

SENATE No. 478

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act providing health care coverage for autism spectrum disorders..

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 inserting after
2 section 17I the following section:-

3 Section 17J. (a) The commission shall provide coverage for Autism Spectrum Disorders
4 to any active or retired employee of the commonwealth who is insured under the group insurance
5 commission under the same terms and conditions that apply to other Autism Spectrum Disorders
6 covered under the policy, except as otherwise provided in this section.

7 (b) In this section, “ASD ” shall mean Autism Spectrum Disorders.

8 (c) Such coverage shall not impose any annual or lifetime dollar maximum on coverage
9 for ASD other than an annual or lifetime dollar maximum that applies in the aggregate to all
10 items and services covered under the policy.

11 (d) Such coverage shall not apply amounts paid for ASD to any annual or lifetime dollar
12 maximum applicable to other ASD covered under the policy other than an annual or lifetime
13 dollar maximum that applies in the aggregate to all items and services covered under the policy.

14 (e) Such coverage may include a reasonable coinsurance requirement for ASD, not to
15 exceed 20 per cent of the allowable cost of the ASD, unless all covered benefits applying
16 coinsurance under the plan do so at a higher amount. If the policy provides coverage for services
17 from nonparticipating providers, the policy may include a reasonable coinsurance requirement
18 for ASD, not to exceed 40 per cent of the allowable cost of the ASD when obtained from a
19 nonparticipating provider, unless all covered benefits applying coinsurance under the plan do so
20 at a higher amount.

21 (f) Such coverage may require prior authorization as a condition of coverage for ASD.

22 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after
23 section 47Z the following section:-

24 Section 47AA. (a) Any blanket or general policy of insurance, except a blanket or
25 general policy of insurance which provides supplemental coverage to Medicare or other
26 governmental programs, described in subdivision (A), (C) or (D) of section 110 which provides
27 hospital expense and surgical expense insurance and which is issued or subsequently renewed by
28 agreement between the insurer and the policy holder, within or without the commonwealth,
29 during the period this section is effective, or any policy of accident or sickness insurance as
30 described in section 108 which provides hospital expense and surgical expense insurance, except
31 a policy which provides supplemental coverage to Medicare or other governmental programs,
32 and which is delivered or issued for delivery or subsequently renewed by agreement between the
33 insurer and the policy holder in the commonwealth, during the period that this section is
34 effective, or any employees' health and welfare fund which provides hospital expense and
35 surgical expense benefits and which is promulgated or renewed to any person or group of

36 persons in the commonwealth, while this section is effective, shall provide coverage for ASD
37 under the same terms and conditions that apply to other ASD covered under the policy, except as
38 otherwise provided in this section.

39 (b) In this section, “ASD” shall mean ASD.

40 (c) No such policy shall impose any annual or lifetime dollar maximum on coverage for
41 ASD other than an annual or lifetime dollar maximum that applies in the aggregate to all items
42 and services covered under the policy.

43 (d) No such policy shall apply amounts paid for ASD to any annual or lifetime dollar
44 maximum applicable to other ASD covered under the policy other than an annual or lifetime
45 dollar maximum that applies in the aggregate to all items and services covered under the policy.

46 (e) Any such policy may include a reasonable coinsurance requirement for, not to exceed
47 20 per cent of the allowable cost of the ASD, unless all covered benefits applying coinsurance
48 under the plan do so at a higher amount. If such policy provides coverage for services from
49 nonparticipating providers, the contract may include a reasonable coinsurance requirement for
50 ASD, not to exceed 40 per cent of the allowable cost of the ASD when obtained from a
51 nonparticipating provider, unless all covered benefits applying coinsurance under the plan do so
52 at a higher amount.

53 (f) Any such policy may require prior authorization as a condition of coverage for ASD.

54 (g) Any such policy shall only be required to provide coverage for the most
55 appropriately medically necessary model ASD that adequately meets the needs of the
56 policyholder.

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

59 Section 8BB. (a) A contract between a subscriber and the corporation under an
60 individual or group hospital service plan which provides hospital expense and surgical expense
61 insurance, except contracts providing supplemental coverage to Medicare or other governmental
62 programs, delivered, issued or renewed by agreement between the insurer and the policyholder,
63 within or without the commonwealth, shall provide benefits to all individual subscribers and
64 members within the commonwealth and to all group members having a principal place of
65 employment within the commonwealth for coverage for ASD. If ASD are covered as a durable
66 medical equipment benefit ASD, coverage shall be provided under the same terms and
67 conditions that apply to other durable medical equipment covered under the contract, except as
68 otherwise provided in this section. If ASD are covered as a stand-alone benefit, coverage shall
69 be consistent with the terms and conditions as described in this section.

70 (b) In this section, "ASD" shall mean ASD.

71 (c) No such contract shall impose any annual or lifetime dollar maximum on coverage
72 for ASD other than an annual or lifetime dollar maximum that applies in the aggregate to all
73 items and services covered under the contract.

74 (d) No such contract shall apply amounts paid for ASD to any annual or lifetime dollar
75 maximum applicable to other durable medical equipment ASD covered under the policy other
76 than an annual or lifetime dollar maximum that applies in the aggregate to all items and services
77 covered under the contract.

78 (e) Any such contract may include a reasonable coinsurance requirement for ASD, not to
79 exceed 20 per cent of the allowable cost of the ASD, unless all covered benefits applying
80 coinsurance under the plan do so at a higher amount. If the contract provides coverage for
81 services from nonparticipating providers, the contract may include a reasonable coinsurance
82 requirement for ASD, not to exceed 40 per cent of the allowable cost of the ASD when obtained
83 from a nonparticipating provider, unless all covered benefits applying coinsurance under the plan
84 do so at a higher amount.

85 (f) Any such contract may require prior authorization as a condition of coverage for
86 ASD.

87 (g) Any such contract shall only be required to provide coverage for the most appropriate
88 medically necessary model ASD that adequately meets the medical needs of the policyholder.

89 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after
90 section 4ZAA the following section:-

91 Section 4BB. (a) Any subscription certificate under an individual or group medical
92 service agreement, except certificates which provide supplemental coverage to Medicare or other
93 governmental programs that shall be delivered, issued or renewed within the commonwealth
94 shall provide, as benefits to all individual subscribers or members within the commonwealth and
95 to all group members having a principal place of employment within the commonwealth,
96 coverage for ASD. If ASD are covered as a durable medical equipment benefit ASD, coverage
97 shall be provided under the same terms and conditions that apply to other durable medical
98 equipment ASD covered under the policy, except as otherwise provided in this section. If ASD

99 are covered as a ASD, coverage shall be consistent with the terms and conditions as described in
100 this section.

101 (b) In this section, “ASD” shall mean an ASD.

102 (c) No such certificate shall impose any annual or lifetime dollar maximum on coverage
103 for ASD other than an annual or lifetime dollar maximum that applies in the aggregate to all
104 items and services covered under the certificate.

105 (d) No such certificate shall apply amounts paid for ASD to any annual or lifetime dollar
106 maximum applicable to other durable medical equipment ASD covered under the certificate
107 other than an annual or lifetime dollar maximum that applies in the aggregate to all items and
108 services covered under the certificate.

109 (e) Any such certificate may include a reasonable coinsurance requirement for ASD, not
110 to exceed 20 per cent of the allowable cost of ASD, unless all covered benefits applying
111 coinsurance under the plan do so at a higher amount. If the certificate provides coverage for
112 services from nonparticipating providers, the contract may include a reasonable coinsurance
113 requirement for ASD, not to exceed 40 per cent of the allowable cost of ASD when obtained
114 from a nonparticipating provider, unless all covered benefits applying coinsurance under the plan
115 do so at a higher amount.

116 (f) Any such certificate may require prior authorization as a condition of coverage for
117 ASD.

118 (g) Any such contract shall only be required to provide coverage for the most appropriate
119 medically necessary model ASD that adequately meets the medical needs of the policyholder.

120 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after
121 section 4S the following section:-

122 Section 4T. (a) Individual and group health maintenance contracts shall provide
123 coverage for ASD. If ASD are covered as a durable medical equipment benefit ASD, coverage
124 shall be provided under the same terms and conditions that apply to other durable medical
125 equipment ASD covered under the contracts, except as otherwise provided in this section. ASD
126 are covered as coverage shall be consistent with the terms and conditions as described in this
127 section.

128 (b) In this section, "ASD" shall mean an Autism Spectrum Disorder.

129 (c) A health maintenance contract shall not impose any annual or lifetime dollar
130 maximum on coverage for other than an annual or lifetime dollar maximum that applies in the
131 aggregate to all items and services covered under the contract.

132 (d) A health maintenance contract shall not apply amounts paid for to any annual or
133 lifetime dollar maximum applicable to other durable medical equipment covered under the
134 contract other than an annual or lifetime dollar maximum that applies in the aggregate to all
135 items and services covered under the contract.

136 (e) A health maintenance contract may include a reasonable coinsurance requirement for
137 , not to exceed 20 per cent of the allowable cost of the , unless all covered benefits applying
138 coinsurance under the plan do so at a higher amount. If the health maintenance contract provides
139 coverage for services from nonparticipating providers, the contract may include a reasonable
140 coinsurance requirement for , not to exceed 40 per cent of the allowable cost of the when

141 obtained from a nonparticipating provider, unless all covered benefits applying coinsurance
142 under the plan do so at a higher amount.

143 (f) A health maintenance contract may require prior authorization as a condition of
144 coverage for.

145 (g) A health maintenance contract shall only be required to provide coverage for the
146 most appropriate medically necessary model that adequately meets the medical needs of the
147 policyholder.

148 SECTION 6. This act shall apply to all policies, contracts, agreements, plans or
149 certificates of insurance issued or delivered within the commonwealth on or after January 1,
150 2007, or upon renewal to all policies, contracts, agreements, plans or certificates of insurance in
151 effect before January 1, 2007.