

**ASSEMBLY, No. 999**

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**STATE OF NEW JERSEY**

**212th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Assemblyman LOUIS M. MANZO**

**District 31 (Hudson)**

**Assemblywoman JOAN M. VOSS**

**District 38 (Bergen)**

**Co-Sponsored by:**

**Assemblymen Blee and Diegnan**

**SYNOPSIS**

Requires health benefits coverage for certain therapies and applied behavioral analysis for the treatment of certain autism disorders.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 6/20/2006)**

1 AN ACT concerning health benefits coverage for certain therapies  
2 and applied behavioral analysis for the treatment of certain  
3 autism disorders and supplementing various parts of the statutory  
4 law.

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

8

9 1. Notwithstanding any other provision of law to the contrary,  
10 every individual and group hospital service corporation contract  
11 that provides hospital and medical expense benefits and is  
12 delivered, issued, executed or renewed in this State pursuant to  
13 P.L.1938, c.366 (C.17:48-1 et seq.), or approved for issuance or  
14 renewal in this State by the Commissioner of Banking and  
15 Insurance, on or after the effective date of this act, shall, when the  
16 covered person's primary diagnosis is Autistic Disorder, Childhood  
17 Disintegrative Disorder, Asperger's Disorder, Pervasive  
18 Developmental Disorder - Not Otherwise Specified or Rhett's  
19 Syndrome, provide coverage for expenses incurred for the  
20 following treatments when prescribed as medically necessary by the  
21 covered person's physician: physical therapy; speech therapy;  
22 occupational therapy; and behavioral interventions based on the  
23 principles of applied behavioral analysis and related structured  
24 behavioral programs.

25 The benefits shall be provided to the same extent as for any other  
26 medical condition under the contract.

27 The provisions of this section shall apply to all contracts in  
28 which the hospital service corporation has reserved the right to  
29 change the premium.

30

31 2. Notwithstanding any other provision of law to the contrary,  
32 every individual and group medical service corporation contract  
33 that provides hospital and medical expense benefits and is  
34 delivered, issued, executed or renewed in this State pursuant to  
35 P.L.1940, c.74 (C.17:48A-1 et seq.), or approved for issuance or  
36 renewal in this State by the Commissioner of Banking and  
37 Insurance, on or after the effective date of this act, shall, when the  
38 covered person's primary diagnosis is Autistic Disorder, Childhood  
39 Disintegrative Disorder, Asperger's Disorder, Pervasive  
40 Developmental Disorder - Not Otherwise Specified or Rhett's  
41 Syndrome, provide coverage for expenses incurred for the  
42 following treatments when prescribed as medically necessary by the  
43 covered person's physician: physical therapy; speech therapy;  
44 occupational therapy; and behavioral interventions based on the  
45 principles of applied behavioral analysis and related structured  
46 behavioral programs.

47 The benefits shall be provided to the same extent as for any other  
48 medical condition under the contract.

1 The provisions of this section shall apply to all contracts in  
2 which the medical service corporation has reserved the right to  
3 change the premium.

4  
5 3. Notwithstanding any other provision of law to the contrary,  
6 every individual and group health service corporation contract that  
7 provides hospital and medical expense benefits and is delivered,  
8 issued, executed or renewed in this State pursuant to P.L.1985,  
9 c.236 (C.17:48E-1 et seq.), or approved for issuance or renewal in  
10 this State by the Commissioner of Banking and Insurance, on or  
11 after the effective date of this act, shall, when the covered person's  
12 primary diagnosis is Autistic Disorder, Childhood Disintegrative  
13 Disorder, Asperger's Disorder, Pervasive Developmental Disorder -  
14 Not Otherwise Specified or Rhetts Syndrome, provide coverage for  
15 expenses incurred for the following treatments when prescribed as  
16 medically necessary by the covered person's physician: physical  
17 therapy; speech therapy; occupational therapy; and behavioral  
18 interventions based on the principles of applied behavioral analysis  
19 and related structured behavioral programs.

20 The benefits shall be provided to the same extent as for any other  
21 medical condition under the contract.

22 The provisions of this section shall apply to all contracts in  
23 which the health service corporation has reserved the right to  
24 change the premium.

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26 4. Notwithstanding any other provision of law to the contrary,  
27 every individual health insurance policy that provides hospital and  
28 medical expense benefits and is delivered, issued, executed or  
29 renewed in this State pursuant to chapter 26 of Title 17B of the New  
30 Jersey Statutes, or approved for issuance or renewal in this State by  
31 the Commissioner of Banking and Insurance, on or after the  
32 effective date of this act, shall, when the covered person's primary  
33 diagnosis is Autistic Disorder, Childhood Disintegrative Disorder,  
34 Asperger's Disorder, Pervasive Developmental Disorder - Not  
35 Otherwise Specified or Rhetts Syndrome, provide coverage for  
36 expenses incurred for the following treatments when prescribed as  
37 medically necessary by the covered person's physician: physical  
38 therapy; speech therapy; occupational therapy; and behavioral  
39 interventions based on the principles of applied behavioral analysis  
40 and related structured behavioral programs.

41 The benefits shall be provided to the same extent as for any other  
42 medical condition under the policy.

43 The provisions of this section shall apply to all policies in which  
44 the insurer has reserved the right to change the premium.

45  
46 5. Notwithstanding any other provision of law to the contrary,  
47 every group health insurance policy that provides hospital and  
48 medical expense benefits and is delivered, issued, executed or

1 renewed in this State pursuant to chapter 27 of Title 17B of the New  
2 Jersey Statutes, or approved for issuance or renewal in this State by  
3 the Commissioner of Banking and Insurance, on or after the  
4 effective date of this act, shall, when the covered person's primary  
5 diagnosis is Autistic Disorder, Childhood Disintegrative Disorder,  
6 Asperger's Disorder, Pervasive Developmental Disorder - Not  
7 Otherwise Specified or Rhetts Syndrome, provide coverage for  
8 expenses incurred for the following treatments when prescribed as  
9 medically necessary by the covered person's physician: physical  
10 therapy; speech therapy; occupational therapy; and behavioral  
11 interventions based on the principles of applied behavioral analysis  
12 and related structured behavioral programs.

13 The benefits shall be provided to the same extent as for any other  
14 medical condition under the policy.

15 The provisions of this section shall apply to all policies in which  
16 the insurer has reserved the right to change the premium.

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18 6. Notwithstanding any other provision of law to the contrary,  
19 an individual health benefits plan that provides hospital and medical  
20 expense benefits and is delivered, issued, executed or renewed in  
21 this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.), or  
22 approved for issuance or renewal in this State by the Commissioner  
23 of Banking and Insurance, on or after the effective date of this act,  
24 shall, when the covered person's primary diagnosis is Autistic  
25 Disorder, Childhood Disintegrative Disorder, Asperger's Disorder,  
26 Pervasive Developmental Disorder - Not Otherwise Specified or  
27 Rhetts Syndrome, provide coverage for expenses incurred for the  
28 following treatments when prescribed as medically necessary by the  
29 covered person's physician: physical therapy; speech therapy;  
30 occupational therapy; and behavioral interventions based on the  
31 principles of applied behavioral analysis and related structured  
32 behavioral programs.

33 The benefits shall be provided to the same extent as for any other  
34 medical condition under the health benefits plan.

35 The provisions of this section shall apply to those health benefits  
36 plans in which the carrier has reserved the right to change the  
37 premium.

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39 7. Notwithstanding any other provision of law to the contrary, a  
40 small employer health benefits plan that provides hospital and  
41 medical expense benefits and is delivered, issued, executed or  
42 renewed in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et  
43 seq.), or approved for issuance or renewal in this State by the  
44 Commissioner of Banking and Insurance, on or after the effective  
45 date of this act, shall, when the covered person's primary diagnosis  
46 is Autistic Disorder, Childhood Disintegrative Disorder, Asperger's  
47 Disorder, Pervasive Developmental Disorder - Not Otherwise  
48 Specified or Rhetts Syndrome, provide coverage for expenses

1 incurred for the following treatments when prescribed as medically  
2 necessary by the covered person's physician: physical therapy;  
3 speech therapy; occupational therapy; and behavioral interventions  
4 based on the principles of applied behavioral analysis and related  
5 structured behavioral programs.

6 The benefits shall be provided to the same extent as for any other  
7 medical condition under the health benefits plan.

8 The provisions of this section shall apply to those health benefits  
9 plans in which the carrier has reserved the right to change the  
10 premium.

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12 8. Notwithstanding any other provision of law to the contrary, a  
13 health maintenance organization enrollee agreement that provides  
14 health care services and is delivered, issued, executed or renewed in  
15 this State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), or  
16 approved for issuance or renewal in this State by the Commissioner  
17 of Health and Senior Services, on or after the effective date of this  
18 act, shall, when the covered person's primary diagnosis is Autistic  
19 Disorder, Childhood Disintegrative Disorder, Asperger's Disorder,  
20 Pervasive Developmental Disorder - Not Otherwise Specified or  
21 Rhetts Syndrome, provide coverage for expenses incurred for the  
22 following treatments when prescribed as medically necessary by the  
23 covered person's physician: physical therapy; speech therapy;  
24 occupational therapy; and behavioral interventions based on the  
25 principles of applied behavioral analysis and related structured  
26 behavioral programs.

27 The health care services shall be provided to the same extent as  
28 for any other medical condition under the enrollee agreement.

29 The provisions of this section shall apply to those enrollee  
30 agreements in which the health maintenance organization has  
31 reserved the right to change the premium.

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33 9. Notwithstanding any other provision of law to the contrary,  
34 the State Health Benefits Commission shall, when the covered  
35 person's primary diagnosis is Autistic Disorder, Childhood  
36 Disintegrative Disorder, Asperger's Disorder, Pervasive  
37 Developmental Disorder - Not Otherwise Specified or Rhetts  
38 Syndrome, provide coverage for expenses incurred for the  
39 following treatments when prescribed as medically necessary by the  
40 covered person's physician: physical therapy; speech therapy;  
41 occupational therapy; and behavioral interventions based on the  
42 principles of applied behavioral analysis and related structured  
43 behavioral programs.

44 These benefits shall be provided to the same extent as for any  
45 other medical condition under the program.

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47 10. This act shall take effect on the 90th day after enactment.

STATEMENT

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This bill requires health insurers to provide health benefits coverage for expenses incurred for certain treatments when prescribed as medically necessary by the covered person's physician upon a diagnosis of autism. When the covered person's primary diagnosis is Autistic Disorder, Childhood Disintegrative Disorder, Asperger's Disorder, Pervasive Developmental Disorder - Not Otherwise Specified or Rhett's Syndrome, the covered treatments would include: physical therapy; speech therapy; occupational therapy; and behavioral interventions based on the principles of applied behavioral analysis and related structured behavioral programs. Insurers covered by the bill include: health, hospital and medical service corporations; commercial individual and group health insurers; health maintenance organizations; health benefits plans issued pursuant to the New Jersey Individual Health Coverage and Small Employer Health Benefits Programs; and the State Health Benefits Program.