

**SENATE BILL NO.**

Introduced by

Senators Nelson, Wardner

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. Definitions.** As used in sections 1 and 2 of this Act:

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

- 1           6. "Health insurance policy" includes a group health insurance policy, group health  
2           benefit plan, or health contract issued by an insurance company, nonprofit health  
3           service corporation, or health maintenance organization.
- 4           7. "Medically necessary" means any care, treatment, intervention, service, or item  
5           that is prescribed, provided, or ordered by a physician or a psychologist in  
6           accordance with accepted standards of practice and which is reasonably expected  
7           to:
- 8           a. Prevent the onset of an illness, condition, injury, or disability;  
9           b. Reduce or ameliorate the physical, mental, or developmental effects of an  
10           illness, condition, injury, or disability; or
- 11           c. Assist to achieve or maintain maximum functional capacity in performing daily  
12           activities, taking into account both the functional capacity of the individual and  
13           the functional capacities that are appropriate for individuals of the same age.
- 14           8. "Pharmacy care" means a medication prescribed by a physician and any  
15           health-related service deemed medically necessary to determine the need or  
16           effectiveness of the medication.
- 17           9. "Psychiatric care" means a direct or consultative service provided by a psychiatrist.
- 18           10. "Psychological care" means a direct or consultative service provided by a  
19           psychologist.
- 20           11. "Therapeutic care" means a service provided by a speech therapist, occupational  
21           therapist, or physical therapist.
- 22           12. "Treatment for an autism spectrum disorder" includes medically necessary  
23           habilitative or rehabilitative care, pharmacy care, psychiatric care, psychological  
24           care, or therapeutic care prescribed, provided, or ordered by a physician or  
25           psychologist for an individual diagnosed with an autism spectrum disorder.

26           **SECTION 2. Autism spectrum disorder coverage.**

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

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

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

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