

Sixty-second
Legislative Assembly
of North Dakota

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; for an Act to provide for a regional autism spectrum disorder centers of achievement~~
5 ~~pilot program; to provide for a department of human services report to the legislative~~
6 ~~management; to provide for a legislative management study; and to provide an appropriation.~~

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

8 ~~—~~ **SECTION 1.**

9 ~~—~~ **Definitions.**

10 ~~—~~ As used in sections 1 and 2 of this Act:

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

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

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

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

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

1 ~~— **Autism spectrum disorder coverage.**~~

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

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

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

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

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

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

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

26 ~~— **Insurance to cover autism spectrum disorders.**~~

27 ~~— The board shall provide medical benefits coverage for insurance pursuant to section 54-~~
28 ~~52.1-04 or under a self-insurance plan pursuant to section 54-52.1-04.2 for autism spectrum~~
29 ~~disorders in the same manner as provided under sections 1 and 2 of this Act.~~

**SECTION 1. REGIONAL AUTISM SPECTRUM DISORDER CENTERS OF
ACHIEVEMENT PILOT PROGRAM - DEPARTMENT OF HUMAN SERVICES STUDY -
REPORT TO THE LEGISLATIVE MANAGEMENT.**

1. During the 2011-13 biennium, the department of human services shall establish and operate a regional autism spectrum disorder centers of achievement pilot program.
 - a. The pilot program must provide a matching grant to a qualified applicant that is a nonprofit intermediate care facility for the mentally retarded which is licensed by the department of human services.
 - b. A qualified applicant shall establish the availability of one dollar of nonstate, cash matching funds for each grant dollar awarded under this section. The source of the matching funds may not be a gift or grant, but must be funds of the applicant.
 - c. A qualified applicant shall submit a plan for the funding, development, and delivery of skilled services to individuals with autism spectrum disorder who reside within the applicant's service region. The plan must provide for the establishment of a regional autism spectrum disorder center of achievement in a city with a population of more than ten thousand.
 - d. As a condition of award of a grant under this program, a qualified applicant shall agree to collaborate with the department of human services in developing and implementing the plan as well as postaward monitoring by the department of human services.
2. During the 2011-13 biennium, the department of human services shall work with public and private stakeholders to study the feasibility of establishing a network of regional autism spectrum disorder centers of achievement. The study must include:
 - a. Consideration of funding needs and sources for startup as well as ongoing financial sustainability of a network of regional autism spectrum disorder centers of achievement;
 - b. Evaluation of the unmet needs in the state related to the regional delivery of skilled services to individuals with autism spectrum disorder, consideration of the most effective and efficient delivery system for these skilled services, and evaluation of whether the skilled services provided by the qualified applicant

under subsection 1 is part of a viable plan to increase availability of these services; and

- c. Evaluation of the funding, development, and delivery of the skilled services provided by a qualified applicant under subsection 1, including recommendations regarding the feasibility and desirability of implementing the pilot program on a broader scale.

3. During the 2011-13 biennium, the department of human services shall provide regular status reports to and work in cooperation with the legislative management as the legislative management conducts the study provided for under section 2 of this Act.

4. Before September 1, 2012, the department of human services shall report to the

legislative management on the preliminary findings and recommendations of the regional autism spectrum disorder centers of achievement pilot program and study.

During the 2013 legislative session, the department of human services shall introduce any legislation that may be necessary to implement the study recommendations.

SECTION 2. AUTISM STUDY - LEGISLATIVE MANAGEMENT. During the 2011-12 interim, the legislative management shall conduct a comprehensive study of the current system for the diagnosis of, treatment of, care for, and education of individuals with autism spectrum disorder and shall make recommendations regarding how this system can be improved to better meet the needs of individuals with autism spectrum disorder. The study must consider the recommendations of the autism spectrum disorder task force and must seek input from stakeholders in the private and public sectors, including families impacted by autism spectrum disorder, insurers, educators, treatment providers, early childhood service providers, caretakers, and nonprofit intermediate care facilities for the mentally retarded. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$600,000, or so much of the sum as may be necessary, to the department of human services for the purpose of implementing the regional autism spectrum disorder centers of achievement pilot program and study provided for under section 1 of this Act, for the biennium beginning July 1, 2011, and ending June 30, 2013.