

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1150 Session of
2007

INTRODUCED BY D. O'BRIEN, DeWEESE, PALLONE, PHILLIPS, RAPP, SCAVELLO, STURLA, BAKER, BASTIAN, BOYD, BROOKS, CALTAGIRONE, CARROLL, CLYMER, COHEN, CONKLIN, DALEY, DALLY, DeLUCA, DePASQUALE, DONATUCCI, EVERETT, FREEMAN, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, GRUCELA, HALUSKA, HARKINS, HENNESSEY, HERSHEY, JAMES, JOSEPHS, KAUFFMAN, W. KELLER, KENNEY, KIRKLAND, KOTIK, KULA, LEACH, LENTZ, MAHONEY, MANDERINO, MANN, MARKOSEK, MARSHALL, McILHATTAN, MOYER, MURT, MUSTIO, McGEEHAN, MYERS, NAILOR, M. O'BRIEN, PASHINSKI, PAYNE, PETRONE, PRESTON, READSHAW, REICHLEY, ROSS, SCHRODER, SEIP, SHAPIRO, SHIMKUS, M. SMITH, SOLOBAY, SONNEY, STABACK, STEIL, SURRA, TANGRETTI, TRUE, VEREB, WATSON, J. WHITE, WOJNAROSKI, YUDICHAK, MACKERETH AND MANTZ, APRIL 30, 2007

REFERRED TO COMMITTEE ON INSURANCE, APRIL 30, 2007

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
2 act relating to insurance; amending, revising, and
3 consolidating the law providing for the incorporation of
4 insurance companies, and the regulation, supervision, and
5 protection of home and foreign insurance companies, Lloyds
6 associations, reciprocal and inter-insurance exchanges, and
7 fire insurance rating bureaus, and the regulation and
8 supervision of insurance carried by such companies,
9 associations, and exchanges, including insurance carried by
10 the State Workmen's Insurance Fund; providing penalties; and
11 repealing existing laws," providing, in health and accident
12 insurance, for autism spectrum disorders coverage.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
16 as The Insurance Company Law of 1921, is amended by adding a
17 section to read:

1 Section 635.2. Autism Spectrum Disorders Coverage.--(a) A
2 health insurance policy delivered, issued, executed or renewed
3 in this Commonwealth on or after the effective date of this
4 section shall provide coverage for autism spectrum disorders and
5 include coverage for the following care and services:

6 (1) Habilitation care.

7 (2) Psychiatric care.

8 (3) Psychological care.

9 (4) Rehabilitation care.

10 (5) Respite care.

11 (6) Therapeutic care.

12 (7) Medications prescribed by a physician or certified nurse
13 practitioner to address symptoms of autism spectrum disorders.

14 (b) Coverage provided under this section shall be subject to
15 a maximum benefit of three thousand dollars per month for the
16 covered individual, adjusted annually by the average percentage
17 increase or decrease of private medical insurance premiums each
18 year. The limit shall not apply to coverage of the other health
19 conditions of the individual not related to the treatment of
20 autism spectrum disorders.

21 (c) Coverage under this section shall be subject to
22 copayment, deductible and coinsurance provisions of a health
23 insurance policy to the extent that other medical services
24 covered by the policy are subject to these provisions.

25 (d) This section shall not be construed as limiting benefits
26 which are otherwise available to an individual under a health
27 insurance policy.

28 (e) This section shall not apply to the following types of
29 policies:

30 (1) Accident only.

- 1 (2) Limited benefit.
- 2 (3) Credit.
- 3 (4) Dental.
- 4 (5) Vision.
- 5 (6) Specified disease.
- 6 (7) Medicare supplement.
- 7 (8) CHAMPUS (Civilian Health and Medical Program of the
- 8 Uniformed Services) supplement.
- 9 (9) Long-term care or disability income.
- 10 (10) Workers' compensation.
- 11 (11) Automobile medical payment.
- 12 (12) Hospital indemnity.

13 (f) This section shall not apply to the Commonwealth's
14 medical assistance program nor to medical assistance managed
15 care contractors under the medical assistance program.

16 (g) As used in this section:

17 (1) "Autism spectrum disorders" means any of the pervasive
18 developmental disorders as defined by the most recent edition of
19 the Diagnostic and Statistical Manual of Mental Disorders (DSM),
20 including autistic disorder, Asperger's disorder and pervasive
21 developmental disorder not otherwise specified.

22 (2) "Habilitation care" means care designed to assist
23 individuals in acquiring, retaining and improving the self-help,
24 socialization and adaptive skills necessary to reside
25 successfully in home or community-based settings. Habilitation
26 care may be provided for up to twenty-four hours a day based on
27 the needs of the individual receiving the care and includes
28 health, social or home or community-based services or other
29 services needed to insure the optimal functioning of an
30 individual in the individual's home or community-based setting;

1 behavioral interventions based on the principles of applied
2 behavioral analysis; and related structured behavioral programs
3 for up to forty hours a week.

4 (3) "Health insurance policy" means any group health,
5 sickness or accident policy or subscriber contract or
6 certificate issued by an insurance entity subject to one of the
7 following:

8 (i) This act.

9 (ii) The act of December 29, 1972 (P.L.1701, No.364), known
10 as the "Health Maintenance Organization Act."

11 (iii) The act of May 18, 1976 (P.L.123, No.54), known as the
12 "Individual Accident and Sickness Insurance Minimum Standards
13 Act."

14 (iv) 40 Pa.C.S. Ch. 61 (relating to hospital plan
15 corporations) or 63 (relating to professional health services
16 plan corporations).

17 (4) "Psychiatric care" means direct or consultative services
18 provided by a psychiatrist licensed in the state in which the
19 psychiatrist practices.

20 (5) "Psychological care" means direct or consultative
21 services provided by a licensed psychologist in the state in
22 which the psychiatrist practices.

23 (6) "Rehabilitative care" means professional, counseling and
24 guidance services and treatment programs which are necessary to
25 develop, maintain and restore, to the maximum extent
26 practicable, the functioning of an individual.

27 (7) "Respite care" means care furnished in relief of the
28 primary caregiver on an intermittent basis for a limited period
29 to an individual who resides primarily in a private residence
30 when such care will help the individual to continue residing in

1 the private residence. The term includes nursing care or private
2 nursing care provided on a respite basis.

3 (8) "Therapeutic care" means services provided by licensed
4 or certified speech therapists, occupational therapists,
5 physical therapists or behavioral health specialists.

6 Section 2. This act shall take effect in 60 days.