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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definitions.

As used in sections 1 and 2 of this Act:

1. "Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.

2. "Autism services provider" means any person that provides treatment of any autism spectrum disorder.

3. "Autism spectrum disorder" means any of the pervasive developmental disorders as defined by the most recent edition of the diagnostic and statistical manual of mental disorders.

4. "Diagnosis of an autism spectrum disorder" means medically necessary assessment, evaluation, or testing to diagnose whether an individual has an autism spectrum disorder.

5. "Habilitative or rehabilitative care" means professional, counseling, and guidance services and treatment programs, including applied behavior analysis, necessary to
develop, maintain, and restore, to the maximum extent practicable, the functioning of
an individual.

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

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

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

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

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

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

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

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

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

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

SECTION 2.

Autism spectrum disorder coverage.

An insurance company, nonprofit health service corporation, or health maintenance
organization may not deliver, issue, execute, or renew any health insurance policy that
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does not provide coverage for the diagnosis of an autism spectrum disorder and the
treatment of an autism spectrum disorder in an eligible individual.

2. Coverage for an eligible individual required under this section is limited to the
treatment that is prescribed by the eligible individual's treating physician in accordance
with a treatment plan, and coverage may not be denied or refused on the basis that
provided services are habilitative in nature or because the individual is diagnosed as
having a developmental disability.

3. An insurance company, nonprofit health service corporation, or health maintenance
organization may not terminate coverage or refuse to deliver, execute, issue, amend,
adjust, or renew coverage to an individual solely because the individual is diagnosed
with an autism spectrum disorder or has received treatment for an autism spectrum
disorder.

4. Coverage under sections 1 and 2 of this Act is not subject to any limits on the number
of visits an individual may make to an autism services provider.

5. Coverage under sections 1 and 2 of this Act may be subject to copayment, deductible,
and coinsurance provisions of a health insurance policy to the extent that other
medical services covered by the health insurance policy are subject to those
provisions.

6. Sections 1 and 2 of this Act do not limit benefits that are otherwise available to an
individual under a health insurance policy.

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

Insurance to cover autism spectrum disorders.

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