

HOUSE BILL No. 2704

By Committee on Insurance

2-14

1 AN ACT concerning autism; providing insurance coverage for autism
2 spectrum disorder; requiring licensure of persons providing applied
3 behavior analysis; amending K.S.A. 2013 Supp. 40-2,103, 40-19c09
4 and 75-6524 and repealing the existing sections.
5

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

7 New Section 1. (a) (1) Any large group, non-grandfathered, health
8 benefit plan which is delivered, issued for delivery, amended or renewed
9 on or after January 1, 2015, shall provide coverage for the treatment and
10 diagnosis of an autism spectrum disorder in any covered individual whose
11 age is less than 11 years.

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

22 (3) Coverage under this section for applied behavior analysis benefits
23 for any covered person diagnosed with an autism spectrum disorder and
24 whose age is between birth and less than nine years shall not exceed 520
25 hours of applied behavior analysis per calendar year.

26 (4) Coverage under this section shall not include inpatient services.

27 (5) Any insurer or other entity which administers claims for services
28 provided for the treatment of autism spectrum disorder under this section
29 shall have the right and obligation to deny any claim for services based
30 upon medical necessity or a determination that the covered individual has
31 reached the maximum medical improvement for the covered individual's
32 autism spectrum disorder.

33 (6) Except for inpatient services, if an insured is receiving treatment
34 for an autism spectrum disorder, such insurer shall have the right to review
35 the treatment plan not more than once in a period of six consecutive
36 months, unless the insurer and the insured's treating physician or

1 psychologist agree that a more frequent review is necessary. Any such
2 agreement regarding the right to review a treatment plan more frequently
3 shall apply only to a particular insured being treated for an autism
4 spectrum disorder and shall not apply to all individuals being treated for
5 autism spectrum disorder by a physician or psychologist. The cost of
6 obtaining any review or treatment plan shall be borne by the insurer.

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

11 (b) For the purposes of this section:

12 (1) "Applied behavior analysis" means the design, implementation
13 and evaluation of environmental modifications, using behavioral stimuli
14 and consequences, to produce socially significant improvement in human
15 behavior, including the use of direct observation, measurement and
16 functional analysis of the relationship between environment and behavior.

17 (2) "Autism service provider" means any person:

18 (A) That provides diagnostic or treatment services for autism
19 spectrum disorders who is licensed or certified by the state of Kansas; or

20 (B) who is licensed by the behavioral sciences regulatory board as a
21 licensed behavior analyst or a licensed assistant behavior analyst;

22 (3) "Autism spectrum disorder" means a neurobiological disorder, an
23 illness of the nervous system, which includes:

24 (A) "Autistic disorder," which is:

25 (i) Six or more items from (a), (b) and (c) of this subparagraph, with
26 at least two items from (a) of this subparagraph, and one item each from
27 (b) and (c) of this subparagraph:

28 (a) Qualitative impairment in social interaction, as manifested by at
29 least two of the following:

30 (1) Marked impairment in the use of multiple nonverbal behaviors
31 such as eye-to-eye gaze, facial expression, body postures and gestures to
32 regulate social interaction;

33 (2) failure to develop peer relationships appropriate to developmental
34 level;

35 (3) a lack of spontaneous seeking to share enjoyment, interests or
36 achievements with other people; or

37 (4) lack of social or emotional reciprocity;

38 (b) qualitative impairments in communication as manifested by at
39 least one of the following:

40 (1) Delay in, or total lack of, the development of spoken language;

41 (2) in individuals with adequate speech, marked impairment in the
42 ability to initiate or sustain a conversation with others;

43 (3) stereotyped and repetitive use of language or idiosyncratic

1 language; or

2 (4) lack of varied, spontaneous make-believe play or social imitative
3 play appropriate to developmental level;

4 (c) restricted repetitive and stereotyped patterns of behavior, interests
5 and activities, as manifested by at least one of the following:

6 (1) Encompassing preoccupation with one or more stereotyped and
7 restricted patterns of interest that is abnormal either in intensity or focus;

8 (2) apparently inflexible adherence to specific, nonfunctional routines
9 or rituals;

10 (3) stereotyped and repetitive motor mannerisms; or

11 (4) persistent preoccupation with parts of objects;

12 (ii) delays or abnormal functioning in at least one of the following
13 areas, with onset prior to age three years, including social interaction,
14 language as used in social communication or symbolic or imaginative
15 play; and

16 (iii) the disturbance is not better accounted for by Rett's disorder or
17 childhood disintegrative disorder;

18 (B) "Asperger's disorder," which is:

19 (i) a qualitative impairment in social interaction, as manifested by at
20 least two of the following:

21 (a) Marked impairment in the use of multiple nonverbal behaviors
22 such as eye-to-eye gaze, facial expression, body postures and gestures to
23 regulate social interaction;

24 (b) failure to develop peer relationships appropriate to developmental
25 level;

26 (c) lack of spontaneous seeking to share enjoyment, interests or
27 achievements with other people; or

28 (d) lack of social or emotional reciprocity;

29 (ii) restricted repetitive and stereotyped patterns of behavior, interests
30 and activities, as manifested by at least one of the following:

31 (a) Encompassing preoccupation with one or more stereotyped and
32 restricted patterns of interest that is abnormal either in intensity or focus;

33 (b) apparently inflexible adherence to specific, nonfunctional routines
34 or rituals;

35 (c) stereotyped and repetitive motor mannerisms; or

36 (d) persistent preoccupation with parts of objects;

37 (iii) the disturbance causes clinically significant impairment in social,
38 occupational or other important areas of functioning;

39 (iv) there is no clinically significant general delay in language;

40 (v) there is no clinically significant delay in cognitive development or
41 in the development of age-appropriate self-help skills, adaptive behavior
42 (other than in social interaction), and curiosity about the environment in
43 childhood; and

- 1 (vi) criteria are not met for another specific pervasive developmental
2 disorder or schizophrenia;
- 3 (C) "pervasive developmental disorder not otherwise specified," is a
4 severe and pervasive impairment in the development of reciprocal social
5 interaction associated with impairment in either verbal or nonverbal
6 communication skills or with the presence of stereotyped behavior,
7 interests and activities, but the criteria are not met for a specific pervasive
8 developmental disorder, schizophrenia, schizotypal personality disorder, or
9 avoidant personality disorder;
- 10 (D) "Rett's disorder," includes:
- 11 (i) All of the following:
- 12 (a) Apparently normal prenatal and perinatal development;
- 13 (b) apparently normal psychomotor development through the first
14 five months after birth; and
- 15 (c) normal head circumference at birth;
- 16 (ii) onset of all of the following after the period of normal
17 development:
- 18 (a) Deceleration of head growth between ages five and 48 months;
- 19 (b) loss of previously acquired purposeful hand skills between ages
20 five and 30 months with the subsequent development of stereotyped hand
21 movements;
- 22 (c) loss of social engagement early in the course of development;
- 23 (d) appearance of poorly coordinated gait or trunk movements; and
- 24 (e) severely impaired expressive and receptive language development
25 with severe psychomotor retardation;
- 26 (E) "childhood disintegrative disorder," is:
- 27 (i) Apparently normal development for at least the first two years
28 after birth as manifested by the presence of age-appropriate verbal and
29 nonverbal communication, social relationships, play and adaptive
30 behavior;
- 31 (ii) clinically significant loss of previously acquired skills in at least
32 two of the following areas: Expressive or receptive language, social skills
33 or adaptive behavior, bowel or bladder control or play and motor skills;
- 34 (iii) abnormalities of functioning in at least two of the following
35 areas: Qualitative impairment in social interaction; qualitative impairments
36 in communication; restricted, repetitive and stereotyped patterns of
37 behavior, interests and activities, including motor stereotypies and
38 mannerisms; and
- 39 (iv) the disturbance is not better accounted for by another specific
40 pervasive developmental disorder or by schizophrenia.
- 41 (4) "Board" means the behavioral sciences regulatory board created
42 under K.S.A. 74-7501, and amendments thereto.
- 43 (5) "Certifying entity" means the national accredited behavior analyst

1 certification board, or other equivalent nationally accredited
2 nongovernmental agency approved by the behavioral sciences regulatory
3 board which certifies individuals who have completed academic,
4 examination, training and supervision requirements in applied behavior
5 analysis.

6 (6) "Diagnosis of autism spectrum disorder" means any medically
7 necessary assessment, evaluation or test to determine whether an
8 individual has an autism spectrum disorder.

9 (7) "Grandfathered health benefit plan" has the meaning ascribed to
10 such term in 42 U.S.C. § 18011.

11 (8) "Health benefit plan" has the meaning ascribed to such term in
12 K.S.A. 40-4602, and amendments thereto.

13 (9) "Large group" means a group health benefit plan that covers
14 employees of an employer who employed an average of at least 51
15 employees during the preceding calendar year.

16 (10) "Licensed assistant behavior analyst" or "LaBA" means an
17 individual who is certified by the certifying entity as a certified assistant
18 behavior analyst and meets the licensing criteria as established by the
19 board by rules and regulations.

20 (11) "Licensed behavior analyst" or "LBA" means an individual who
21 is certified by the certifying entity as a certified behavior analyst and
22 meets the licensing criteria as established by the board by rules and
23 regulations.

24 (12) "Line therapist" means an individual who:

25 (A) Provides supervision of an individual diagnosed with autism
26 spectrum disorder and other neurodevelopmental disorders pursuant to the
27 prescribed treatment plan; and

28 (B) implements specific behavioral interventions as outlined in the
29 prescribed treatment plan under the direct supervision of a licensed
30 behavior analyst.

31 (13) "Treatment for autism spectrum disorder" means care prescribed
32 or ordered for an individual diagnosed with an autism spectrum disorder
33 by a licensed physician or licensed psychologist, including equipment
34 medically necessary for such care, pursuant to the powers granted under
35 such licensed physician's or licensed psychologist's license.

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

42 (1) Impose on the coverage required by this section any dollar limits,
43 deductibles or coinsurance provisions that are less favorable to an insured

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

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

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

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

24 (f) This section shall not be construed to:

25 (1) Affect any obligation to provide services to an individual under an
26 individualized family service plan, an individualized education program or
27 an individualized service plan; or

28 (2) require any reimbursement for applied behavior analysis delivered
29 to a person insured by such health carrier or other entity to the extent such
30 health carrier or other entity is billed for such services by a part C early
31 intervention program or any school district for applied behavior analysis
32 rendered to the person covered by such health carrier or other entity. This
33 section shall not be construed as affecting any obligation to provide
34 services to an individual under an individualized family service plan, an
35 individualized education plan or an individualized service plan. This
36 section shall not be construed as affecting any obligation to provide
37 reimbursement for children who are identified by the part C early
38 intervention system as eligible for services under part C of the individuals
39 with disabilities education act, 20 U.S.C. § 1431 et seq., pursuant to
40 K.S.A. 38-2001 through 38-2010, and amendments thereto.

41 (g) (1) To the extent any payment or reimbursement is made for
42 applied behavior analysis, such payment or reimbursement shall be made
43 to:

1 (A) The autism service provider; or
2 (B) the person who is certified as a board certified behavior analyst
3 by the behavior analyst certification board and who works or is associated
4 with the autism services provider.

5 (2) Any payment or reimbursement under this subsection shall
6 include payment or reimbursement for services provided by a line therapist
7 under the direct supervision of such autism services provider or behavior
8 analyst if such service provided by the line therapist:

- 9 (A) Has received prior authorization, if required;
10 (B) is included in the treatment plan; and
11 (C) is deemed medically necessary.

12 (h) Notwithstanding any other provision of law to the contrary, no
13 insurer providing coverage required by this section shall be held liable for
14 any actions of a line therapist in the performance of such line therapist's
15 duties.

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

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

20 (k) The commissioner of insurance may delay the effective date of
21 this coverage by no more than two years to allow for coordination with
22 federal health insurance laws, including, but not limited to, the patient and
23 protection affordable care act.

24 New Sec. 2. Sections 2 through 6, and amendments thereto, shall be
25 known and may be cited as the applied behavior analysis licensure act.

26 New Sec. 3. For the purposes of this act:

27 (a) "Applied behavior analysis" means the design, implementation and
28 evaluation of environmental modifications, using behavioral stimuli and
29 consequences, to produce socially significant improvement in human
30 behavior, including the use of direct observation, measurement and
31 functional analysis of the relationship between environment and behavior;

32 (b) "autism service provider" means any person:

33 (1) That provides diagnostic or treatment services for autism
34 spectrum disorders who is licensed or certified by the state of Kansas; or

35 (2) who is licensed by the behavioral sciences regulatory board as a
36 licensed behavior analyst or a licensed assistant behavior analyst;

37 (c) "autism spectrum disorder" has the meaning ascribed to such term
38 by section 1, and amendments thereto.

39 (d) "board" means the behavioral sciences regulatory board created
40 under K.S.A. 74-7501, and amendments thereto;

41 (e) "certifying entity" means the national accredited behavior analyst
42 certification board or other equivalent nationally accredited
43 nongovernmental agency approved by the behavioral sciences regulatory

1 board which certifies individuals who have completed academic,
2 examination, training and supervision requirements in applied behavior
3 analysis;

4 (f) "controlled substance" means any drug, substance or immediate
5 precursor included in any of the schedules designated in K.S.A. 65-4105,
6 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto;

7 (g) "diagnosis of autism spectrum disorders" means any medically
8 necessary assessments, evaluations or tests in order to diagnose whether an
9 individual has an autism spectrum disorder;

10 (h) "licensed assistant behavior analyst" or "LaBA" means an
11 individual who is certified by the certifying entity as a certified assistant
12 behavior analyst and meets the licensing criteria as established by the
13 board by rules and regulations;

14 (i) "licensed behavior analyst" or "LBA" means an individual who is
15 certified by the certifying entity as a certified behavior analyst and meets
16 the licensing criteria as established by the board by rules and regulations;

17 (j) "line therapist" means an individual who:

18 (1) Provides supervision of an individual diagnosed with autism
19 spectrum disorder and other neurodevelopmental disorders pursuant to the
20 prescribed treatment plan; and

21 (2) implements specific behavioral interventions as outlined in the
22 prescribed treatment plan under the direct supervision of a licensed
23 behavior analyst; and

24 (k) "treatment for autism spectrum disorder" means care prescribed or
25 ordered for an individual diagnosed with an autism spectrum disorder by a
26 licensed physician or licensed psychologist, including equipment
27 medically necessary for such care, pursuant to the powers granted under
28 such licensed physician's or licensed psychologist's license.

29 New Sec. 4. (a) No person shall practice applied behavior analysis in
30 this state unless they are:

31 (1) Licensed behavior analysts;

32 (2) licensed assistant behavior analyst working under the supervision
33 of a licensed behavior analyst;

34 (3) an individual who has a bachelor's or graduate degree and
35 completed course work for licensure as a behavior analysts and is
36 obtaining supervised field experience under a licensed behavior analysts
37 pursuant to required supervised work experience for licensure at the
38 behavior analyst or assistant behavior analyst level; or

39 (4) licensed psychologists practicing within the rules and standards of
40 practice for psychologists in the state of Kansas and whose practice is
41 commensurate with their level of training and experience.

42 (b) The licensing requirements of subsection (a) shall not apply to
43 any person:

1 (1) Licensed by the board who practices any component of applied
2 behavior analysis within the scope of such person's license and scope of
3 practice as required by law;

4 (2) who provides services under the individuals with disabilities
5 education act (IDEA), 20 U.S.C. § 1400 et seq.;

6 (3) who provides services under § 504 of the federal rehabilitation act
7 of 1973, 20 U.S.C. § 794; or

8 (4) is enrolled in a course of study at a recognized educational
9 institution through which such person provides applied behavior analysis
10 as part of supervised clinical experience.

11 (c) The board shall not issue a license under this act until the license
12 applicant provides proof that such applicant has met the certification
13 requirements of a certifying entity.

14 New Sec. 5. (a) The board may deny, suspend, revoke or refuse
15 renewal of any license issued under this act if the board finds that the
16 applicant or license holder has:

17 (1) Used any controlled substance or alcoholic beverage to an extent
18 that such use impairs such person's ability to perform the work of any
19 profession licensed or regulated by this act.

20 (2) The person has been finally adjudicated and found guilty, or
21 entered a plea of guilty or nolo contendere, in a criminal prosecution under
22 the laws of any state or of the United States, for any offense reasonably
23 related to the qualifications, functions or duties of any professional
24 licensed or regulated under this act, for any offense an essential element of
25 which is fraud, dishonesty or an act of violence, or for any offense
26 involving moral turpitude, whether or not a sentence is imposed.

27 (3) Used any fraud, deception or misrepresentation in securing any
28 license issued under this act.

29 (4) Obtained or attempted to obtain any fee, charge, tuition or other
30 compensation by fraud, deception or misrepresentation.

31 (5) Committed any act of incompetency, misconduct, gross
32 negligence, fraud, misrepresentation or dishonesty in the performance of
33 the functions or duties of any profession licensed by the board.

34 (6) Committed any violation of or assisted or enabled any person to
35 violate, any provision of this act or any rule and regulation promulgated
36 thereunder.

37 (7) Impersonated any person holding a certificate of registration or
38 authority, permit or license or allowed any other person to use such
39 person's certificate of registration or authority, permit, license or diploma
40 from any school.

41 (8) Been disciplined in any action by another state, territory, federal
42 agency or country which would constitute grounds for a license issued
43 under this act being suspended or revoked.

1 (9) Been finally adjudged insane or incapacitated by a court of
2 competent jurisdiction.

3 (10) Assisted or enabled any person to practice or offer to practice
4 any profession licensed or regulated by the board when such person is not
5 eligible to practice such profession as required by law.

6 (11) Issued any certificate of registration or authority, permit or
7 license based upon a material mistake of fact.

8 (12) Failed to display a valid certificate or license if so required by
9 this act or any rule and regulation promulgated thereunder.

10 (13) Violated any professional trust or confidence.

11 (14) Used any advertisement or solicitation which is false, misleading
12 or deceptive to the general public or persons to whom the advertisement or
13 solicitation is primarily directed.

14 (15) Been found guilty of unprofessional conduct or professional
15 incompetency as defined by the board by rules and regulations.

16 (b) Any action taken under this section which affects any license or
17 imposes any administrative penalty shall be taken only after notice and an
18 opportunity for a hearing conducted in accordance with the provisions of
19 the Kansas administrative procedure act.

20 New Sec. 6. The board shall promulgate rules and regulations
21 necessary to implement and administer this act. Such rules and regulations
22 shall include, but not be limited to:

23 (a) The form and content of license applications required and the
24 procedures for filing an application for an initial or renewal license in this
25 state;

26 (b) the establishment of fees for licenses, and the renewal thereof, to
27 cover all or any part of the cost of administering the provisions of this act;

28 (c) the educational and training requirements for licensed behavior
29 analysts and licensed assistant behavior analysts;

30 (d) the roles, responsibilities and duties of licensed behavior analysts
31 and licensed assistant behavior analysts;

32 (e) the characteristics of supervision and supervised clinical
33 practicum experience for the licensed behavior analysts and the licensed
34 assistant behavior analysts;

35 (f) the supervision of licensed behavior analysts and licensed assistant
36 behavior analysts;

37 (g) the requirements for continuing education for licensed behavior
38 analysts and licensed assistant behavior analysts;

39 (h) standards of professional incompetency;

40 (i) standards of unprofessional conduct; and

41 (j) such other rules and regulations as the board deems necessary to
42 carry out the provisions of this act.

43 Sec. 7. K.S.A. 2013 Supp. 40-2,103 is hereby amended to read as

1 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
2 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,
3 inclusive, 40-2250, K.S.A. 2013 Supp. 40-2,105a, 40-2,105b , 40-2,184
4 ~~and~~, 40-2,190 *and section 1*, and amendments thereto, shall apply to all
5 insurance policies, subscriber contracts or certificates of insurance
6 delivered, renewed or issued for delivery within or outside of this state or
7 used within this state by or for an individual who resides or is employed in
8 this state.

9 Sec. 8. K.S.A. 2013 Supp. 40-19c09 is hereby amended to read as
10 follows: 40-19c09.(a) Corporations organized under the nonprofit medical
11 and hospital service corporation act shall be subject to the provisions of
12 the Kansas general corporation code, articles 60 to 74, inclusive, of
13 chapter 17 of the Kansas Statutes Annotated, and amendments thereto,
14 applicable to nonprofit corporations, to the provisions of K.S.A. 40-214,
15 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229,
16 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250,
17 40-251, 40-252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-
18 2,105, 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-
19 2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to
20 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b,
21 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-
22 2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2013 Supp. 40-
23 2,105a, 40-2,105b, 40-2,184~~and~~, 40-2,190 *and section 1*, and amendments
24 thereto, except as the context otherwise requires, and shall not be subject
25 to any other provisions of the insurance code except as expressly provided
26 in this act.

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

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

34 Sec. 9. K.S.A. 2013 Supp. 75-6524 is hereby amended to read as
35 follows: 75-6524. (a) *(1)* In the coverage for the next health plan coverage
36 year commencing on January 1, ~~2014~~ 2015, the state employees health
37 care commission shall provide for the coverage of services for the
38 diagnosis and treatment of autism spectrum disorder in any covered
39 individual whose age is less than ~~19~~ 11 years. Such coverage shall be
40 subject to the following terms and conditions:

41 ~~(1) Such coverage shall be provided in a manner determined in~~
42 ~~consultation with the autism services provider and the patient. Services~~
43 ~~provided by an autism services provider under this section shall include~~

1 ~~applied behavioral analysis when required by a licensed physician,~~
2 ~~licensed psychologist or licensed specialist clinical social worker but~~
3 ~~otherwise shall be limited to those services prescribed or ordered by a~~
4 ~~licensed physician, licensed psychologist or licensed specialist clinical~~
5 ~~social worker. Services provided pursuant to this paragraph shall be those~~
6 ~~services which are or have been recognized by peer reviewed literature as~~
7 ~~providing medical benefit to the patient based upon the patient's particular~~
8 ~~autism spectrum disorder.~~

9 (2) ~~Such coverage may be subject to appropriate annual deductibles~~
10 ~~and coinsurance provisions as are consistent with those established for~~
11 ~~other physical illness benefits under the state employees health plan.~~

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

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

18 (5) ~~Coverages required under paragraphs (3) and (4) shall be subject~~
19 ~~to the same copays, deductibles and dollar limits as benefits for physical~~
20 ~~illness; and such other utilization or benefit limits as the state employees~~
21 ~~health care commission may determine consistent with the provisions of~~
22 ~~section 1, and amendments thereto.~~

23 (6)(2) ~~Reimbursement shall be allowed only for services provided by~~
24 ~~a provider licensed, trained and qualified to provide such services or by an~~
25 ~~autism specialist or an intensive individual service provider as such terms~~
26 ~~are defined by the department of social and rehabilitation for aging and~~
27 ~~disability services Kansas autism waiver as it exists on July 1, 2010 2015.~~

28 (7)(3) ~~Any insurer or other entity which administers claims for~~
29 ~~services provided for the treatment of autism spectrum disorder under this~~
30 ~~section, and amendments thereto, shall have the right and obligation to:~~

31 (A) ~~Review utilization of such services; and~~

32 (B) ~~deny any claim for services based upon medical necessity or a~~
33 ~~determination that the covered individual has reached the maximum~~
34 ~~medical improvement for the covered individual's autism spectrum~~
35 ~~disorder.~~

36 (b) ~~For the purposes of this section:~~

37 (1) ~~"Applied behavior analysis" means the design, implementation~~
38 ~~and evaluation of environmental modifications, using behavioral stimuli~~
39 ~~and consequences, to produce socially significant improvement in human~~
40 ~~behavior, including the use of direct observation, measurement and~~
41 ~~functional analysis of the relationship between environment and behavior.~~

42 (2) ~~"Autism service provider" means any person:~~

43 (A) ~~That provides diagnostic or treatment services for autism~~

1 *spectrum disorders who is licensed or certified by the state of Kansas; or*

2 *(B) who is licensed by the behavioral sciences regulatory board as a*
3 *licensed behavior analyst or a licensed assistant behavior analyst.*

4 *(3) "Autism spectrum disorder" means the following disorders within*
5 *the autism spectrum: Autistic disorder, Asperger's syndrome and pervasive*
6 *developmental disorder not otherwise specified, as such terms are*
7 *specified in the diagnostic and statistical manual of mental disorders,*
8 *fourth edition, text revision (DSM-IV-TR), of the American psychiatric*
9 *association, as published in May, 2000, or later versions as established in*
10 *rules and regulations adopted by the behavioral sciences regulatory board*
11 *pursuant to K.S.A. 74-7507, and amendments thereto has the meaning*
12 *ascribed to such term in section 1, and amendments thereto.*

13 *(3) "Diagnosis of autism spectrum disorder" means any medically*
14 *necessary assessment, evaluation or test to determine whether an*
15 *individual has an autism spectrum disorder.*

16 ~~*(e) (1) Pursuant to the provisions of K.S.A. 40-2249a, and*~~
17 ~~*amendments thereto, on or before March 1, 2012, the state employees*~~
18 ~~*health care commission shall submit to the president of the senate and to*~~
19 ~~*the speaker of the house of representatives, a report including the*~~
20 ~~*following information pertaining to the mandated coverage for autism*~~
21 ~~*spectrum disorder provided during the plan year commencing on January*~~
22 ~~*1, 2011, and ending on December 31, 2011:*~~

23 ~~*(A) The impact that the mandated coverage for autism spectrum*~~
24 ~~*disorder required by subsection (a) has had on the state health care benefits*~~
25 ~~*program;*~~

26 ~~*(B) data on the utilization of coverage for autism spectrum disorder*~~
27 ~~*by covered individuals and the cost of providing such coverage for autism*~~
28 ~~*spectrum disorder; and*~~

29 ~~*(C) a recommendation whether such mandated coverage for autism*~~
30 ~~*spectrum disorder should continue for the state health care benefits*~~
31 ~~*program or whether additional utilization and cost data is required.*~~

32 ~~*(2) At the next legislative session following receipt of the report*~~
33 ~~*required in paragraph (1), the legislature may consider whether or not to*~~
34 ~~*require the coverage for autism spectrum disorder required by subsection*~~
35 ~~*(a) to be included in any individual or group health insurance policy,*~~
36 ~~*medical service plan, contract, hospital service corporation contract,*~~
37 ~~*hospital and medical service corporation contract, fraternal benefit society*~~
38 ~~*or health maintenance organization which provides coverage for accident*~~
39 ~~*and health services and which is delivered, issued for delivery, amended or*~~
40 ~~*renewed in this state on or after July 1, 2013.*~~

41 *Sec. 10. K.S.A. 2013 Supp. 40-2,103, 40-19c09 and 75-6524 are*
42 *hereby repealed.*

43 *Sec. 11. This act shall take effect and be in force from and after*

- 1 January 1, 2015, and its publication in the statute book.