

H. B. 2699

(By Delegates Rodighiero, D. Campbell and Hunt)
[Introduced January 21, 2011; referred to the
Committee on Banking and Insurance then Finance.]

**FISCAL
NOTE**

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §5-16-7f; that said
12 code be amended by adding thereto a new section, designated
13 §5-16B-6e; that said code be amended by adding thereto a new
14 section, designated §33-15-22; that said code be amended by
15 adding thereto a new section, designated §33-16-18; and that
16 said code be amended by adding thereto a new section,
17 designated §33-16D-17, all relating to autism spectrum
18 disorder; requiring coverage for early detection, diagnosis
19 and treatment of autism spectrum disorder by all insurance
20 policies and insurance plans provided by the West Virginia
21 Public Employees Insurance Act, all accident and sickness
22 policies, all group accident and sickness policies, all small
23 employer accident and sickness policies and all plans for
24 health services or accident or sickness insurance provided by

1 the West Virginia Children's Health Insurance Program which
 2 provides coverage for hospital, surgical or medical care
 3 coverage in the state; providing requirements and limitations
 4 on required coverage; exceptions; and providing that the
 5 provisions of this bill be known and cited collectively as the
 6 'Cameron and Dominic Law'.

7 *Be it enacted by the Legislature of West Virginia:*

8 That the Code of West Virginia, 1931, as amended, be amended
 9 by adding thereto a new section, designated §5-16-7f; that said
 10 code be amended by adding thereto a new section, designated §5-16B-
 11 6e; that said code be amended by adding thereto a new section,
 12 designated §33-15-22; that said code be amended by adding thereto
 13 a new section, designated §33-16-18; and that said code be amended
 14 by adding thereto a new section, designated §33-16D-17, all to
 15 read as follows:

16 **CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR,**

17 **SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;**

18 **MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.**

19 **ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.**

20 **§5-16-7f. Required coverage for autism spectrum disorder.**

21 (a) Every policy of insurance or insurance plan provided in
 22 the provisions of this article which provides coverage for
 23 hospital, surgical, or medical care coverage in the State of West
 24 Virginia shall include full coverage for early detection, diagnosis

1 and treatment of autism spectrum disorder, including all
2 prevention, early detection, diagnosis and/or treatments and
3 therapies that are approved by the Federal Drug Administration and
4 shall meet the following requirements:

5 (1) Every policy must provide full in-state or in-network
6 coverage for early detection, diagnosis and treatment of autism
7 spectrum disorder notwithstanding that the insured is unable to
8 receive a service, or treatment from an out-of-state provider.

9 (2) The benefits and coverage must be provided to any person
10 diagnosed with autism spectrum disorder under twenty-six years of
11 age.

12 (3) Coverage for behavioral therapy may not exceed a \$50,000
13 maximum benefit per child per year.

14 (4) Coverage shall be provided for up to four visits, or
15 consultations, with a certified nutritionist per year.

16 (5) Treatment approved by the Federal Drug Administration
17 autism spectrum disorder will be covered by the policy when
18 prescribed by a treating physician or health care provider.

19 (6) All prescription medications for autism spectrum disorder
20 shall be covered by the policy.

21 (7) The policy shall cover medical evaluation and examination
22 for early detection and diagnosis of autism spectrum disorder.

23 (8) Coverage for all medical testing performed on an
24 individual diagnosed with autism spectrum disorder will be provided

1 in full when recommended, or prescribed, by a treating physician or
2 health care provider.

3 (9) No visitation limits may be imposed for occupational,
4 physical and speech therapy.

5 (10) No visitation limits may be imposed for appointments with
6 a treating physician or health care provider.

7 (b) For purposes of this section, "autism spectrum disorder"
8 means one or more or a combination of the following neurobiological
9 conditions: Autism, Asperger Syndrome, Retts Syndrome, or
10 Pervasive Development Disorder.

11 **ARTICLE 16B. WEST VIRGINIA CHILDREN'S HEALTH INSURANCE PROGRAM.**

12 **§5-16B-6e. Required coverage for autism spectrum disorder.**

13 (a) Every policy of insurance or insurance plan provided in
14 the provisions of this article which provides coverage for
15 hospital, surgical, or medical care coverage in the State of West
16 Virginia shall include full coverage for early detection, diagnosis
17 and treatment of autism spectrum disorder, including all
18 prevention, early detection, diagnosis and/or treatments and
19 therapies that are approved by the Federal Drug Administration and
20 shall meet the following requirements:

21 (1) Every policy must provide full in-state or in-network
22 coverage for early detection, diagnosis and treatment of autism
23 spectrum disorder notwithstanding that the insured is unable to
24 receive a service, or treatment from an out-of-state provider.

1 (2) The benefits and coverage must be provided to any person
2 diagnosed with autism spectrum disorder regardless of age.

3 (3) Coverage for behavioral therapy may not exceed a \$50,000
4 maximum benefit per child per year.

5 (4) Coverage shall be provided for up to four visits, or
6 consultations, with a certified nutritionist per year.

7 (5) Treatment approved by the Federal Drug Administration for
8 autism spectrum disorder will be covered by the policy when
9 prescribed by a treating physician or health care provider.

10 (6) All prescription medications for autism spectrum disorder
11 shall be covered by the policy.

12 (7) The policy shall cover medical evaluation and examination
13 for early detection and diagnosis of autism spectrum disorder.

14 (8) Coverage for all medical testing performed on an
15 individual diagnosed with autism spectrum disorder will be provided
16 in full when recommended, or prescribed, by a treating physician or
17 health care provider.

18 (9) No visitation limits may be imposed for occupational,
19 physical and speech therapy.

20 (10) No visitation limits may be imposed for appointments with
21 a treating physician or health care provider.

22 (b) For purposes of this section, "autism spectrum disorder"
23 means one or more or a combination of the following neurobiological
24 conditions: Autism, Asperger Syndrome, Retts Syndrome, or

1 Pervasive Development Disorder.

2 **CHAPTER 33. INSURANCE.**

3 **ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.**

4 **§33-15-22. Required policy coverage for autism spectrum disorder.**

5 (a) Every policy of insurance or insurance plan provided in
6 the provisions of this article which provides coverage for
7 hospital, surgical, or medical care coverage in the State of West
8 Virginia shall include full coverage for early detection, diagnosis
9 and treatment of autism spectrum disorder, including all
10 prevention, early detection, diagnosis and/or treatments and
11 therapies that are approved by the Federal Drug Administration and
12 shall meet the following requirements:

13 (1) Every policy must provide full in-state or in-network
14 coverage for early detection, diagnosis and treatment of autism
15 spectrum disorder notwithstanding that the insured is unable to
16 receive a service, or treatment from an out-of-state provider.

17 (2) The benefits and coverage must be provided to any person
18 diagnosed with autism spectrum disorder under twenty-six years of
19 age.

20 (3) Coverage for behavioral therapy may not exceed a \$50,000
21 maximum benefit per child per year.

22 (4) Coverage shall be provided for up to four visits, or
23 consultations, with a certified nutritionist per year.

24 (5) Treatment approved by the Federal Drug Administration for

1 autism spectrum disorder will be covered by the policy when
2 prescribed by a treating physician or health care provider.

3 (6) All prescription medications for autism spectrum disorder
4 shall be covered by the policy.

5 (7) The policy shall cover medical evaluation and examination
6 for early detection and diagnosis of autism spectrum disorder.

7 (8) Coverage for all medical testing performed on an
8 individual diagnosed with autism spectrum disorder will be provided
9 in full when recommended, or prescribed, by a treating physician or
10 health care provider.

11 (9) No visitation limits may be imposed for occupational,
12 physical and speech therapy.

13 (10) No visitation limits may be imposed for appointments with
14 a treating physician or health care provider.

15 (b) For purposes of this section, "autism spectrum disorder"
16 means one or more or a combination of the following neurobiological
17 conditions: Autism, Asperger Syndrome, Retts Syndrome, or
18 Pervasive Development Disorder.

19 (c) Notwithstanding any provision of this code to the
20 contrary, this section, together with section seven-f, article
21 sixteen, chapter five of this code, section six-e, article sixteen,
22 chapter five of this code, section eighteen, article sixteen,
23 chapter thirty-three and section seventeen, article sixteen,
24 chapter thirty-three of this code is known as and may be

1 collectively cited as "Cameron and Dominic's Law".

2 **ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.**

3 **§33-16-18. Required policy coverage for autism spectrum disorder.**

4 (a) Every policy of insurance or insurance plan provided in
5 the provisions of this article which provides coverage for
6 hospital, surgical, or medical care coverage in the State of West
7 Virginia shall include full coverage for early detection, diagnosis
8 and treatment of autism spectrum disorder, including all
9 prevention, early detection, diagnosis and/or treatments and
10 therapies that are approved by the Federal Drug Administration and
11 shall meet the following requirements:

12 (1) Every policy must provide full in-state or in-network
13 coverage for early detection, diagnosis and treatment of autism
14 spectrum disorder notwithstanding that the insured is unable to
15 receive a service, or treatment from an out-of-state provider.

16 (2) The benefits and coverage must be provided to any person
17 diagnosed with autism spectrum disorder under twenty-six years of
18 age.

19 (3) Coverage for behavioral therapy may not exceed a \$50,000
20 maximum benefit per child per year.

21 (4) Coverage shall be provided for up to four visits, or
22 consultations, with a certified nutritionist per year.

23 (5) Treatment approved by the Federal Drug Administration for
24 autism spectrum disorder will be covered by the policy when

1 prescribed by a treating physician or health care provider.

2 (6) All prescription medications for autism spectrum disorder
3 shall be covered by the policy.

4 (7) The policy shall cover medical evaluation and examination
5 for early detection and diagnosis of autism spectrum disorder.

6 (8) Coverage for all medical testing performed on an
7 individual diagnosed with autism spectrum disorder will be provided
8 in full when recommended, or prescribed, by a treating physician or
9 health care provider.

10 (9) No visitation limits may be imposed for occupational,
11 physical and speech therapy.

12 (10) No visitation limits may be imposed for appointments with
13 a treating physician or health care provider.

14 (b) For purposes of this section, "autism spectrum disorder"
15 means one or more or a combination of the following neurobiological
16 conditions: Autism, Asperger Syndrome, Retts Syndrome, or
17 Pervasive Development Disorder.

18 **ARTICLE 16D. MARKETING AND RATE PRACTICES FOR SMALL EMPLOYER**

19 **ACCIDENT AND SICKNESS INSURANCE POLICIES.**

20 **§33-16D-17. Required policy coverage for autism spectrum**
21 **disorder.**

22 (a) Every policy of insurance or insurance plan provided in
23 the provisions of this article which provides coverage for
24 hospital, surgical, or medical care coverage in the State of West

1 Virginia shall include full coverage for early detection, diagnosis
2 and treatment of autism spectrum disorder, including all
3 prevention, early detection, diagnosis and/or treatments and
4 therapies that are approved by the Federal Drug Administration and
5 shall meet the following requirements:

6 (1) Every policy must provide full in-state or in-network
7 coverage for early detection, diagnosis and treatment of autism
8 spectrum disorder notwithstanding that the insured is unable to
9 receive a service, or treatment from an out-of-state provider.

10 (2) The benefits and coverage must be provided to any person
11 diagnosed with autism spectrum disorder under twenty-six years of
12 age.

13 (3) Coverage for behavioral therapy may not exceed a \$50,000
14 maximum benefit per child per year.

15 (4) Coverage shall be provided for up to four visits, or
16 consultations, with a certified nutritionist per year.

17 (5) Treatment approved by the Federal Drug Administration for
18 autism spectrum disorder will be covered by the policy when
19 prescribed by a treating physician or health care provider.

20 (6) All prescription medications for autism spectrum disorder
21 shall be covered by the policy.

22 (7) The policy shall cover medical evaluation and examination
23 for early detection and diagnosis of autism spectrum disorder.

24 (8) Coverage for all medical testing performed on an

1 individual diagnosed with autism spectrum disorder will be provided
2 in full when recommended, or prescribed, by a treating physician or
3 health care provider.

4 (9) No visitation limits may be imposed for occupational,
5 physical and speech therapy.

6 (10) No visitation limits may be imposed for appointments with
7 a treating physician or health care provider.

8 (b) For purposes of this section, "autism spectrum disorder"
9 means one or more or a combination of the following neurobiological
10 conditions: Autism, Asperger Syndrome, Retts Syndrome, or
11 Pervasive Development Disorder.

NOTE: The purpose of this bill is to provide insurance for the detection and treatment of autism.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.