

**HOUSE . . . . . No. 3809**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to insurance coverage for autism..

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

1 SECTION 1. Chapter 32A of the General Laws is hereby amended by adding the  
2 following section:-

3 Section 24. (a) The commission shall provide to any active or retired employee of the  
4 commonwealth who is insured under the group insurance commission benefits on a  
5 nondiscriminatory basis to residents of the commonwealth and to all policyholders having a  
6 principal place of employment in the commonwealth for the diagnosis and treatment of Autism  
7 Spectrum Disorder in individuals.

8 (b) Any such policy shall be deemed to be providing such benefits on a  
9 nondiscriminatory basis if the policy does not contain any annual or lifetime dollar or unit of  
10 service limitation on coverage for the diagnosis and treatment of said Autism Spectrum  
11 Disorders which is less than any annual or lifetime dollar or unit of service limitation imposed on  
12 coverage for the diagnosis and treatment of physical conditions. (c) This section will not be  
13 construed as limiting benefits that are otherwise available to an individual under a health  
14 insurance policy.

15 (d) Coverage under this section will not be subject to any limits on the number of visits  
16 an individual may make to an autism services provider. (e) This section will not be construed as  
17 affecting any obligation to provide services to an individual under an individualized family  
18 service plan, an individualized education program, or an individualized service plan. (f)

19 Definitions - As used in this section:

20 1. "Applied behavior analysis" means the design, implementation, and evaluation of  
21 environmental modifications, using behavioral stimuli and consequences, to produce socially  
22 significant improvement in human behavior, including the use of direct observation,  
23 measurement, and functional analysis of the relationship between environment and behavior.

24 2. "Autism services provider" means any person, entity, or group that provides treatment  
25 of autism spectrum disorders.

26 3. "Autism spectrum disorders" means any of the Pervasive Developmental Disorders  
27 (PDD) as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental  
28 Disorders (DSM), including Autistic Disorder, Asperger's Disorder, and PDD Not Otherwise  
29 Specified.

30 4. "Board Certified Behavior Analyst" means a behavior analyst credentialed by the  
31 Behavior Analyst Certification Board as a Board Certified Behavior Analyst.

32 5. "Diagnosis of autism spectrum disorders" means medically necessary assessments,  
33 evaluations, including neuropsychological evaluations, genetic testing or other tests to diagnose  
34 whether an individual has one of the autism spectrum disorders.

35           6. “Habilitative or rehabilitative care” means professional, counseling, and guidance  
36 services and treatment programs, including applied behavior analysis supervised by a Board  
37 Certified Behavior Analyst, that are necessary to develop, maintain, and restore, to the maximum  
38 extent practicable, the functioning of an individual.

39           7. “Pharmacy care” means medications prescribed by a licensed physician and any  
40 health-related services deemed medically necessary to determine the need or effectiveness of the  
41 medications, to the same extent that pharmacy care is provided by the policy for other medical  
42 conditions.

43           8. “Psychiatric care” means direct or consultative services provided by a psychiatrist  
44 licensed in the state in which the psychiatrist practices.

45           9. “Psychological care” means direct or consultative services provided by a psychologist  
46 licensed in the state in which the psychologist practices.

47           10. “Therapeutic care” means services provided by licensed or certified speech therapists,  
48 occupational therapists, physical therapists or social workers.

49           11. “Treatment of Autism Spectrum Disorders” will include the following care  
50 prescribed, provided, or ordered for an individual diagnosed with one of the autism spectrum  
51 disorders by a licensed physician or a licensed psychologist who determines the care to be  
52 medically necessary:

53           a. habilitative or rehabilitative care;

54           b. pharmacy care;

55           c. psychiatric care;

56 d. psychological care; and

57 e. therapeutic care.

58 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting the  
59 following new section after section 47T:-

60 Section 47U

61 (a) Any individual policy of accident and sickness insurance issued pursuant to section  
62 108, which provides hospital expense and surgical expense insurance, and any group blanket or  
63 general policy of accident and sickness insurance issued pursuant to section 110, which provides  
64 hospital expense and surgical expense insurance, which is issued or renewed within or without  
65 the commonwealth, shall provide benefits on a nondiscriminatory basis to residents of the  
66 commonwealth and to all policyholders having a principal place of employment in the  
67 commonwealth for the diagnosis and treatment of Autism Spectrum Disorder in individuals.

68 (b) Any such policy shall be deemed to be providing such benefits on a  
69 nondiscriminatory basis if the policy does not contain any annual or lifetime dollar or unit of  
70 service limitation on coverage for the diagnosis and treatment of said Autism Spectrum  
71 Disorders which is less than any annual or lifetime dollar or unit of service limitation imposed on  
72 coverage for the diagnosis and treatment of physical conditions.

73 (c) This section will not be construed as limiting benefits that are otherwise available to  
74 an individual under a health insurance policy.

75 (d) Coverage under this section will not be subject to any limits on the number of visits  
76 an individual may make to an autism services provider.

77 (e) This section will not be construed as affecting any obligation to provide services to an  
78 individual under an individualized family service plan, an individualized education program, or  
79 an individualized service plan.

80 (f) Definitions - As used in this section:

81 1. "Applied behavior analysis" means the design, implementation, and evaluation of  
82 environmental modifications, using behavioral stimuli and consequences, to produce socially  
83 significant improvement in human behavior, including the use of direct observation,  
84 measurement, and functional analysis of the relationship between environment and behavior.

85 2. "Autism services provider" means any person, entity, or group that provides treatment  
86 of autism spectrum disorders.

87 3. "Autism spectrum disorders" means any of the Pervasive Developmental Disorders  
88 (PDD) as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental  
89 Disorders (DSM), including Autistic Disorder, Asperger's Disorder, and PDD Not Otherwise  
90 Specified.

91 4. "Board Certified Behavior Analyst" means a behavior analyst credentialed by the  
92 Behavior Analyst Certification Board as a Board Certified Behavior Analyst.

93 5. "Diagnosis of autism spectrum disorders" means medically necessary assessments,  
94 evaluations, including neuropsychological evaluations, genetic testing or other tests to diagnose  
95 whether an individual has one of the autism spectrum disorders.

96 6. "Habilitative or rehabilitative care" means professional, counseling, and guidance  
97 services and treatment programs, including applied behavior analysis supervised by a Board

98 Certified Behavior Analyst, that are necessary to develop, maintain, and restore, to the maximum  
99 extent practicable, the functioning of an individual.

100 7. “Pharmacy care” means medications prescribed by a licensed physician and any  
101 health-related services deemed medically necessary to determine the need or effectiveness of the  
102 medications, to the same extent that pharmacy care is provided by the policy for other medical  
103 conditions.

104 8. “Psychiatric care” means direct or consultative services provided by a psychiatrist  
105 licensed in the state in which the psychiatrist practices.

106 9. “Psychological care” means direct or consultative services provided by a psychologist  
107 licensed in the state in which the psychologist practices.

108 10. “Therapeutic care” means services provided by licensed or certified speech therapists,  
109 occupational therapists, physical therapists or social workers.

110 11. “Treatment of Autism Spectrum Disorders” will include the following care  
111 prescribed, provided, or ordered for an individual diagnosed with one of the autism spectrum  
112 disorders by a licensed physician or a licensed psychologist who determines the care to be  
113 medically necessary:

114 a. habilitative or rehabilitative care;

115 b. pharmacy care;

116 c. psychiatric care;

117 d. psychological care; and

118 e. therapeutic care.

119 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after  
120 section 8AA, the following section:-

121 Section 8AB. (a) Any contract between a subscriber and the corporation under an  
122 individual or group hospital service plan which is issued or renewed within or without the  
123 commonwealth shall provide benefits on a nondiscriminatory basis to residents of the  
124 commonwealth and to all policyholders having a principal place of employment in the  
125 commonwealth for the diagnosis and treatment of Autism Spectrum Disorder in individuals.

126 (b) Any such policy shall be deemed to be providing such benefits on a  
127 nondiscriminatory basis if the policy does not contain any annual or lifetime dollar or unit of  
128 service limitation on coverage for the diagnosis and treatment of said Autism Spectrum  
129 Disorders which is less than any annual or lifetime dollar or unit of service limitation imposed on  
130 coverage for the diagnosis and treatment of physical conditions.

131 (c) This section will not be construed as limiting benefits that are otherwise available to  
132 an individual under a health insurance policy.

133 (d) Coverage under this section will not be subject to any limits on the number of visits  
134 an individual may make to an autism services provider.

135 (e) This section will not be construed as affecting any obligation to provide services to an  
136 individual under an individualized family service plan, an individualized education program, or  
137 an individualized service plan.

138 (f) Definitions - As used in this section:

139           1. “Applied behavior analysis” means the design, implementation, and evaluation of  
140 environmental modifications, using behavioral stimuli and consequences, to produce socially  
141 significant improvement in human behavior, including the use of direct observation,  
142 measurement, and functional analysis of the relationship between environment and behavior.

143           2. “Autism services provider” means any person, entity, or group that provides treatment  
144 of autism spectrum disorders.

145           3. “Autism spectrum disorders” means any of the Pervasive Developmental Disorders  
146 (PDD) as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental  
147 Disorders (DSM), including Autistic Disorder, Asperger’s Disorder, and PDD Not Otherwise  
148 Specified.

149           4. "Board Certified Behavior Analyst" means a behavior analyst credentialed by the  
150 Behavior Analyst Certification Board as a Board Certified Behavior Analyst.

151           5. “Diagnosis of autism spectrum disorders” means medically necessary assessments,  
152 evaluations, including neuropsychological evaluations, genetic testing or other tests to diagnose  
153 whether an individual has one of the autism spectrum disorders.

154           6. “Habilitative or rehabilitative care” means professional, counseling, and guidance  
155 services and treatment programs, including applied behavior analysis supervised by a Board  
156 Certified Behavior Analyst, that are necessary to develop, maintain, and restore, to the maximum  
157 extent practicable, the functioning of an individual.

158           7. “Pharmacy care” means medications prescribed by a licensed physician and any  
159 health-related services deemed medically necessary to determine the need or effectiveness of the



160 medications, to the same extent that pharmacy care is provided by the policy for other medical  
161 conditions.

162 8. “Psychiatric care” means direct or consultative services provided by a psychiatrist  
163 licensed in the state in which the psychiatrist practices.

164 9. “Psychological care” means direct or consultative services provided by a psychologist  
165 licensed in the state in which the psychologist practices.

166 10. “Therapeutic care” means services provided by licensed or certified speech therapists,  
167 occupational therapists, physical therapists or social workers.

168 11. “Treatment of Autism Spectrum Disorders” will include the following care  
169 prescribed, provided, or ordered for an individual diagnosed with one of the autism spectrum  
170 disorders by a licensed physician or a licensed psychologist who determines the care to be  
171 medically necessary:

172 a. habilitative or rehabilitative care;

173 b. pharmacy care;

174 c. psychiatric care;

175 d. psychological care; and

176 e. therapeutic care.

177 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after  
178 section 4R, the following section:-

179 Section 4S. (a) Any subscription certificate under an individual or group medical service  
180 agreement which is issued or renewed within or without the commonwealth shall provide  
181 benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders  
182 having a principal place of employment in the commonwealth for the diagnosis and treatment of  
183 Autism Spectrum Disorder in individuals.

184 (b) Any such policy shall be deemed to be providing such benefits on a  
185 nondiscriminatory basis if the policy does not contain any annual or lifetime dollar or unit of  
186 service limitation on coverage for the diagnosis and treatment of said Autism Spectrum  
187 Disorders which is less than any annual or lifetime dollar or unit of service limitation imposed on  
188 coverage for the diagnosis and treatment of physical conditions.

189 (c) This section will not be construed as limiting benefits that are otherwise available to  
190 an individual under a health insurance policy.

191 (d) Coverage under this section will not be subject to any limits on the number of visits  
192 an individual may make to an autism services provider.

193 (e) This section will not be construed as affecting any obligation to provide services to an  
194 individual under an individualized family service plan, an individualized education program, or  
195 an individualized service plan.

196 (f) Definitions - As used in this section:

197 1. "Applied behavior analysis" means the design, implementation, and evaluation of  
198 environmental modifications, using behavioral stimuli and consequences, to produce socially

199 significant improvement in human behavior, including the use of direct observation,  
200 measurement, and functional analysis of the relationship between environment and behavior.

201 2. “Autism services provider” means any person, entity, or group that provides treatment  
202 of autism spectrum disorders.

203 3. “Autism spectrum disorders” means any of the Pervasive Developmental Disorders  
204 (PDD) as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental  
205 Disorders (DSM), including Autistic Disorder, Asperger’s Disorder, and PDD Not Otherwise  
206 Specified.

207 4. "Board Certified Behavior Analyst" means a behavior analyst credentialed by the  
208 Behavior Analyst Certification Board as a Board Certified Behavior Analyst.

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210 evaluations, including neuropsychological evaluations, genetic testing or other tests to diagnose  
211 whether an individual has one of the autism spectrum disorders.

212 6. “Habilitative or rehabilitative care” means professional, counseling, and guidance  
213 services and treatment programs, including applied behavior analysis supervised by a Board  
214 Certified Behavior Analyst, that are necessary to develop, maintain, and restore, to the maximum  
215 extent practicable, the functioning of an individual.

216 7. “Pharmacy care” means medications prescribed by a licensed physician and any  
217 health-related services deemed medically necessary to determine the need or effectiveness of the  
218 medications, to the same extent that pharmacy care is provided by the policy for other medical  
219 conditions.

220 8. "Psychiatric care" means direct or consultative services provided by a psychiatrist  
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229 medically necessary:

230 a. habilitative or rehabilitative care;

231 b. pharmacy care;

232 c. psychiatric care;

233 d. psychological care; and

234 e. therapeutic care.

235 SECTION 5. Said chapter 176G is hereby amended by inserting after section 4Q, as so  
236 appearing, the following section:-

237 Section 4R. (a) A health maintenance contract issued or renewed within or without the  
238 commonwealth shall provide benefits on a nondiscriminatory basis to residents of the

239 commonwealth and to all policyholders having a principal place of employment in the  
240 commonwealth for the diagnosis and treatment of Autism Spectrum Disorder in individuals.

241 (b) Any such policy shall be deemed to be providing such benefits on a  
242 nondiscriminatory basis if the policy does not contain any annual or lifetime dollar or unit of  
243 service limitation on coverage for the diagnosis and treatment of said Autism Spectrum  
244 Disorders which is less than any annual or lifetime dollar or unit of service limitation imposed on  
245 coverage for the diagnosis and treatment of physical conditions.

246 (c) This section will not be construed as limiting benefits that are otherwise available to  
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280 licensed in the state in which the psychologist practices.

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285 disorders by a licensed physician or a licensed psychologist who determines the care to be  
286 medically necessary:

287           a. habilitative or rehabilitative care;

288           b. pharmacy care;

289           c. psychiatric care;

290           d. psychological care; and

291           e. therapeutic care.

292           SECTION 6. All policies, contracts and certificates of health insurance subject to the  
293 provisions of section 24 of chapter 32A, section 47U of chapter 175, section 8AB of chapter  
294 176A, section 4S of chapter 176B, and section 4R of chapter 176G of the General Laws which  
295 are delivered, issued, or renewed on or after January 1, 2010 shall conform with the provisions of  
296 this act. Form filings implementing this act shall be subject to the approval of the commissioner  
297 of insurance.

298           SECTION 7. This act shall take effect on January 1, 2010.