

SENATE BILL NO. 2268

Introduced by

Senators Wardner, Nelson

Representative N. Johnson

1 A BILL for an Act to require health insurance coverage for autism spectrum disorders; and to
2 create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating
3 to public employees retirement system medical benefits coverage for autism spectrum
4 disorders.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.**

7 **Definitions.**

8 As used in sections 1 and 2 of this Act:

- 9 1. "Applied behavior analysis" means the design, implementation, and evaluation of
10 environmental modifications, using behavioral stimuli and consequences, to produce
11 socially significant improvement in human behavior, including the use of direct
12 observation, measurement, and functional analysis of the relations between
13 environment and behavior.
- 14 2. "Autism services provider" means any person that provides treatment of any autism
15 spectrum disorder.
- 16 3. "Autism spectrum disorder" means any of the pervasive developmental disorders as
17 defined by the most recent edition of the diagnostic and statistical manual of mental
18 disorders.
- 19 4. "Diagnosis of an autism spectrum disorder" means medically necessary assessment,
20 evaluation, or testing to diagnose whether an individual has an autism spectrum
21 disorder.
- 22 5. "Habilitative or rehabilitative care" means professional, counseling, and guidance
23 services and treatment programs, including applied behavior analysis, necessary to

1 develop, maintain, and restore, to the maximum extent practicable, the functioning of
2 an individual.

3 6. "Health insurance policy" includes a group health insurance policy, group health
4 benefit plan, or health contract issued by an insurance company, nonprofit health
5 service corporation, or health maintenance organization.

6 7. "Medically necessary" means any care, treatment, intervention, service, or item that is
7 prescribed, provided, or ordered by a physician or a psychologist in accordance with
8 accepted standards of practice and which is reasonably expected to:

9 a. Prevent the onset of an illness, condition, injury, or disability;

10 b. Reduce or ameliorate the physical, mental, or developmental effects of an illness,
11 condition, injury, or disability; or

12 c. Assist to achieve or maintain maximum functional capacity in performing daily
13 activities, taking into account both the functional capacity of the individual and the
14 functional capacities that are appropriate for individuals of the same age.

15 8. "Pharmacy care" means a medication prescribed by a physician and any
16 health-related service deemed medically necessary to determine the need or
17 effectiveness of the medication.

18 9. "Psychiatric care" means a direct or consultative service provided by a psychiatrist.

19 10. "Psychological care" means a direct or consultative service provided by a
20 psychologist.

21 11. "Therapeutic care" means a service provided by a speech therapist, occupational
22 therapist, or physical therapist.

23 12. "Treatment for an autism spectrum disorder" includes medically necessary habilitative
24 or rehabilitative care, pharmacy care, psychiatric care, psychological care, or
25 therapeutic care prescribed, provided, or ordered by a physician or psychologist for an
26 individual diagnosed with an autism spectrum disorder.

27 **SECTION 2.**

28 **Autism spectrum disorder coverage.**

29 1. An insurance company, nonprofit health service corporation, or health maintenance
30 organization may not deliver, issue, execute, or renew any health insurance policy that

- 1 does not provide coverage for the diagnosis of an autism spectrum disorder and the
2 treatment of an autism spectrum disorder in an eligible individual.
- 3 2. Coverage for an eligible individual required under this section is limited to the
4 treatment that is prescribed by the eligible individual's treating physician in accordance
5 with a treatment plan. and coverage may not be denied or refused on the basis that
6 provided services are habilitative in nature or because the individual is diagnosed as
7 having a developmental disability.
- 8 3. An insurance company, nonprofit health service corporation, or health maintenance
9 organization may not terminate coverage or refuse to deliver, execute, issue, amend,
10 adjust, or renew coverage to an individual solely because the individual is diagnosed
11 with an autism spectrum disorder or has received treatment for an autism spectrum
12 disorder.
- 13 4. Coverage under sections 1 and 2 of this Act is not subject to any limits on the number
14 of visits an individual may make to an autism services provider.
- 15 5. Coverage under sections 1 and 2 of this Act may be subject to copayment, deductible,
16 and coinsurance provisions of a health insurance policy to the extent that other
17 medical services covered by the health insurance policy are subject to those
18 provisions.
- 19 6. Sections 1 and 2 of this Act do not limit benefits that are otherwise available to an
20 individual under a health insurance policy.

21 **SECTION 3.** A new section to chapter 54-52.1 of the North Dakota Century Code is created
22 and enacted as follows:

23 **Insurance to cover autism spectrum disorders.**

24 The board shall provide medical benefits coverage for insurance pursuant to section 54-
25 52.1-04 or under a self-insurance plan pursuant to section 54-52.1-04.2 for autism spectrum
26 disorders in the same manner as provided under sections 1 and 2 of this Act.