

HOUSE BILL No. 2764

By Committee on Federal and State Affairs

2-21

1 AN ACT concerning insurance; providing coverage for autism spectrum
2 disorder; amending K.S.A. 2011 Supp. 40-2,103 and 40-19c09 and
3 repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) (1) Any individual or group health insurance
7 policy, medical service plan, contract, hospital service corporation
8 contract, hospital and medical service corporation contract, fraternal
9 benefit society or health maintenance organization which provides
10 coverage for accident and health services and which is delivered, issued
11 for delivery, amended or renewed on or after July 1, 2012, shall provide
12 coverage for the treatment and diagnosis of autism spectrum disorders in
13 any covered individual whose age is less than 19 years.

14 (2) Such coverage shall be provided in a manner determined in
15 consultation with the autism services provider and the patient. Services
16 provided by an autism services provider under this section shall include
17 applied behavior analysis when required by a licensed physician, licensed
18 psychologist or licensed specialist clinical social worker but otherwise
19 shall be limited to those services prescribed or ordered by a licensed
20 physician, licensed psychologist or licensed specialist clinical social
21 worker. Services provided pursuant to this paragraph shall be those
22 services which are or have been recognized by peer reviewed literature as
23 providing medical benefit to the patient based upon the patient's particular
24 autism spectrum disorder.

25 (3) Coverage for benefits for any covered person diagnosed with one
26 or more autism spectrum disorders and whose age is between birth and
27 less than seven years shall not exceed \$36,000 per year.

28 (4) Coverage for benefits for any covered person diagnosed with one
29 or more autism spectrum disorders and whose age is at least seven years
30 and less than 19 years shall not exceed \$27,000 per year.

31 (5) Reimbursement shall be allowed only for services provided by a
32 provider licensed, trained and qualified to provide such services or by an
33 autism specialist or an intensive individual service provider as such terms
34 are defined by the department of social and rehabilitation services Kansas
35 autism waiver.

36 (6) Any insurer or other entity which administers claims for services

1 provided for the treatment of autism spectrum disorder under this section,
2 and amendments thereto, shall have the right and obligation to deny any
3 claim for services based upon medical necessity or a determination that the
4 covered individual has reached the maximum medical improvement for the
5 covered individual's autism spectrum disorder.

6 (7) Except for inpatient services, if an insured is receiving treatment
7 for an autism spectrum disorder, such insurer shall have the right to review
8 the treatment plan annually, unless the insurer and the insured's treating
9 physician or psychologist agree that a more frequent review is necessary.
10 Any such agreement regarding the right to review a treatment plan more
11 frequently shall apply only to a particular insured being treated for an
12 autism spectrum disorder and shall not apply to all individuals being
13 treated for autism spectrum disorder by a physician or psychologist. The
14 cost of obtaining any review or treatment plan shall be borne by the
15 insurer.

16 (8) No insurer can terminate coverage, or refuse to deliver, execute,
17 issue, amend, adjust, or renew coverage to an individual solely because the
18 individual is diagnosed with or has received treatment for an autism
19 spectrum disorder.

20 (b) For the purposes of this section:

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

26 (2) "Autism spectrum disorder" means the following disorders within
27 the autism spectrum: Autistic disorder, Asperger's syndrome and pervasive
28 developmental disorder not otherwise specified, as such terms are
29 specified in the diagnostic and statistical manual of mental disorders,
30 fourth edition, text revision (DSM-IV-TR), of the American psychiatric
31 association, as published in May, 2000, or later versions as established in
32 rules and regulations adopted by the behavioral sciences regulatory board
33 pursuant to K.S.A. 74-7507, and amendments thereto.

34 (3) "Diagnosis of autism spectrum disorder" means any medically
35 necessary assessment, evaluation or test to determine whether an
36 individual has an autism spectrum disorder.

37 (c) Except as otherwise provided in subsection (a), no individual or
38 group health insurance policy, medical service plan, contract, hospital
39 service corporation contract, hospital and medical service corporation
40 contract, fraternal benefit society or health maintenance organization
41 which provides coverage for accident and health services and which
42 provides coverage with respect to an autism spectrum disorder shall:

43 (1) Impose on the coverage required by this section any dollar limits,

1 deductibles or coinsurance provisions that are less favorable to an insured
2 than the dollar limits, deductibles or coinsurance provisions that apply to
3 physical illness generally under the accident and sickness insurance policy;
4 or

5 (2) impose on the coverage required by this section any limit upon the
6 number of visits that a covered individual may make for treatment of
7 autism spectrum disorder.

8 (d) The provisions of this section shall not apply to any policy or
9 certificate which provides coverage for any specified disease, specified
10 accident or accident only coverage, credit, dental, disability income,
11 hospital indemnity, long-term care insurance as defined by K.S.A. 40-
12 2227, and amendments thereto, vision care or any other limited
13 supplemental benefit nor to any medicare supplement policy of insurance
14 as defined by the commissioner of insurance by rules and regulations, any
15 coverage issued as a supplement to liability insurance, workers'
16 compensation or similar insurance, automobile medical-payment insurance
17 or any insurance under which benefits are payable with or without regard
18 to fault, whether written on a group, blanket or individual basis.

19 (e) This section shall not be construed as limiting benefits that are
20 otherwise available to an individual under any individual or group health
21 insurance policy, medical service plan, contract, hospital service
22 corporation contract, hospital and medical service corporation contract,
23 fraternal benefit society or health maintenance organization which
24 provides coverage for accident and health services.

25 (f) The provisions of this section shall be applicable to the Kansas
26 state employees health care benefits program and municipal funded pools.

27 (g) The provisions of K.S.A. 40-2249a, and amendments thereto,
28 shall not apply to the provisions of this section.

29 Sec. 2. K.S.A. 2011 Supp. 40-2,103 is hereby amended to read as
30 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
31 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,
32 inclusive, 40-2250, K.S.A. 2011 Supp. 40-2,105a, 40-2,105b, 40-2,184
33 ~~and~~, 40-2,190 *and section 1*, and amendments thereto, shall apply to all
34 insurance policies, subscriber contracts or certificates of insurance
35 delivered, renewed or issued for delivery within or outside of this state or
36 used within this state by or for an individual who resides or is employed in
37 this state.

38 Sec. 3. K.S.A. 2011 Supp. 40-19c09 is hereby amended to read as
39 follows: 40-19c09. (a) Corporations organized under the nonprofit medical
40 and hospital service corporation act shall be subject to the provisions of
41 the Kansas general corporation code, articles 60 to 74, inclusive, of
42 chapter 17 of the Kansas Statutes Annotated, and amendments thereto,
43 applicable to nonprofit corporations, to the provisions of K.S.A. 40-214,

1 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226,
2 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249,
3 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103,
4 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-
5 2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 *et seq.*, 40-2111 to
6 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b,
7 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-
8 2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2011 Supp. 40-
9 2,105a, 40-2,105b, 40-2,184 ~~and~~, 40-2,190 *and section 1*, and amendments
10 thereto, except as the context otherwise requires, and shall not be subject
11 to any other provisions of the insurance code except as expressly provided
12 in this act.

13 (b) No policy, agreement, contract or certificate issued by a
14 corporation to which this section applies shall contain a provision which
15 excludes, limits or otherwise restricts coverage because medicaid benefits
16 as permitted by title XIX of the social security act of 1965 are or may be
17 available for the same accident or illness.

18 (c) Violation of subsection (b) shall be subject to the penalties
19 prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

20 Sec. 4. K.S.A. 2011 Supp. 40-2,103 and 40-19c09 are hereby
21 repealed.

22 Sec. 5. This act shall take effect and be in force from and after its
23 publication in the statute book.