

**Senate File 2349 - Reprinted**

SENATE FILE 2349  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SF 1)

(As Amended and Passed by the Senate February 23, 2010)

**A BILL FOR**

1 An Act requiring certain group health insurance plans  
2 established for employees of the state to provide coverage  
3 for autism spectrum disorders for certain persons, requiring  
4 certification of behavior specialists, and providing an  
5 applicability date.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 514C.26 Autism spectrum disorders  
2 coverage.

3 1. Notwithstanding the uniformity of treatment requirements  
4 of section 514C.6, a group plan established pursuant to chapter  
5 509A for employees of the state providing for third-party  
6 payment or prepayment of health, medical, and surgical coverage  
7 benefits shall provide coverage benefits to covered individuals  
8 under twenty-one years of age for the diagnostic assessment  
9 of autism spectrum disorders and for the treatment of autism  
10 spectrum disorders.

11 2. As used in this section, unless the context otherwise  
12 requires:

13 a. "*Applied behavioral analysis*" means the design,  
14 implementation, and evaluation of environmental modifications,  
15 using behavioral stimuli and consequences, to produce socially  
16 significant improvement in human behavior or to prevent loss  
17 of attained skill or function, including the use of direct  
18 observation, measurement, and functional analysis of the  
19 relations between environment and behavior.

20 b. "*Autism service provider*" means a person, entity,  
21 or group providing treatment of autism spectrum disorders,  
22 pursuant to a treatment plan.

23 c. "*Autism spectrum disorders*" means any of the pervasive  
24 developmental disorders including autistic disorder, Asperger's  
25 disorder, and pervasive developmental disorders not otherwise  
26 specified. The commissioner, by rule, shall define "*autism*  
27 *spectrum disorders*" consistent with definitions provided in the  
28 most recent edition of the American psychiatric association's  
29 diagnostic and statistical manual of mental disorders, as such  
30 definitions may be amended from time to time. The commissioner  
31 may adopt the definitions provided in such manual by reference.

32 d. "*Behavior specialist*" means an individual, certified by  
33 the board of medicine, who designs, implements, or evaluates  
34 a behavior modification intervention component of a treatment  
35 plan, including those based on applied behavioral analysis, to

1 produce socially significant improvements in human behavior or  
2 to prevent loss of attained skill or function, through skill  
3 acquisition and the reduction of problematic behavior.

4 *e. "Diagnostic assessment of autism spectrum disorders"* means  
5 medically necessary assessment, evaluations, or tests performed  
6 by a licensed physician, licensed physician assistant, licensed  
7 psychologist, or licensed registered nurse practitioner to  
8 diagnose whether an individual has an autism spectrum disorder.

9 *f. "Pharmacy care"* means medications prescribed by a  
10 licensed physician, licensed physician assistant, or licensed  
11 registered nurse practitioner and any assessment, evaluation,  
12 or test prescribed or ordered by a licensed physician, licensed  
13 physician assistant, or licensed registered nurse practitioner  
14 to determine the need for or effectiveness of such medications.

15 *g. "Psychiatric care"* means direct or consultative services  
16 provided by a licensed physician who specializes in psychiatry.

17 *h. "Psychological care"* means direct or consultative  
18 services provided by a licensed psychologist.

19 *i. "Rehabilitative care"* means professional services and  
20 treatment programs, including applied behavioral analysis,  
21 provided by an autism service provider to produce socially  
22 significant improvement in human behavior or to prevent loss  
23 of attained skill or function.

24 *j. "Therapeutic care"* means services provided by a licensed  
25 speech pathologist, licensed occupational therapist, or  
26 licensed physical therapist.

27 *k. "Treatment of autism spectrum disorders"* means treatment  
28 that is identified in a treatment plan and includes medically  
29 necessary pharmacy care, psychiatric care, psychological care,  
30 rehabilitative care, and therapeutic care that is one of the  
31 following:

32 (1) Prescribed, ordered, or provided by a licensed  
33 physician, licensed physician assistant, licensed psychologist,  
34 licensed social worker, or licensed registered nurse  
35 practitioner.

1 (2) Provided by an autism service provider.

2 (3) Provided by a person, entity, or group that works under  
3 the direction of an autism service provider.

4 1. *"Treatment plan"* means a plan for the treatment of  
5 autism spectrum disorders developed by a licensed physician or  
6 licensed psychologist pursuant to a comprehensive evaluation  
7 or reevaluation performed in a manner consistent with the most  
8 recent clinical report or recommendations of the American  
9 academy of pediatrics, as determined by the commissioner by  
10 rule.

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

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

34 5. Coverage required by this section shall be provided  
35 in coordination with coverage required for the treatment of

1 autistic disorders pursuant to section 514C.22.

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

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

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

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

35 10. An insurer may review a treatment plan for treatment

1 of autism spectrum disorders once every six months, subject to  
2 its utilization review requirements, including case management,  
3 concurrent review, and other managed care provisions. A more  
4 or less frequent review may be agreed upon by the insured and  
5 the licensed physician or licensed psychologist developing the  
6 treatment plan.

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

12 12. The board of medicine shall adopt rules providing for  
13 the certification of behavior specialists.

14 a. An applicant for a certificate as a behavior specialist  
15 shall submit a written application on forms provided by the  
16 board of medicine evidencing and insuring that the applicant  
17 meets all of the following requirements:

18 (1) Is of good moral character.

19 (2) Has received a master's or higher degree from a  
20 board-approved, accredited college or university, including  
21 a major course of study in school, clinical, or counseling  
22 psychology, special education, social work, speech therapy,  
23 occupational therapy, or another related field.

24 (3) Has at least one year of experience involving  
25 functional behavior assessments, including the development and  
26 implementation of behavioral supports or treatment plans.

27 (4) Has completed at least one thousand hours in direct  
28 clinical experience with individuals with behavioral challenges  
29 or at least one thousand hours experience in a related field  
30 with individuals with autism spectrum disorders.

31 (5) Has completed relevant training programs, including  
32 professional ethics, autism-specific training, assessments  
33 training, instructional strategies and best practices,  
34 crisis intervention, comorbidity and medications, family  
35 collaboration, and addressing specific skill deficits training.

1     *b.* The board of medicine shall not issue a certificate to an  
2 applicant who has been convicted of a felony, of a controlled  
3 substance-related offense under chapter 124 or of the laws of  
4 another jurisdiction unless all of the following requirements  
5 have been met:

6     (1) At least ten years have elapsed from the date of  
7 conviction of such an offense.

8     (2) The applicant satisfactorily demonstrates to the board  
9 of medicine that the applicant has made significant progress  
10 in personal rehabilitation since the conviction such that  
11 certification of the applicant would not be expected to create  
12 a substantial risk of harm to the health and safety of patients  
13 or the public, or a substantial risk of further criminal  
14 violations.

15     (3) The applicant otherwise satisfies the requirements of  
16 this subsection.

17     13. The commissioner shall adopt rules pursuant to chapter  
18 17A to implement and administer this section.

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