SENATE DOCKET, NO. 337 FILED ON: 1/14/2015

SENATE . . . . . No. 522

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. McGee

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to insurance coverage for pervasive developmental disorders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas M. McGee	*Third Essex*
Brian M. Ashe	*2nd Hampden*
Michael O. Moore	*Second Worcester*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Marjorie C. Decker	*25th Middlesex*
Daniel A. Wolf	*Cape and Islands*

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SENATE . . . . . No. 522

By Mr. McGee, a petition (accompanied by bill, Senate, No. 522) of Thomas M. McGee, Brian M. Ashe, Michael O. Moore, Marjorie C. Decker and others for legislation relative to insurance coverage for pervasive developmental disorders. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *458* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to insurance coverage for pervasive developmental disorders.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting at the end thereof the following:-

Section 28. (a) The commission shall provide to any active or retired employee of the commonwealth who is insured under the group insurance commission coverage on a nondiscriminatory basis for the diagnosis and treatment of the following pervasive developmental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this section as "the DSM IV": (1) autistic disorder, (2) asperger's disorder, (3) pervasive developmental disorder - not otherwise specified, (4) rett's disorder, and (5) childhood disintegrative disorder appearing in the DSM that are scientifically recognized and approved by the commissioner of the division of insurance.

11 (b) In addition to the coverage established pursuant to this section, any such health plan
12 shall also provide coverage on a non-discriminatory basis for children and adolescents under the
13 age of 19 for the diagnosis and treatment of following pervasive developmental disorders, as
14 described in the most recent edition of the Diagnostic and Statistical Manual of the American
15 Psychiatric Association, referred to in this section as "the DSM IV": (1) autistic disorder, (2)
16 asperger's disorder, (3) pervasive developmental disorder - not otherwise specified, (4) rett's
17 disorder, and (5) childhood disintegrative disorder which substantially interfere with or
18 substantially limit the functioning and social interactions of such a child or adolescent; provided,
19 that said interference or limitation is documented by and the referral for said diagnosis and
20 treatment is made by the primary care physician, primary pediatrician, or a licensed health
21 professional of such a child or adolescent or is evidenced by conduct. Any such health plan shall
22 continue to provide such coverage to any adolescent who is engaged in an ongoing course of
23 treatment beyond the adolescent's nineteenth birthday until said course of treatment, as specified
24 in said adolescent's treatment plan, is completed and while the benefit contract under which such
25 benefits first became available remains in effect, or subject to a subsequent benefits contract
26 which is in effect.

27 (d) Any such health plan shall be deemed to be providing such coverage on a non-
28 discriminatory basis if said plan does not contain any annual or lifetime dollar or unit of service
29 limitation on coverage for the diagnosis and treatment of said pervasive developmental disorders
30 which is less than any annual or lifetime dollar or unit of service limitation imposed on coverage
31 for the diagnosis and treatment of physical conditions.

32 (e) The commission shall also provide medically necessary coverage for the diagnosis
33 and treatment of all other pervasive developmental disorders not otherwise provided for in this

34 section and which are described in the most recent edition of the DSM IV during each 12 month
35 period for a minimum of 60 visits.

36 (f) The coverage authorized pursuant to this section shall consist of a range of services
37 that shall permit medically necessary and active and noncustodial treatment for said pervasive
38 developmental disorders to take place in the least restrictive clinically appropriate setting. The
39 commission may, as a condition of providing coverage pursuant to this section, require consent
40 to the disclosure of information regarding services for pervasive developmental disorders only to
41 the same or similar extent in which it requires consent for the disclosure of information for other
42 medical conditions. Only licensed health professionals shall be allowed to deny services
43 mandated by this section. The provisions of this subsection shall not be construed as applying to
44 denials of service resulting from an insured's lack of insurance coverage or the use of a facility or
45 professional which, if applicable, has not entered into a negotiated agreement with a health plan.
46 The benefits provided in any insurance plan pursuant to this section shall meet all other terms
47 and conditions of the plan not inconsistent with this section.

48 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after
49 Section 47B, the following new section:-

50 Section___. (a) Any individual policy of accident and sickness insurance issued pursuant
51 to section 108, which provides hospital expense and surgical expense insurance, and any group
52 blanket or general policy of accident and sickness insurance issued pursuant to section 110,
53 which provides hospital expense and surgical expense insurance, which is issued or renewed
54 within or without the commonwealth, shall provide benefits on a nondiscriminatory basis to
55 residents of the commonwealth and to all policyholders having a principal place of employment

56 in the commonwealth for the diagnosis and treatment of the following pervasive developmental
57 disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of the
58 American Psychiatric Association, referred to in this section as "the DSM IV": (1) autistic
59 disorder, (2) asperger's disorder, (3) pervasive developmental disorder - not otherwise specified,
60 (4) rett's disorder, and (5) childhood disintegrative disorder, and (6) any pervasive developmental
61 disorders appearing in the DSM that are scientifically recognized and approved by the
62 commissioner of the division of insurance.

63 (b) In addition to the benefits established pursuant to this section, any such policy shall
64 also provide benefits on a non-discriminatory basis for children and adolescents under the age of
65 19 for the diagnosis and treatment of pervasive developmental disorders, as described in the most
66 recent edition of the DSM IV, which substantially interfere with or substantially limit the
67 functioning and social interactions of such a child or adolescent; provided, that said interference
68 or limitation is documented by and the referral for said diagnosis and treatment is made by the
69 primary care physician, primary pediatrician or a licensed health professional of such a child or
70 adolescent or is evidenced by conduct, including, but not limited to: (1) an inability to attend
71 school as a result of such a disorder, (2) the need to hospitalize the child or adolescent as a result
72 of such a disorder, or (3) a pattern of conduct or behavior caused by such a disorder which poses
73 a serious danger to self or others. The insurer shall continue to provide such benefits to any
74 adolescent who is engaged in an ongoing course of treatment beyond the adolescent's nineteenth
75 birthday until said course of treatment, as specified in said adolescent's treatment plan, is
76 completed and while the benefit contract under which such benefits first became available
77 remains in effect, or subject to a subsequent benefits contract which is in effect.

78 (d) Any such policy shall be deemed to be providing such benefits on a
79 nondiscriminatory basis if the policy does not contain any annual or lifetime dollar or unit of
80 service limitation on coverage for the diagnosis and treatment of said pervasive developmental
81 disorders which is less than any annual or lifetime dollar or unit of service limitation imposed on
82 coverage for the diagnosis and treatment of physical conditions.

83 (e) Any such policy shall also provide medically necessary benefits for the diagnosis and
84 treatment of all other pervasive developmental disorders not otherwise provided for in this
85 section and which are described in the most recent edition of DSM during each 12 month period
86 for a minimum of 60 days of inpatient treatment and for a minimum of 24 outpatient visits.

87 (f) Nothing in this section shall be construed to exempt an individual policy of accident
88 and sickness insurance issued from paying for pervasive developmental disorder benefits or
89 services: which are provided to a person who has third party insurance and who is presently
90 incarcerated, confined or committed to a jail, house of correction or prison, or custodial facility
91 in the department of youth services within the commonwealth or one of its political subdivisions;
92 including those which constitute educational services and would otherwise be required to be
93 provided by a school committee pursuant to section 5 of chapter 71B; or which constitute
94 services provided by the department of mental health or department of mental retardation.

95 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after
96 Section 8B, the following new section:-

97 Section ___. (a) Any contract between a subscriber and the corporation under an
98 individual or group hospital service plan which is issued or renewed within or without the
99 commonwealth shall provide pervasive developmental disorder benefits on a nondiscriminatory

100 basis to residents of the commonwealth and to all individual subscribers and members and group
101 members having a principal place of employment in the he commonwealth for the diagnosis and
102 treatment of the following pervasive developmental disorders, as described in the most recent
103 edition of the Diagnostic and Statistical Manual of the American Psychiatric Association,
104 referred to in this section as "the DSM IV": (1) autistic disorder, (2) asperger's disorder, (3)
105 pervasive developmental disorder - not otherwise specified, (4) rett's disorder, and (5) childhood
106 disintegrative disorder, and (6) any pervasive developmental disorders appearing in the DSM
107 that are scientifically recognized and approved by the commissioner of the department of mental
108 health in consultation with the commissioner of the division of insurance.

109 (b) In addition to the pervasive developmental disorder benefits established pursuant to
110 this section, any such contract shall also provide benefits on a non-discriminatory basis for
111 children and adolescents under the age of 19 for the diagnosis and treatment of pervasive
112 developmental disorder, behavioral or emotional disorders, as described in the most recent
113 edition of the DSM IV, which substantially interfere with or substantially limit the functioning
114 and social interactions of such a child or adolescent; provided, that said interference or limitation
115 is documented by and the referral for said diagnosis and treatment is made by the primary care
116 physician, primary pediatrician or a licensed health professional of such a child or adolescent or
117 is evidenced by conduct, including, but not limited to: (1) an inability to attend school as a result
118 of such a disorder, (2) the need to hospitalize the child or adolescent as a result of such a
119 disorder, or (3) a pattern of conduct or behavior caused by such a disorder which poses a serious
120 danger to self or others. The nonprofit hospital service corporation shall continue to provide such
121 benefits to any adolescent who is engaged in an ongoing course of treatment beyond the
122 adolescent's nineteenth birthday until said course of treatment, as specified in said adolescent's

123 treatment plan, is completed and while the benefit contract under which such benefits first
124 became available remains in effect, or subject to a subsequent benefits contract which is in
125 effect.

126 (c) Any such contract shall be deemed to be providing such coverage on a non-
127 discriminatory basis if the contract does not contain any annual or lifetime dollar or unit of
128 service limitation on benefits for the diagnosis and treatment of said mental disorders which is
129 less than any annual or lifetime dollar or unit of service limitation imposed on benefits for the
130 diagnosis and treatment of physical conditions.

131 (d) Any such contract shall also provide medically necessary benefits for the diagnosis
132 and treatment of all other mental disorders not otherwise provided for in this section and which
133 are described in the most recent edition of the DSM IV during each 12 month period for a
134 minimum of 60 days of inpatient treatment and for a minimum of 24 outpatient visits.

135 (e) Benefits authorized pursuant to this section shall consist of a range of inpatient,
136 intermediate, and outpatient services that shall permit medically necessary and active and
137 noncustodial treatment for said pervasive developmental disorders to take place in the least
138 restrictive clinically appropriate setting.

139 (f) Nothing in this section shall be construed to exempt a non-profit hospital service
140 corporation insurer from paying for pervasive developmental disorder benefits or services: which
141 are provided to a person who has third party insurance and who is presently incarcerated,
142 confined or committed to a jail, house of correction or prison, or custodial facility in the
143 department of youth services within the commonwealth or one of its political subdivisions;
144 including those which constitute educational services and would otherwise be required to be

145 provided by a school committee pursuant to section 5 of chapter 71B; or which constitute
146 services provided by the department of mental health or department of mental retardation.

147 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after
148 Section 4C, the following new section:-

149 Section ___. (a) Any subscription certificate under an individual or group medical service
150 agreement which is issued or renewed within or without the commonwealth shall provide
151 pervasive developmental disorder benefits on a nondiscriminatory basis to residents of the
152 commonwealth and to all individual subscribers and members within the commonwealth and to
153 all group members having a principal place of employment in the commonwealth for the
154 diagnosis and treatment of the following pervasive developmental disorder, as described in the
155 most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric
156 Association, referred to in this section as "the DSM IV": (1) autistic disorder, (2) asperger's
157 disorder, (3) pervasive developmental disorder - not otherwise specified, (4) rett's disorder, and
158 (5) childhood disintegrative disorder, and (6) any pervasive developmental disorders appearing
159 in the DSM Association that are scientifically recognized and approved by the commissioner of
160 the division of insurance.

161 (b) In addition to the pervasive developmental disorder benefits established pursuant to
162 this section, any such subscription certificate shall also provide benefits on a non-discriminatory
163 basis for children and adolescents under the age of 19 for the diagnosis and treatment of
164 pervasive developmental disorders, as described in the most recent edition of the DSM IV, which
165 substantially interfere with or substantially limit the functioning and social interactions of such a
166 child or adolescent; provided, that said interference or limitation is documented by and the

167 referral for said diagnosis and treatment is made by the primary care physician, primary
168 pediatrician or a licensed mental health professional of such a child or adolescent or is evidenced
169 by conduct, including, but not limited to: (1) an inability to attend school as a result of such a
170 disorder, (2) the need to hospitalize the child or adolescent as a result of such a disorder, (3) a
171 pattern of conduct or behavior caused by such a disorder which poses a serious danger to self or
172 others. The nonprofit medical service corporation shall continue to provide such benefits to any
173 adolescent who is engaged in an ongoing course of treatment beyond the adolescent's nineteenth
174 birthday until said course of treatment, as specified in said adolescent's treatment plan, is
175 completed and while the benefit contract under which such benefits first became available
176 remains in effect, or subject to a subsequent benefits contract which is in effect.

177 (d) Any such subscription certificate shall be deemed to be providing such coverage on a
178 nondiscriminatory basis if the subscription certificate does not contain any annual or lifetime
179 dollar or unit of service limitation on coverage for the diagnosis and treatment of said pervasive
180 developmental disorders which is less than any annual or lifetime dollar or unit of service
181 limitation imposed on coverage for the diagnosis and treatment of physical conditions.

182 (e) Any such subscription certificate shall also provide medically necessary benefits for
183 the diagnosis and treatment of all other pervasive developmental disorders not otherwise
184 provided for in this section and which are described in the most recent edition of the DSM IV
185 during each 12 month period for a minimum of 60 days of inpatient treatment and for a
186 minimum of 24 outpatient visits.

187 (f) Benefits authorized pursuant to this section shall consist of a range of inpatient,
188 intermediate, and outpatient services that shall permit medically necessary and active and

189 noncustodial treatment for said mental disorders to take place in the least restrictive clinically
190 appropriate setting.

191 (g) Nothing in this section shall be construed to exempt a non-profit medical service
192 corporation insurer from paying for pervasive developmental disorder benefits or services: which
193 are provided to a person who has third party insurance and who is presently incarcerated,
194 confined or committed to a jail, house of correction or prison, or custodial facility in the
195 department of youth services within the commonwealth or one of its political subdivisions;
196 including those which constitute educational services and would otherwise be required to be
197 provided by a school committee pursuant to section 5 of chapter 71B; or which constitute
198 services provided by the department of mental health or department of mental retardation.

199 SECTION 5. Chapter 176G of the General Laws, is hereby amended by inserting after
200 section 4N, the following new section:-

201 Section ___. (a) A health maintenance contract issued or renewed within or without the
202 commonwealth shall provide pervasive developmental disorder benefits on a nondiscriminatory
203 basis to residents of the commonwealth and to all members or enrollees having a principal place
204 of employment in the commonwealth for the diagnosis and treatment of the following pervasive
205 developmental disorders, as described in the most recent edition of the Diagnostic and Statistical
206 Manual of the American Psychiatric Association, referred to in this section as "the DSM IV": (1)
207 autistic disorder, (2) asperger's disorder, (3) pervasive developmental disorder - not otherwise
208 specified, (4) rett's disorder, and (5) childhood disintegrative disorder, and (6) any pervasive
209 developmental disorders appearing in the DSM that are scientifically recognized and approved
210 by the commissioner of the division of insurance.

211 (b) In addition to said pervasive developmental disorder benefits established pursuant to
212 this section, any such health maintenance contract shall also provide benefits on a non-
213 discriminatory basis to children and adolescents under the age of 19 for the diagnosis and
214 treatment of pervasive developmental disorders, as described in the most recent edition of the
215 DSM IV, which substantially interfere with or substantially limit the functioning and social
216 interactions of such a child or adolescent; provided, that said interference or limitation is
217 documented by and the referral for said diagnosis and treatment is made by the primary care
218 physician, primary pediatrician or a licensed health professional of such a child or adolescent or
219 is evidenced by conduct, including, but not limited to: (1) an inability to attend school as a result
220 of such a disorder, (2) the need to hospitalize the child or adolescent as a result of such a
221 disorder, (3) a pattern of conduct or behavior caused by such a disorder which poses a serious
222 danger to self or others. The health maintenance organization shall continue to provide such
223 benefits to any adolescent who is engaged in an ongoing course of treatment beyond the
224 adolescent's nineteenth birthday until said course of treatment, as specified in said adolescent's
225 treatment plan, is completed and while the benefit contract under which such benefits first
226 became available remains in effect, or subject to a subsequent benefits contract which is in
227 effect.

228 (c) Any such health maintenance contract shall be deemed to be providing such coverage
229 on a non-discriminatory basis if the health maintenance contract does not contain any annual or
230 lifetime dollar or unit of service limitation on coverage for the diagnosis and treatment of said
231 mental disorders which is less than any annual or lifetime dollar or unit of service limitation
232 imposed on coverage for the diagnosis and treatment of physical conditions.

233 (d) Any such health maintenance contract shall also provide benefits for the diagnosis
234 and treatment of all other pervasive developmental disorders not otherwise provided for in this
235 section and which are described in the most recent edition of the DSM IV during each 12 month
236 period for a minimum of 60 days of inpatient treatment and for a minimum of 24 outpatient
237 visits.

238 (e) Benefits authorized pursuant to this section shall consist of a range of inpatient,
239 intermediate, and outpatient services that shall permit medically necessary and active and
240 noncustodial treatment for said pervasive developmental disorders to take place in the least
241 restrictive clinically appropriate setting.

242 (f) Nothing in this section shall be construed to exempt a health maintenance organization
243 insurer from paying for pervasive developmental disorder benefits or services: which are
244 provided to a person who has third party insurance and who is presently incarcerated, confined or
245 committed to a jail, house of correction or prison, or custodial facility in the department of youth
246 services within the commonwealth or one of its political subdivisions; including those which
247 constitute educational services and would otherwise be required to be provided by a school
248 committee pursuant to section 5 of chapter 71B; or which constitute services provided by the
249 department of mental health or department of mental retardation.

250 SECTION 6. All policies, contracts and certificates of health insurance subject to the
251 provisions of section 22 of chapter 32, section 47B of chapter 175, section 8A of chapter 176A,
252 section 4A of chapter 176B, and section 4M of chapter 176G of the General Laws which are
253 delivered, issued, or renewed on or after January 1, 2017 shall conform with the provisions of

254 this act. Form filings implementing this act shall be subject to the approval of the commissioner

255 of insurance.