



autism speaks®

August 25th, 2023

Ms. Katie Merritt
Director of Policy and Planning
Office of the Insurance Commissioner
1326 Strawberry Square
Harrisburg, PA 17120

RE: Commonwealth Essential Health Benefits Benchmark Plan-Notice 2023-14

Dear Ms. Merritt:

Thank you for the opportunity to provide public comment on the Pennsylvania Insurance Department's (PID) request for public input about benefits to include in a potential update to the Commonwealth's Essential Health Benefits benchmark plan (EHB-benchmark plan). On behalf of Autism Speaks, I respectfully request that applied behavior analysis (ABA) be added as a covered benefit to PA's EHB-benchmark plan. ABA is one of the most common and effective behavioral health treatments available for autism. Timely access to ABA is critical for autistic individuals and can directly influence their ability to be successful in many areas of life.

Autism Speaks is a nonprofit organization dedicated to creating an inclusive world for all individuals with autism throughout their lifespan. We do this through advocacy, services, supports, research and innovation, and advances in care for autistic individuals and their families. Autism, or autism spectrum disorder (ASD), refers to a broad range of conditions characterized by challenges with social skills, repetitive behaviors, speech, and nonverbal communication. How people with autism learn, think, and problem-solve can range from highly skilled to severely challenged. Additionally, autism is a developmental disability, and a significant percentage of the autistic population is also intellectually disabled. ASD is recognized as a mental health condition in the Diagnostic and Statistical Manual of Mental Disorders (DSM) and the International Classification of Diseases (ICD).

According to a 2023 report from the Centers for Disease Control and Prevention (CDC), autism affects an estimated 1 in 36 children in the United States.¹ Given that an estimated 74,766 children and 229,136 adults with autism live in Pennsylvania, it is likely that many autistic individuals receive health insurance

¹ Maenner, MJ, Warren, Z, Williams, AR, et al. *Prevalence and Characteristics of Autism Spectrum Disorder Among Children Aged 8 Years-Autism and Developmental Disabilities Monitoring Network, 11 Sites, United States, 2020*. MMWR Surveillance Summaries 2023; 72(No. SS-2):1-14. https://www.cdc.gov/mmwr/volumes/72/ss/ss7202a1.htm?s_cid=ss7202a1_w#suggestedcitation.

coverage through individual and small-group health plans. Currently, these types of health insurance plans are not required to cover ABA for individuals diagnosed with ASD.

ABA is a behavioral health treatment that is considered an evidenced-based best practice treatment by the United States Surgeon General, American Psychological Association, and many other authorities.² ABA is tailored to meet the needs of each person with the goal of building skills and reducing dangerous or harmful behaviors. Numerous studies have found that intensive and long-term ABA can lead to improvements in intellectual functioning, language development, daily living skills, and social functioning in autistic individuals. “The successful remediation of core deficits of ASD, and the development or restoration of abilities, documented in hundreds of peer-reviewed studies published over the past 50 years, has made ABA the standard of care for the treatment of ASD.”³

In terms of the Affordable Care Act’s (ACA) required benefit categories for EHBs, ABA should be included as a covered benefit under the “mental health and substance use disorder, including behavioral health treatment” benefit category. By adding ABA as a covered behavioral health service, Pennsylvania would be aligning its EHB-benchmark plan with the intent of the ACA and current federal regulations.⁴ Because adding ABA as a covered benefit would bring the Commonwealth’s EHB-benchmark plan into alignment with the ACA and federal regulations, cost defrayal is not an impediment.

Adding ABA to the Commonwealth’s EHB benchmark plan would satisfy the federal scope of benefits requirement since PA Insurance Law (Act 62) requires ABA to be covered by employer-sponsored large group insurance plans. This addition would simply be extending the same behavioral health benefit afforded to employer-sponsored large-group plans to individual and employer-sponsored small-group insurance plans. This would close a significant gap in autism treatment in the state-regulated commercial insurance market.

Autism Speaks strongly urges PID to add ABA as a covered benefit for individuals diagnosed with ASD to the Commonwealth’s EHB-benchmark plan. Adding ABA as a covered benefit to PA’s EHB-benchmark plan will ensure that those with autism, who have health coverage through individual and small group insurance plans, will be able to receive the medically necessary treatment they need and deserve.

Thank you for the opportunity to provide public comment on this important matter. Please do not hesitate to contact me with any questions regarding this matter by phone at (347) 344-8250 or by email at emily.frankel@autismspeaks.org.

Sincerely,



Emily Frankel
Director of State Government Affairs
Autism Speaks

² The Kennedy Krieger Institute and Johns Hopkins School of Medicine. *Overview and Summary of Scientific Support for Applied Behavior Analysis*. 2015. <https://www.kennedykrieger.org/sites/default/files/library/documents/patient-care/centers-and-programs/down-syndrome-clinic-and-research-center/aba-scientific-support-9-2015.pdf>.

³ The Council of Autism Service Providers (CASP). *Applied Behavior Analysis Treatment of Autism Spectrum Disorder: Practice Guidelines for Healthcare Funders and Managers*. Second Edition. 2020, 4, <https://casproviders.org/asd-guidelines/>.

⁴ 42 U.S. Code § 18022 Section 1302(a)(3).