

COMMITTEE ON HEALTH, HOSPITALS, HUMAN SERVICES
AND VETERANS' AFFAIRS

03/21/14-REPORTED OUT TO THE FLOOR

03/06/14-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 30-0202

Thirtieth Legislature of the Virgin Islands

September 18, 2013

An Act amending title 22, chapter 65, section 1723 of the Virgin Islands Code is amended by requiring that health insurance providers provide coverage for the assessment, diagnosis and treatment of autism spectrum disorders

PROPOSED BY: Senators Nereida Rivera-O'Reilly, Kenneth L. Gittens
and Clarence Payne III
Co-Sponsors: Judi Buckley and Myron D. Jackson

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 22 Virgin Islands Code, chapter 65 is amended by designating the existing
3 provisions as subchapter I and adding subchapter II to read as follows:

4 “Subchapter II **COVERAGE FOR AUTISM SPECTRUM DISORDERS IN HEALTH**
5 **CARE PLANS**

6 1731 As used in this subchapter:

7 (a) “Applied behavior analysis” means the design, implementation and evaluation of
8 environmental modifications, using behavioral stimuli and consequences, including the use of direct
9 observation, measurement and functional analysis of the relationship between environment and
10 behavior, to produce socially significant improvement in human behavior.

1 (b) "Autism services provider" means any person, entity or group that provides treatment for
2 autism spectrum disorders pursuant to this section.

3 (c) "Autism spectrum disorders" means the pervasive developmental disorders set forth in
4 the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of
5 Mental Disorders", including, but not limited to, Autistic Disorder, Rett's Disorder, Childhood
6 Disintegrative Disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise
7 Specified.

8 (d) "Behavioral therapy" means any interactive behavioral therapies derived from evidence-
9 based research, including, but not limited to, applied behavior analysis, cognitive behavioral therapy, or
10 other therapies supported by empirical evidence of the effective treatment of individuals diagnosed with
11 an autism spectrum disorder, that are:

12 (A) Provided to children younger than fifteen years of age,

13 (B) Provided or supervised by:

14 (i) a behavior analyst who is certified by the Behavior Analyst Certification
15 Board,

16 (ii) a licensed physician, or

17 (iii) a licensed psychologist.

18 (C) For the purposes subparagraph (B), behavioral therapy" supervised by a
19 behaviour analyst" means supervised by a behavior analyst, licensed physician or licensed
20 psychologist when the supervision entails at least one hour of face-to-face supervision of the
21 autism services provider by such behavior analyst, licensed physician or licensed psychologist
22 for each ten hours of behavioral therapy provided by the supervised provider.

1 (e) "Diagnosis" means the medically necessary assessment, evaluation or testing performed
2 by a licensed physician, licensed psychologist or licensed clinical social worker to determine if an
3 individual has an autism spectrum disorder.

4 (f) "Evidence-based treatment" means treatment subject to research that applies rigorous,
5 systematic, and objective procedures to obtain valid knowledge relevant to autism spectrum disorders;

6 (g) "Medically necessary" means reasonably expected to do the following:

7 (A) Prevent the onset of an illness, condition, injury, or disability;

8 (B) Reduce or ameliorate the physical, mental, or developmental effects of an illness,
9 condition, injury, or disability; or

10 (C) Assist to achieve or maintain maximum functional capacity in performing daily
11 activities, taking into account both the functional capacity of the individual and the functional
12 capacities that are appropriate for individuals of the same age.

13 §1732 (a) After the effective date of this subchapter, a health care insurer that offers, issues for
14 delivery, delivers, executes, adjusts, uses, or renews a health care insurance plan shall provide coverage
15 for the costs of the diagnosis and treatment of autism spectrum disorders that are medically necessary
16 and evidence-based.

17 (b) Coverage required in health care insurance plans by this section must include treatment
18 prescribed, identified and ordered by a licensed physician, psychologist, or a licensed clinical social
19 worker for an insured who is diagnosed with an autism spectrum disorder in accordance with a treatment

1 plan developed by licensed physician, licensed psychologist or licensed clinical social worker pursuant
2 to a comprehensive evaluation or re-evaluation of the insured.

3 (c) Covered treatment must include:

4 (1) Behavioral therapy, including applied behavioural analysis;

5 (2) Direct psychiatric or consultative services provided by a licensed psychiatrist;

6 (3) Direct psychological or consultative services provided by a licensed psychologist;

7 (4) Physical therapy provided by a licensed physical therapist;

8 (5) Speech and language pathology services provided by a licensed speech and
9 language pathologist; and

10 (6) Occupational therapy provided by a licensed occupational therapist;

11 (7) Prescription drugs, to the extent prescription drugs are a covered benefit for other
12 diseases and conditions under such policy, prescribed by a licensed physician, licensed physician
13 assistant or advanced practice registered nurse for the treatment of symptoms and comorbidities
14 of autism spectrum disorders; and

15 (8) Equipment determined necessary to provide evidence-based treatment.

16 §1733. A healthcare insurance plan must not impose:

17 (1) any limits on the number of visits an insured may make to an autism services provider
18 pursuant to a treatment plan on any basis other than a lack of medical necessity, or

1 (2) a coinsurance, copayment, deductible or other out-of-pocket expense for such coverage
2 which places a greater financial burden on an insured for access to the diagnosis and treatment of an
3 autism spectrum disorder than for the diagnosis and treatment of any other medical, surgical or physical
4 health condition under the policy.

5 §1734 (a) The insurer may limit the coverage in the insurance health care plan for behavioral
6 therapy to a yearly benefit of \$50,000 for a child who is younger than nine years of age, \$35,000 for a
7 child who is at least nine years of age but younger than thirteen years of age and \$25,000 for a child who
8 is at least thirteen years of age but younger than fifteen years of age.

9 (b) Except for treatments and services received by an insured in an inpatient setting, an
10 insure health care center, hospital service corporation, medical service corporation or fraternal benefit
11 society may review a treatment plan developed under section 1732 (b) for an insured, in accordance
12 with its utilization review requirements, not more than once every six months unless the insured's
13 licensed physician, licensed psychologist or licensed clinical social worker agrees that a more frequent
14 review is necessary or changes such insured's treatment plan.

15 (c) For the purposes of this section, the results of a diagnosis are valid for a period of not less
16 than twelve months, unless the insured's licensed physician, licensed psychologist or licensed clinical
17 social worker determines a shorter period is appropriate or changes the results of such insured's
18 diagnosis.

1 §1735. (a) This subchapter does not limit benefits that are otherwise available to an individual
2 under a health benefit plan.

3 (b) Nothing in this subchapter relieves an insurer from an otherwise valid obligation to provide
4 or to pay for services provided to an individual with a disability.”

5 **BILL SUMMARY**

6 This bill amends title 22, chapter 65, section 1723 of the Virgin Islands Code by requiring that
7 health insurance providers provide coverage for the assessment, diagnosis and treatment of autism
8 spectrum disorders.

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10 **BR13-0095/August 5, 2013/EEM/Reviewed by MMH**

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