

March 17, 2017

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1434

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to public employees retirement system uniform group insurance coverage of autism services; to require a report regarding coverage of autism services; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-52.1 of the North Dakota Century Code is created and enacted as follows:

Coverage of autism services.

1. As used in this section:
 - a. "Applied behavior analysis" has the same meaning as "practice of applied behavior analysis" as defined under section 43-32-01.
 - b. "Autism spectrum disorder" means any of the pervasive developmental disorders or autism spectrum disorders as defined by the "Diagnostic and Statistical Manual of Mental Disorders," American psychiatric association, fifth edition (2013) or a more recent version as identified by the board or as defined by the edition in effect at the time of diagnosis.
 - c. "Behavioral health treatment" means a counseling or treatment program, including applied behavior analysis, that is:
 - (1) Necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual; and
 - (2) Provided or supervised by a licensed behavior analyst or psychologist.
 - d. "Diagnosis of autism spectrum disorder" means any medically necessary assessment, evaluation, or test to diagnose whether an individual has an autism spectrum disorder.
 - e. "Pharmacy care" means a medication prescribed by an individual authorized to prescribe such a medication and any health-related service deemed medically necessary to determine the need or effectiveness of the medication.
 - f. "Psychiatric care" means a direct or consultative service provided by a psychiatrist licensed in the state in which the psychiatrist practices.
 - g. "Psychological care" means a direct or consultative service provided by a psychologist licensed in the state in which the psychologist practices.

- h. "Therapeutic care" means any service provided by a licensed speech language pathologist, occupational therapist, or physical therapist.
 - i. "Treatment for autism spectrum disorder" means evidence-based care and related equipment prescribed or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician or a licensed psychologist who determines the care is medically necessary, including behavioral health treatment, pharmacy care, psychiatric care, psychological care, and therapeutic care.
2. For all policies that become effective after June 30, 2017, and which do not extend past June 30, 2019, the board shall provide health benefits coverage for the screening for, diagnosis of, and treatment for autism spectrum disorder in covered individuals under nineteen years of age.
- a. Coverage under this section is not subject to limitations on the number of visits a covered individual may make for treatment for autism spectrum disorder.
 - b. Except as allowed under subdivision c, coverage under this section is not subject to dollar limits, deductibles, or coinsurance provisions less favorable to a covered individual than the dollar limits, deductibles, or coinsurance provisions that apply to substantially all medical and surgical benefits under the health benefits coverage.
 - c. Coverage for applied behavioral analysis under this section must provide an annual maximum benefit of:
 - (1) Thirty-six thousand dollars for individuals under the age of seven;
 - (2) Twenty-five thousand dollars for individuals between the ages of seven and not yet fourteen; and
 - (3) Twelve thousand five hundred dollars for individuals between the ages of fourteen and not yet nineteen.
 - d. The coverage for applied behavior analysis must include the services of the personnel who work under the supervision of the licensed behavior analyst or psychologist overseeing the program.
 - e. Except for inpatient services, if a covered individual is receiving treatment for an autism spectrum disorder, the coverage may allow for annual review of the treatment plan, unless a more frequent review is necessary. An agreement regarding the right to review a treatment plan more frequently than annually is limited in application to a particular covered individual being treated for an autism spectrum disorder. The cost of obtaining a review or treatment plan must be borne by the policy.
3. This section does not limit benefits otherwise available to a covered individual under the uniform group insurance program. This section does not affect an obligation to provide services to a covered individual under an individualized family service plan, an individualized education program, or an individualized service plan.

SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - COVERAGE OF AUTISM SERVICES.

1. Pursuant to section 54-03-28, the public employees retirement system shall prepare and submit for introduction a bill to the sixty-sixth legislative assembly to repeal the expiration date for section 1 of this Act and to extend the coverage of autism services to apply to all group and individual health insurance policies. The public employees retirement system shall append to the bill a report regarding the effect of the autism services coverage requirement on the system's health insurance programs, information on the utilization and costs relating to the coverage under this Act, a comparison of the system's coverage of autism services under this Act and the coverage of autism services by North Dakota insurers, and a recommendation regarding whether the coverage under this Act should continue as provided in this Act or should continue with amendments.
2. Quarterly during the 2017-18 interim, the insurance commissioner shall survey health insurance carriers in the state to collect data regarding policy coverage and utilization of autism services. The commissioner shall provide this data to the public employees retirement system for inclusion in the report prepared under subsection 1.

SECTION 3. EXPIRATION DATE. Section 1 of this Act is effective through July 31, 2019, and after that date is ineffective."

Renumber accordingly