514C.28 Autism spectrum disorders coverage.

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a group plan established pursuant to chapter 509A for employees of the state providing for third-party payment or prepayment of health, medical, and surgical coverage benefits shall provide coverage benefits to covered individuals under twenty-one years of age for the diagnostic assessment of autism spectrum disorders and for the treatment of autism spectrum disorders.

2. As used in this section, unless the context otherwise requires:
   a. “Applied behavioral analysis” means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior or to prevent loss of attained skill or function, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.
   b. “Autism service provider” means a person, or group providing treatment of autism spectrum disorders. An autism service provider that provides treatment of autism spectrum disorders that includes applied behavioral analysis shall be certified as a behavior analyst by the behavior analyst certification board or shall be a health professional licensed under chapter 147.
   c. “Autism spectrum disorders” means any of the pervasive developmental disorders including autistic disorder, Asperger’s disorder, and pervasive developmental disorders not otherwise specified. The commissioner, by rule, shall define “autism spectrum disorders” consistent with definitions provided in the most recent edition of the American psychiatric association’s diagnostic and statistical manual of mental disorders, as such definitions may be amended from time to time. The commissioner may adopt the definitions provided in such manual by reference.
   d. “Diagnostic assessment of autism spectrum disorders” means medically necessary assessment, evaluations, or tests performed by a licensed physician, licensed physician assistant, licensed psychologist, or licensed registered nurse practitioner to diagnose whether an individual has an autism spectrum disorder.
   e. “Pharmacy care” means medications prescribed by a licensed physician, licensed physician assistant, or licensed registered nurse practitioner and any assessment, evaluation, or test prescribed or ordered by a licensed physician, licensed physician assistant, or licensed registered nurse practitioner to determine the need for or effectiveness of such medications.
   f. “Psychiatric care” means direct or consultative services provided by a licensed physician who specializes in psychiatry.
   g. “Psychological care” means direct or consultative services provided by a licensed psychologist.
   h. “Rehabilitative care” means professional services and treatment programs, including applied behavioral analysis, provided by an autism service provider to produce socially significant improvement in human behavior or to prevent loss of attained skill or function.
   i. “Therapeutic care” means services provided by a licensed speech pathologist, licensed occupational therapist, or licensed physical therapist.
   j. “Treatment of autism spectrum disorders” means treatment that is identified in a treatment plan and includes medically necessary pharmacy care, psychiatric care, psychological care, rehabilitative care, and therapeutic care that is one of the following:
      (1) Prescribed, ordered, or provided by a licensed physician, licensed physician assistant, licensed psychologist, licensed social worker, or licensed registered nurse practitioner.
      (2) Provided by an autism service provider.
      (3) Provided by a person, entity, or group that works under the direction of an autism service provider.
   k. “Treatment plan” means a plan for the treatment of autism spectrum disorders developed by a licensed physician or licensed psychologist pursuant to a comprehensive evaluation or reevaluation performed in consultation with the patient and the patient’s representative.

3. Coverage is required pursuant to this section in a maximum benefit amount of not
more than thirty-six thousand dollars per year but shall not be subject to any limits on the
number of visits to an autism service provider for treatment of autism spectrum disorders. 
Beginning in 2014, the commissioner shall, on or before April 1 of each calendar year, 
publish an adjustment to the maximum benefit required equal to the percentage change in 
the United States department of labor consumer price index for all urban consumers in the 
preceding year, and the published adjusted maximum benefit shall be applicable to group 
policies, contracts, or plans subject to this section that are issued or renewed on or after 
January 1 of the following calendar year. Payments made under a group plan subject to this 
section on behalf of a covered individual for treatment of a health condition unrelated to or 
distinguishable from the individual’s autism spectrum disorder shall not be applied toward 
any maximum benefit established under this subsection.

4. Coverage required pursuant to this section shall be subject to copayment, deductible, 
and coinsurance provisions, and any other general exclusions or limitations of a group plan 
to the same extent as other medical or surgical services covered by the group plan.

5. Coverage required by this section shall be provided in coordination with coverage 
required for the treatment of autistic disorders pursuant to section 514C.22.

6. This section shall not be construed to limit benefits which are otherwise available to 
an individual under a group plan.

7. This section shall not be construed to require coverage by a group plan of any 
service solely based on inclusion of the service in an individualized education program. 
Consistent with federal or state law and upon consent of the parent or guardian of a covered 
individual, the treatment of autism spectrum disorders may be coordinated with any services 
included in an individualized education program. However, coverage for the treatment of 
autism spectrum disorders shall not be contingent upon coordination of services with an 
individualized education program.

8. This section shall not apply to accident-only, specified disease, short-term hospital 
or medical, hospital confinement indemnity, credit, dental, vision, Medicare supplement, 
long-term care, basic hospital and medical-surgical expense coverage as defined by the 
commissioner, disability income insurance coverage, coverage issued as a supplement to 
liability insurance, workers’ compensation or similar insurance, or automobile medical 
payment insurance, or individual accident and sickness policies issued to individuals or to 
individual members of a member association.

9. A plan established pursuant to chapter 509A for employees of the state may manage 
the benefits provided through common methods including but not limited to providing 
payment of benefits or providing care and treatment under a capitated payment system, 
prospective reimbursement rate system, utilization control system, incentive system for 
the use of least restrictive and costly levels of care, a preferred provider contract limiting 
choice of specific providers, or any other system, method, or organization designed to assure 
services are medically necessary and clinically appropriate.

10. An insurer may review a treatment plan for treatment of autism spectrum disorders 
once every six months, subject to its utilization review requirements, including case 
management, concurrent review, and other managed care provisions. A more or less 
frequent review may be agreed upon by the insured and the licensed physician or licensed 
psychologist developing the treatment plan.

11. For the purposes of this section, the results of a diagnostic assessment of autism 
spectrum disorder shall be valid for a period of not less than twelve months, unless a licensed 
physician or licensed psychologist determines that a more frequent assessment is necessary.

12. The commissioner shall adopt rules pursuant to chapter 17A to implement and 
administer this section.

13. This section applies to plans established pursuant to chapter 509A for employees of 
the state that are delivered, issued for delivery, continued, or renewed in this state on or after 
January 1, 2011.

2010 Acts, ch 1193, §131
Referred to in §223D.1, 223D.2, 321.189, 321.190