
SENATE BILL 5059

State of Washington

62nd Legislature

2011 Regular Session

By Senators Murray, Pflug, Brown, Kastama, Rockefeller, Shin, Hobbs, Delvin, Conway, Chase, Regala, Kline, Haugen, Kohl-Welles, Pridemore, Tom, Fraser, White, McAuliffe, and Kilmer

Read first time 01/12/11. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to insurance coverage for autism spectrum
2 disorders; adding a new section to chapter 41.05 RCW; adding a new
3 section to chapter 48.43 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** This act may be known and cited as Shayan's
6 law, an act extending coverage for autism spectrum disorders.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW
8 to read as follows:

9 (1) As used in this section:

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

16 (b) "Autism services provider" means any licensed or certified
17 person, entity, or group providing treatment for autism spectrum
18 disorders.

1 (c) "Autism spectrum disorders" means any of the pervasive
2 developmental disorders as defined by the most recent edition of the
3 diagnostic and statistical manual of mental disorders, including
4 autistic disorder, Asperger's disorder, and pervasive developmental
5 disorder not otherwise specified.

6 (d) "Diagnosis of autism spectrum disorders" means medically
7 necessary assessments, evaluations, or tests to diagnose whether an
8 individual has one of the autism spectrum disorders.

9 (e) "Habilitative or rehabilitative care" means professional,
10 counseling, and guidance services and treatment programs, including
11 applied behavior analysis, that are necessary to develop, maintain, and
12 restore, to the maximum extent practicable, the functioning of an
13 individual.

14 (f) "Medically necessary" means reasonably expected to do any of
15 the following:

16 (i) Prevent the onset of an illness, condition, injury, or
17 disability;

18 (ii) Reduce or ameliorate the physical, mental, or developmental
19 effects of an illness, condition, injury, or disability; or

20 (iii) Assist to achieve or maintain maximum functional capacity in
21 performing daily activities, taking into account both the functional
22 capacity of the individual and the functional capacities that are
23 appropriate for individuals of the same age.

24 (g) "Pharmacy care" means medications prescribed by a licensed
25 physician and any health-related services deemed medically necessary to
26 determine the need or effectiveness of the medications.

27 (h) "Psychiatric care" means direct or consultative services
28 provided by a psychiatrist licensed in the state in which the
29 psychiatrist practices.

30 (i) "Psychological care" means direct or consultative services
31 provided by a psychologist licensed in the state in which the
32 psychologist practices.

33 (j) "Therapeutic care" means direct or consultative services
34 provided by a speech therapist, occupational therapist, or physical
35 therapist licensed or certified in the state in which the therapist
36 practices.

37 (k) "Treatment of autism spectrum disorders" means care and

1 equipment prescribed or ordered by a licensed physician or licensed
2 psychologist who determines the care to be medically necessary,
3 including, but not limited to:

4 (i) Behavioral health treatment;

5 (ii) Pharmacy care;

6 (iii) Psychiatric care;

7 (iv) Psychological care;

8 (v) Therapeutic care;

9 (vi) Any care for individuals with autism spectrum disorders that
10 is demonstrated, based upon best practices or evidence-based research,
11 to be medically necessary.

12 (1) "Treatment plan" means a plan for the treatment of autism
13 spectrum disorders developed by a licensed physician or licensed
14 psychologist pursuant to a comprehensive evaluation or reevaluation
15 performed in a manner consistent with the most recent clinical report
16 or recommendations of the American academy of pediatrics.

17 (2) Each health plan offered to public employees and their covered
18 dependents under this chapter which is not subject to the provisions of
19 Title 48 RCW must include coverage for the diagnosis of autism spectrum
20 disorders and treatment of autism spectrum disorders. To the extent
21 that the diagnosis of autism spectrum disorders and the treatment of
22 autism spectrum disorders are not already covered by a health insurance
23 policy, coverage under this section must be included in health
24 insurance policies that are delivered, executed, issued, amended,
25 adjusted, or renewed on or after the effective date of this section.
26 No insurer can terminate coverage, or refuse to deliver, execute,
27 issue, amend, adjust, or renew coverage to an individual solely because
28 the individual is diagnosed with one of the autism spectrum disorders
29 or has received treatment for autism spectrum disorders.

30 (3) Coverage under this section is not subject to any limits on the
31 number of visits an individual may make to an autism services provider.

32 (4) Coverage under this section may not be denied on the basis that
33 the treatment is nonrestorative, educational, or custodial in nature.

34 (5) Coverage under this section may be subject to copayment,
35 deductible, and coinsurance provisions of a health insurance policy to
36 the extent that other medical services covered by the health insurance
37 policy are subject to these provisions.

1 (6) This section may not be construed as limiting benefits that are
2 otherwise available to an individual under a health insurance policy,
3 including benefits available under RCW 48.21.241, 48.44.341, and
4 48.46.291.

5 (7) Except for inpatient services, if an individual is receiving
6 treatment for autism spectrum disorders, an insurer has the right to
7 request a review of that treatment not more than once every twelve
8 months unless the insurer and the individual's licensed physician or
9 licensed psychologist agree, on an individual basis, that a more
10 frequent review is necessary. The cost of obtaining any review must be
11 borne by the insurer.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 48.43 RCW
13 to read as follows:

14 (1) As used in this section:

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

21 (b) "Autism services provider" means any licensed or certified
22 person, entity, or group providing treatment for autism spectrum
23 disorders.

24 (c) "Autism spectrum disorders" means any of the pervasive
25 developmental disorders as defined by the most recent edition of the
26 diagnostic and statistical manual of mental disorders, including
27 autistic disorder, Asperger's disorder, and pervasive developmental
28 disorder not otherwise specified.

29 (d) "Diagnosis of autism spectrum disorders" means medically
30 necessary assessments, evaluations, or tests to diagnose whether an
31 individual has one of the autism spectrum disorders.

32 (e) "Habilitative or rehabilitative care" means professional,
33 counseling, and guidance services and treatment programs, including
34 applied behavior analysis, that are necessary to develop, maintain, and
35 restore, to the maximum extent practicable, the functioning of an
36 individual.

1 (f) "Medically necessary" means reasonably expected to do any of
2 the following:

3 (i) Prevent the onset of an illness, condition, injury, or
4 disability;

5 (ii) Reduce or ameliorate the physical, mental, or developmental
6 effects of an illness, condition, injury, or disability; or

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

11 (g) "Pharmacy care" means medications prescribed by a licensed
12 physician and any health-related services deemed medically necessary to
13 determine the need or effectiveness of the medications.

14 (h) "Psychiatric care" means direct or consultative services
15 provided by a psychiatrist licensed in the state in which the
16 psychiatrist practices.

17 (i) "Psychological care" means direct or consultative services
18 provided by a psychologist licensed in the state in which the
19 psychologist practices.

20 (j) "Therapeutic care" means direct or consultative services
21 provided by a speech therapist, occupational therapist, or physical
22 therapist licensed or certified in the state in which the therapist
23 practices.

24 (k) "Treatment of autism spectrum disorders" means care and
25 equipment prescribed or ordered by a licensed physician or licensed
26 psychologist who determines the care to be medically necessary,
27 including, but not limited to:

28 (i) Behavioral health treatment;

29 (ii) Pharmacy care;

30 (iii) Psychiatric care;

31 (iv) Psychological care;

32 (v) Therapeutic care;

33 (vi) Any care for individuals with autism spectrum disorders that
34 is demonstrated, based upon best practices or evidence-based research,
35 to be medically necessary.

36 (l) "Treatment plan" means a plan for the treatment of autism
37 spectrum disorders developed by a licensed physician or licensed

1 psychologist pursuant to a comprehensive evaluation or reevaluation
2 performed in a manner consistent with the most recent clinical report
3 or recommendations of the American academy of pediatrics.

4 (2) Each health plan offered to the public under chapter 48.21,
5 48.44, or 48.46 RCW must include coverage for the diagnosis of autism
6 spectrum disorders and treatment of autism spectrum disorders. To the
7 extent that the diagnosis of autism spectrum disorders and the
8 treatment of autism spectrum disorders are not already covered by a
9 health insurance policy, coverage under this section must be included
10 in health insurance policies that are delivered, executed, issued,
11 amended, adjusted, or renewed on or after the effective date of this
12 section. No insurer can terminate coverage, or refuse to deliver,
13 execute, issue, amend, adjust, or renew coverage to an individual
14 solely because the individual is diagnosed with one of the autism
15 spectrum disorders or has received treatment for autism spectrum
16 disorders.

17 (3) Coverage under this section is not subject to any limits on the
18 number of visits an individual may make to an autism services provider.

19 (4) Coverage under this section may not be denied on the basis that
20 the treatment is nonrestorative, educational, or custodial in nature.

21 (5) Coverage under this section may be subject to copayment,
22 deductible, and coinsurance provisions of a health insurance policy to
23 the extent that other medical services covered by the health insurance
24 policy are subject to these provisions.

25 (6) This section may not be construed as limiting benefits that are
26 otherwise available to an individual under a health insurance policy,
27 including benefits available under RCW 48.21.241, 48.44.341, and
28 48.46.291.

29 (7) Except for inpatient services, if an individual is receiving
30 treatment for autism spectrum disorders, an insurer has the right to
31 request a review of that treatment not more than once every twelve
32 months unless the insurer and the individual's licensed physician or
33 licensed psychologist agree, on an individual basis, that a more
34 frequent review is necessary. The cost of obtaining any review must be
35 borne by the insurer.

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