CONCERNING HEALTH INSURANCE BENEFITS FOR THE TREATMENT OF AUTISM SPECTRUM DISORDERS.

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Effective Date: July 1, 2010, unless a referendum petition is filed.

Appropriation Summary for FY 2009-2010: None.

Local Government Impact: See Local Government Impact section of the fiscal note.

*This fiscal note is revised pursuant to House Rule 32 A (c). It reflects the reengrossed bill as amended by the House Business Affairs and Labor Committee.*

Summary of Legislation

Effective July 1, 2010, the bill requires group health insurance policies, subject to state regulation, to provide coverage for applied behavior analysis for autism spectrum disorders (ASD). The bill includes definitions of terms including: ASD, applied behavior analysis, autism services provider, and treatment plan.

Insurance carriers cannot deny coverage for the treatment of ASD or refuse to renew coverage because the individual or a covered dependent is diagnosed with ASD or due to utilization of services. The bill specifies that early intervention services, currently a mandatory coverage, shall supplement the services required under SB09-244.

As amended, the bill includes the following annual maximum benefits:

- children from birth to 8 years of age - $34,000 per year;
- children ages 9 to 19 years of age - $12,000 per year; and
- adults over 19 years of age - no mandatory coverage.
The bill specifically excludes the state employee health plans, health plans offered by institutions of higher education, and the Children's Basic Health Plan (CBHP) from including coverage otherwise required by SB09-244.

State Expenditures

This bill is assessed at no state fiscal impact. It is effective July 1, 2010. Beginning in FY 2010-11, there will be minimal impacts for the Department of Regulatory Agencies as described below, but no appropriation is required.

**Department of Regulatory Agencies, Division of Insurance.** The insurance commissioner is required to adopt rules regarding treatment plans, utilization review, and denial of benefits. The fiscal note assumes that, given the time frame outlined in the bill, this activity can be completed within existing appropriations. In addition, the division is expected to respond to inquiries and complaints related to SB09-244. It is not known how many inquiries and complaints will be received. If additional staff is required, the fiscal note assumes that additional funding will be addressed through the budget process.

**Department of Health Care Policy and Financing.** SB09-244 does not impact Medicaid because it is a program of medical assistance and is not subject to insurance laws. In addition, the bill specifies that the CBHP shall not include coverage for ASD. Thus, there is no fiscal impact for the department.

**Department of Personnel and Administration and Department of Higher Education.** The bill specifies that state employee health plans and health plans offered by institutions of higher education are prohibited from including otherwise mandatory coverage for ASD. Thus, there is no fiscal impact for these departments.

Local Government Impact

Health plans are expected to pass on increased costs to comply with the bill to their clients, including local governments. The size of the increase, and who will bear the expense, cannot be determined at this time.

Departments Contacted

- Health Care Policy and Financing
- Personnel and Administration
- Judicial Branch
- Human Services
- Higher Education
- Regulatory Agencies
- Education