN SUBPARAGRAPH
(I), (II), AND (III) OF THIS PARAGRAPH (a), THE MEDICAL SERVICES BOARD
SHALL INCLUDE COVERAGE FOR AUTISM SPECTRUM DISORDERS
EQUIVALENT TO THE SAME COVERAGE REQUIRED TO BE PROVIDED BY
PRIVATE HEALTH INSURANCE CARRIERS PURSUANT TO SECTION 10-16-104
(1.4), C.R.S.".

26 Renumber succeeding section accordingly.

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