

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1624

By: Brown

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5
6 AS INTRODUCED

7 An Act relating to insurance; ordering a legislative
8 referendum pursuant to the Oklahoma Constitution;
9 requiring the coverage of individuals diagnosed with
10 autism by insurers in certain circumstances;
11 specifying certain requirement; stating certain
12 right; requiring certain diagnosis; providing certain
13 restrictions; providing exceptions; prohibiting
14 certain acts; excluding certain policies; defining
15 terms; providing for codification; providing ballot
16 title; and directing filing.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma
19 Constitution, there is hereby ordered the following legislative
20 referendum which shall be filed with the Secretary of State and
21 addressed to the Governor of the state, who shall submit the same to
22 the people for their approval or rejection at the next General
23 Election, to be held on November 6, 2012.

24 SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 6060.4b of Title 36, unless
there is created a duplication in numbering, reads as follows:

1 A. This section shall be known and may be cited as "Nick's
2 Law".

3 B. Any individual or group health benefit plan, including the
4 State and Education Employees Group Health Insurance Plan, that is
5 offered, issued, or renewed in this state on or after January 1,
6 2012, shall provide coverage for the treatment of an autistic
7 disorder. Coverage provided under this section is limited to
8 treatment that is prescribed by the insured individual's treating
9 physician in accordance with a treatment plan.

10 C. The coverage required under this section shall not be
11 subject to dollar limits, deductibles or coinsurance provisions that
12 are less favorable to an insured individual than the dollar limits,
13 deductibles, or coinsurance provisions that apply to physical
14 illness generally under the health benefit plan. Coverage of
15 services may be subject to other general exclusions and limitations
16 of the health benefit plan including, but not limited to:

- 17 1. The coordination of benefits;
- 18 2. Participating provider requirements;
- 19 3. Services provided by family or household member
20 restrictions;
- 21 4. Eligibility; and
- 22 5. Appeals processes.

23 D. The treatment plan required under subsection B of this
24 section shall include all elements necessary for the insurer to

1 appropriately pay claims. These elements shall include, but not be
2 limited to:

- 3 1. A diagnosis;
- 4 2. Proposed treatment or treatments by type, frequency and
5 duration;
- 6 3. The anticipated outcomes stated as goals;
- 7 4. The frequency by which the treatment plan will be updated;
- 8 and
- 9 5. The treating physician's signature.

10 The insurer shall have the right to request an updated treatment
11 plan not more than once every six (6) months from the treating
12 physician to review medical necessity, unless the insurer and the
13 provider agree that a more frequent review is necessary due to
14 emerging clinical circumstances.

15 E. A diagnosis of an autistic disorder by a licensed physician
16 or licensed behavioral practitioner shall be required to be eligible
17 for benefits and coverage under this section. The benefits and
18 coverage provided under this section shall be provided to any
19 eligible person less than twenty-one (21) years of age.

20 F. The insurer shall provide coverage for all therapies,
21 treatments, diagnoses and testing, medicines and supplements
22 prescribed by a licensed physician including, but not limited to,
23 coverage for behavioral therapy.

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1 G. Coverage for behavioral therapy shall be subject to a
2 maximum benefit of Thirty Thousand Dollars (\$30,000.00) per year.
3 The maximum period of coverage for behavioral therapy shall be three
4 (3) years, unless clinical progress reports demonstrate that the
5 child is in a period of steady skill acquisition. For behavioral
6 therapy to continue beyond three (3) years, the child's physician or
7 licensed behavioral practitioner shall submit progress reports not
8 less than once every six (6) months demonstrating continuing
9 clinically significant progress.

10 H. An insurer shall not deny or refuse to issue coverage on,
11 refuse to contract with, refuse to renew, refuse to reissue, or
12 otherwise terminate or restrict coverage on an individual under an
13 insurance policy solely because the individual is diagnosed with an
14 autistic disorder.

15 I. This section shall not apply to limited benefits policies
16 including, but not limited to:

- 17 1. Accident-only policies;
- 18 2. Specified disease policies;
- 19 3. Hospital indemnity policies;
- 20 4. Medicare supplement policies; or
- 21 5. Long-term care policies.

22 J. For purposes of this section:

- 23 1. "Autistic disorder" means a neurological disorder that is
24 marked by severe impairment in social interaction, communication,

1 and imaginative play, with onset during the first three (3) years of
2 life and is included in a group of disorders known as autism
3 spectrum disorders;

4 2. "Autism spectrum disorder" means a neurobiological disorder
5 that includes autistic disorder, Asperger's syndrome, regressive
6 autism, and pervasive developmental disorder; and

7 3. "Neurobiological disorder" means an illness of the nervous
8 system caused by genetic, metabolic, or other biological factors.

9 SECTION 3. The Ballot Title for the proposed legislative
10 referendum as set forth in SECTION 2 of this act shall be in the
11 following form:

12 BALLOT TITLE

13 Legislative Referendum No. _____ State Question No. _____

14 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

15 This measure would amend the Oklahoma Statutes. It would add a
16 new section 6060.4b of Title 36 of the Oklahoma Statutes. It
17 would define autism as a health condition. Insurers would be
18 required to cover the treatment of autism. It sets limits of
19 required treatment. It provides exceptions.

20 SHALL THE PROPOSAL BE APPROVED?

21 FOR THE PROPOSAL - YES _____

22 AGAINST THE PROPOSAL - NO _____

23 SECTION 4. The Chief Clerk of the House of Representatives,
24 immediately after the passage of this act, shall prepare and file

1 one copy thereof, including the Ballot Title set forth in SECTION 3
2 hereof, with the Secretary of State and one copy with the Attorney
3 General

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