

Amendment No. 699

Senate Amendment to Assembly Bill No. 162 First Reprint (BDR 57-44)

Proposed by: Senate Committee on Commerce and Labor

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of A.B. 162 (§ 14.5).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold dashed underlining is newly added transitory language.

DP/WLK



Date: 5/16/2009

A.B. No. 162—Requires certain policies of health insurance and health care plans to provide coverage for screening for and treatment of autism.
(BDR 57-44)



ASSEMBLY BILL NO. 162—ASSEMBLYMEN OHRENSCHALL, BUCKLEY, LESLIE, WOODBURY, CONKLIN; AIZLEY, ANDERSON, ARBERRY, ATKINSON, BOBZIEN, CARPENTER, CHRISTENSEN, CLABORN, DENIS, DONDERO LOOP, GOICOECHEA, GRADY, HAMBRICK, HARDY, HOGAN, HORNE, KIHUEN, KIRKPATRICK, KOIVISTO, MANENDO, MASTROLUCA, MCCLAIN, MORTENSON, MUNFORD, OCEGUERA, PARNELL, PIERCE, SEGERBLOM, SMITH AND STEWART

FEBRUARY 12, 2009

JOINT SPONSORS: SENATORS HORSFORD, SCHNEIDER, LEE, WIENER, TOWNSEND; AMODEI, BREEDEN, CARE, CARLTON, COFFIN, COPENING, NOLAN, PARKS, RHOADS AND WOODHOUSE

Referred to Committee on Commerce and Labor

SUMMARY—Requires certain policies of health insurance and health care plans to provide coverage for screening for and treatment of autism. (BDR 57-44)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to insurance; requiring certain policies of health insurance and health care plans to provide an option of coverage for screening for and treatment of autism; authorizing the Board of Psychological Examiners to license behavior analysts and **assistant behavior analysts and to certify** autism behavior ~~(therapists)~~ **interventionists; increasing the size of the Board of Psychological Examiners from five members to seven members;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain public and private health care plans and policies of insurance to provide coverage for certain procedures, including colorectal cancer screenings, cytological screening tests and mammograms, in certain circumstances. (NRS 287.027, 287.04335, 689A.04042, 689A.0405, 689B.0367, 689B.0374, 695B.1907, 695B.1912, 695C.1731, 695C.1735, 695G.168) Existing law also requires employers to provide certain benefits to employees, including coverage for the procedures required to be covered by insurers, if the employer provides health benefits for its employees. (NRS 608.1555) **Sections 1-8.5** of this bill require certain health care plans and policies of insurance to also provide an option **or a requirement, as applicable,** of coverage for the screening for, including the diagnosis of, and the treatment of autism spectrum disorders in certain circumstances.

Sections 12 ~~and 13~~, 12.4 and 12.7-14.5 of this bill provide for the licensure of behavior analysts and assistant behavior analysts and the certification of autism behavior ~~therapists~~ interventionists by the Board of Psychological Examiners.

Sections 12.5 and 12.6 of this bill increase the size of the Board of Psychological Examiners from five members to seven members, adding one member who is a licensed behavior analyst and one member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care.

The provisions of this bill apply prospectively to any policy of insurance or health care plan issued or renewed on or after January 1, 2011.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health benefit plan must provide an option of coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders for persons covered by the policy under the age of 18 or, if enrolled in high school, ~~tender~~ until the person reaches the age of ~~21~~ 22.

2. Optional coverage provided pursuant to this section must be subject to:

(a) A maximum benefit of not less than \$36,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. ~~[An insurer]~~ A health benefit plan that offers or issues a policy of health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for optional coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary rehabilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavior therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

↳ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

7. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst ~~for a licensed autism behavior therapist providing services under the supervision of a licensed behavior analyst,~~ licensed assistant behavior analyst or certified autism behavior interventionist.

(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~(f)~~ (f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

~~(g)~~ (g) "Licensed ~~autism~~ assistant behavior ~~therapist~~ analyst" means a person who ~~is~~ holds current certification or meets the standards to be certified as ~~an autism~~ a board certified assistant behavior ~~therapist~~ analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst ~~or~~ or psychologist.

~~(h)~~ (h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and who is licensed as a behavior analyst by the Board of Psychological Examiners.

~~(i)~~ (i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

~~(j)~~ (j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~(k)~~ (k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

~~(4)~~ (l) “Screening for autism spectrum disorders” means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

~~(4)~~ (m) “Therapeutic care” means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

~~(4)~~ (n) “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and ~~is~~ may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~H~~, and section 1 of this act.

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the policy of group health insurance under the age of 18 or, if enrolled in high school, ~~under~~ until the person reaches the age of ~~21~~ 22.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of \$36,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a policy of group health insurance ~~policy~~ to the same extent as other medical services or prescription drugs covered by the policy.

3. ~~An insurer~~ A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as provided in subsections 1 and 2, an insurer shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavior therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

↪ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsections 1 or 2 is void.

7. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst for a licensed autism behavior therapist providing services under the supervision of a licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist.

(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~(e)~~ (f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

~~(f)~~ (g) "Licensed ~~autism~~ assistant behavior ~~therapist~~ analyst" means a person who ~~has~~ holds current certification or meets the standards to be certified as ~~an autism~~ a board certified assistant behavior ~~therapist~~ analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst ~~or~~ or psychologist.

~~(g)~~ (h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

~~(h)~~ (i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

~~(j)~~ (j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~(k)~~ (k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

~~(l)~~ (l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

~~(m)~~ (m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

~~(n)~~ (n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and ~~is~~ may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 3.5. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the ~~policy of group~~ health ~~insurance~~ benefit plan under the age of 18 or, if enrolled in high school, ~~under~~ until the person reaches the age of 21 or 22.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of \$36,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health ~~insurance policy~~ benefit plan to the same extent as other medical services or prescription drugs covered by the ~~policy~~ plan.

3. ~~An insurer~~ A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the ~~policy~~ plan; or

(b) Refuse to issue a ~~policy of group~~ health ~~insurance~~ benefit plan or cancel a ~~policy of group~~ health ~~insurance~~ benefit plan solely because the person applying for or covered by the ~~policy~~ plan uses or may use in the future any of the services listed in subsection 1.

4. Except as provided in subsections 1 and 2, ~~an insurer~~ a carrier shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavior therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

↪ ~~An insurer~~ A carrier may request a copy of and review a treatment plan created pursuant to this subsection.

6. A ~~policy~~ health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the ~~policy~~ plan or the renewal which is in conflict with subsections 1 or 2 is void.

7. Nothing in this section shall be construed as requiring ~~an insurer~~ a carrier to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst ~~for a licensed autism behavior therapist providing services under the supervision of a licensed behavior analyst,~~ licensed assistant behavior analyst or certified autism behavior interventionist.

(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~(e)~~ (f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

~~(f)~~ (g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

~~(g)~~ "Licensed autism behavior therapist" means a person who is certified as an autism behavior therapist by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst.

~~---(k)---~~ (i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

~~---(j)---~~ (j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~---(i)---~~ (k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

~~---(k)---~~ (l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

~~---(m)---~~ (m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

~~---(n)---~~ (n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and ~~---may be---~~ developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health care plan issued by a health maintenance organization must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 or, if enrolled in high school, ~~under~~ until the person reaches the age of ~~21~~ 22.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of \$36,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health ~~insurance policy~~ care plan to the same extent as other medical services or prescription drugs covered by the ~~policy~~ plan.

3. A health care plan issued by a health maintenance organization that provides coverage for outpatient care shall not:

(a) Require an ~~insured~~ enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as provided in subsections 1 and 2, a health maintenance organization shall not limit the number of visits an ~~insured~~ enrollee may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavior therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

1 ~~↳ An insurer.~~ A health maintenance organization may request a copy of and
2 review a treatment plan created pursuant to this subsection.

3 6. Evidence of coverage subject to the provisions of this chapter that is
4 delivered, issued for delivery or renewed on or after January 1, 2011, has the
5 legal effect of including the coverage required by subsection 1, and any provision
6 of the evidence of coverage or the renewal which is in conflict with subsections 1
7 or 2 is void.

8 7. Nothing in this section shall be construed as requiring ~~an insurer~~ a
9 health maintenance organization to provide reimbursement to an early
10 intervention agency or school for services delivered through early intervention or
11 school services.

12 8. As used in this section:

13 (a) "Applied behavior analysis" means the design, implementation and
14 evaluation of environmental modifications using behavioral stimuli and
15 consequences to produce socially significant improvement in human behavior,
16 including, without limitation, the use of direct observation, measurement and
17 functional analysis of the relations between environment and behavior.

18 (b) "Autism spectrum disorders" means a neurobiological medical condition
19 including, without limitation, autistic disorder, Asperger's Disorder and
20 Pervasive Developmental Disorder Not Otherwise Specified.

21 (c) "Behavioral therapy" means any interactive therapy derived from
22 evidence-based research, including, without limitation, discrete trial training,
23 early intensive behavioral intervention, intensive intervention programs, pivotal
24 response training and verbal behavior provided by a licensed psychologist,
25 licensed behavior analyst ~~for a licensed autism behavior therapist providing~~
26 ~~services under the supervision of a licensed behavior analyst,~~ licensed assistant
27 behavior analyst or certified autism behavior interventionist.

28 (d) "Certified autism behavior interventionist" means a person who is
29 certified as an autism behavior interventionist by the Board of Psychological
30 Examiners and who provides behavior therapy under the supervision of:

31 (1) A licensed psychologist;

32 (2) A licensed behavior analyst; or

33 (3) A licensed assistant behavior analyst.

34 (e) "Evidence-based research" means research that applies rigorous,
35 systematic and objective procedures to obtain valid knowledge relevant to autism
36 spectrum disorders.

37 ~~(e-1)~~ (f) "Habilitative or rehabilitative care" means counseling, guidance
38 and professional services and treatment programs, including, without limitation,
39 applied behavior analysis, that are necessary to develop, maintain and restore, to
40 the maximum extent practicable, the functioning of a person.

41 ~~(f-1)~~ (g) "Licensed ~~autism~~ assistant behavior ~~therapist~~ analyst" means a
42 person who ~~has~~ holds current certification or meets the standards to be certified
43 as ~~an autism~~ a board certified assistant behavior ~~therapist~~ analyst issued by
44 the Behavior Analyst Certification Board, Inc., or any successor in interest to
45 that organization, who is licensed as an assistant behavior analyst by the Board
46 of Psychological Examiners and who provides behavioral therapy under the
47 supervision of a licensed behavior analyst ~~or~~ or psychologist.

48 ~~(g-1)~~ (h) "Licensed behavior analyst" means a person who holds current
49 certification or meets the standards to be certified as a board certified behavior
50 analyst or a board certified assistant behavior analyst issued by the Behavior
51 Analyst Certification Board, Inc., or any successor in interest to that organization
52 and who is licensed as a behavior analyst by the Board of Psychological
53 Examiners.

~~(i)~~ (i) “Prescription care” means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

~~(j)~~ (j) “Psychiatric care” means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~(k)~~ (k) “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

~~(l)~~ (l) “Screening for autism spectrum disorders” means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

~~(m)~~ (m) “Therapeutic care” means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

~~(n)~~ (n) “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 6. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.200, inclusive, and section 5 of this act, 695C.250 and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children’s Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 7. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if he finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 5 of this act*, or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The State Board of Health certifies to the Commissioner that the health maintenance organization:

(1) Does not meet the requirements of subsection 2 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of final adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as he may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 8. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health care plan issued by a managed care organization for group coverage must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons

covered by the health care plan under the age of 18 or, if enrolled in high school, ~~under~~ until the person reaches the age of ~~21~~ 22.

2. A health care plan issued by a managed care organization for individual coverage must provide an option for coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 or, if enrolled in high school, until the person reaches the age of 22.

3. Coverage provided under this section is subject to:

(a) A maximum benefit of \$36,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health ~~insurance policy~~ care plan to the same extent as other medical services or prescription drugs covered by the ~~policy~~ plan.

~~3~~ 4. A managed care organization that offers or issues a health care plan which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

~~4~~ 5. Except as provided in subsections 1 ~~and 2~~, 2 and 3, a managed care organization shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

~~5~~ 6. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavior therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

→ ~~An insurer~~ A managed care organization may request a copy of and review a treatment plan created pursuant to this subsection.

~~6~~ 7. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsections 1 or ~~2~~ 3 is void.

~~7~~ 8. Nothing in this section shall be construed as requiring ~~an insurer~~ a managed care organization to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

~~8~~ 9. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst ~~for a licensed autism behavior therapist providing services under the supervision of a licensed behavior analyst,~~ licensed assistant behavior analyst or certified autism behavior interventionist.

(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~(f)~~ (f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

~~(g)~~ (g) "Licensed ~~autism~~ assistant behavior ~~therapist~~ analyst" means a person who ~~is~~ holds current certification or meets the standards to be certified as ~~an autism~~ a board certified assistant behavior ~~therapist~~ analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst ~~or psychologist.~~

~~(h)~~ (h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

~~(i)~~ (i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

~~(j)~~ (j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~(k)~~ (k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

~~(l)~~ (l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

~~(m)~~ (m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

~~(n)~~ (n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and ~~may be~~ developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

1 **Sec. 8.5.** NRS 695G.090 is hereby amended to read as follows:

2 695G.090 1. Except as otherwise provided in subsection 3, the provisions of
3 this chapter apply to each organization and insurer that operates as a managed care
4 organization and may include, without limitation, an insurer that issues a policy of
5 health insurance, an insurer that issues a policy of individual or group health
6 insurance, a carrier serving small employers, a fraternal benefit society, a hospital
7 or medical service corporation and a health maintenance organization.

8 2. In addition to the provisions of this chapter, each managed care
9 organization shall comply with:

10 (a) The provisions of chapter 686A of NRS, including all obligations and
11 remedies set forth therein; and

12 (b) Any other applicable provision of this title.

13 3. The provisions of NRS 695G.164, 695G.200 to 695G.230, inclusive, ~~and~~
14 695G.430 *and section 8 of this act* do not apply to a managed care organization
15 that provides health care services to recipients of Medicaid under the State Plan for
16 Medicaid or insurance pursuant to the Children's Health Insurance Program
17 pursuant to a contract with the Division of Health Care Financing and Policy of the
18 Department of Health and Human Services. This subsection does not exempt a
19 managed care organization from any provision of this chapter for services provided
20 pursuant to any other contract.

21 **Sec. 9.** (Deleted by amendment.)

22 **Sec. 10.** (Deleted by amendment.)

23 **Sec. 11.** (Deleted by amendment.)

24 **Sec. 12.** Chapter 641 of NRS is hereby amended by adding thereto ~~a new~~
25 ~~section to read~~ the provisions set forth as follows: sections 12.1, 12.2 and 12.3
26 of this act.

27 **Sec. 12.1. 1. Each application for certification as an autism behavior**
28 ***interventionist must be accompanied by evidence satisfactory to the Board that***
29 ***the applicant:***

30 (a) Is at least 18 years of age.

31 (b) Is of good moral character as determined by the Board.

32 (c) Is a citizen of the United States, or is lawfully entitled to remain and work
33 *in the United States.*

34 (d) Has completed satisfactorily a written examination in Nevada law and
35 *ethical practice as administered by the Board.*

36 **2. Within 120 days after receiving an application and the accompanying**
37 ***evidence from an applicant, the Board shall:***

38 (a) Evaluate the application and accompanying evidence and determine
39 *whether the applicant is qualified pursuant to this section for certification as an*
40 *autism behavior interventionist; and*

41 (b) Issue a written statement to the applicant of its determination.

42 **3. If the Board determines that the qualifications of the applicant are**
43 ***insufficient for certification, the written statement issued to the applicant***
44 ***pursuant to subsection 2 must include a detailed explanation of the reasons for***
45 ***that determination.***

46 **Sec. 12.2. The Board shall adopt regulations that establish the grounds for**
47 ***disciplinary action for a licensed behavior analyst, licensed assistant behavior***
48 ***analyst or certified autism behavior*** ~~therapist~~ ***interventionist.***

49 **Sec. 12.3. 1. A licensed assistant behavior analyst shall not provide or**
50 ***supervise behavior therapy except under the supervision of:***

51 (a) A licensed psychologist; or

52 (b) A licensed behavior analyst.

2. A certified autism behavior interventionist shall not provide behavior therapy except under the supervision of:

(a) A licensed psychologist;

(b) A licensed behavior analyst; or

(c) A licensed assistant behavior analyst.

Sec. 12.4. NRS 641.020 is hereby amended to read as follows:

641.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in section 1 of this act and NRS 641.021 to 641.027, inclusive, have the meanings ascribed to them in those sections.

Sec. 12.5. NRS 641.030 is hereby amended to read as follows:

641.030 The Board of Psychological Examiners, consisting of ~~five~~ seven members appointed by the Governor, is hereby created.

Sec. 12.6. NRS 641.040 is hereby amended to read as follows:

641.040 1. The Governor shall appoint to the Board:

(a) Four members who are licensed psychologists in the State of Nevada with at least 5 years of experience in the practice of psychology after being licensed.

(b) One member who is a licensed behavior analyst in the State of Nevada.

(c) One member who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care.

(d) One member who is a representative of the general public.

2. A person is not eligible for appointment unless he is:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada.

3. The member who is a representative of the general public:

(a) Shall not participate in preparing, conducting or grading any examination required by the Board.

(b) Must not be a psychologist, an applicant or former applicant for licensure as a psychologist, a member of a health profession, the spouse or the parent or child, by blood, marriage or adoption, of a psychologist, or a member of a household that includes a psychologist.

4. Board members must not have any conflicts of interest or the appearance of such conflicts in the performance of their duties as members of the Board.

Sec. 12.7. NRS 641.100 is hereby amended to read as follows:

641.100 The Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination, ~~and~~ licensure and certification of applicants, the granting, refusal, revocation or suspension of licenses ~~and~~ and certificates and the practice of psychology.

Sec. 12.8. NRS 641.110 is hereby amended to read as follows:

641.110 The Board may, under the provisions of this chapter:

1. Examine and pass upon the qualifications of the applicants for licensure ~~and~~ and certification.

2. License and certify qualified applicants.

3. Revoke or suspend licenses ~~and~~ and certificates.

4. Collect all fees and make disbursements pursuant to this chapter.

Sec. 13. NRS 641.170 is hereby amended to read as follows:

641.170 1. Each application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.

(e) Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. *Each application for licensure as a behavior analyst ~~for autism behavior therapist~~ must be accompanied by evidence satisfactory to the Board that the applicant:*

(a) *Is at least 21 years of age.*

(b) *Is of good moral character as determined by the Board.*

(c) *Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.*

(d) *Has earned a master's degree from an accredited college or university in a field of social science or special education approved by the Board.*

(e) *Has completed other education, ~~for~~ training or experience in accordance with the requirements established by regulations of the Board.*

(f) *Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.*

3. *Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:*

(a) *Is at least 21 years of age.*

(b) *Is of good moral character as determined by the Board.*

(c) *Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.*

(d) *Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board.*

(e) *Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.*

(f) *Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.*

4. Within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure ; ~~as a psychologist;~~ and

(b) Issue a written statement to the applicant of its determination.

~~2-3~~ 5. The written statement issued to the applicant pursuant to subsection ~~2-3~~ 4 must include:

(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant *for licensure as a psychologist* has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that his doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 14. NRS 641.180 is hereby amended to read as follows:

641.180 1. Except as otherwise provided in this section and NRS 641.190, each applicant for a license *as a psychologist* must pass the Examination for the Professional Practice of Psychology in the form administered by the Association of State and Provincial Psychology Boards and approved for use in this State by the

Board. In addition to this written examination, the Board may require an oral examination in whatever applied or theoretical fields it deems appropriate.

2. The examination must be given at least once a year, and may be given more often if deemed necessary by the Board. The examination must be given at a time and place, and under such supervision, as the Board may determine.

3. The Board shall notify each applicant of the results of his written examination and supply him with a copy of all material information about those results provided to the Board by the Association of State and Provincial Psychology Boards.

4. If an applicant fails the examination, he may request in writing that the Board review his examination.

5. The Board may waive the requirement of a written examination for a person who:

- (a) Is licensed in another state;
- (b) Has 10 years experience; and
- (c) Is a diplomate in the American Board of Professional Psychology or a fellow in the American Psychological Association, or who has other equivalent status as determined by the Board.

Sec. 14.5. NRS 641.370 is hereby amended to read as follows:

641.370 1. The Board shall charge and collect not more than the following fees respectively:

For the written examination, in addition to the actual cost to the Board of the examination	\$100
For the special forall examination, in addition to the actual costs to the Board of the examination	100
For the issuance of an initial license <u>or certificate</u>	25
For the biennial renewal of a license <u>of a psychologist</u>	500
<u>For the biennial renewal of a license of a licensed behavior analyst</u>	<u>400</u>
<u>For the biennial renewal of a license of a licensed assistant behavior analyst</u>	<u>275</u>
<u>For the biennial renewal of a certificate of a certified autism behavior interventionist</u>	<u>175</u>
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license	100
For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology	300
For the registration of a nonresident to practice as a consultant	100

2. An applicant who passes the examination and is eligible for a license or certificate shall pay the biennial fee for the renewal of a license or certificate which must be prorated for the period from the date the license or certificate is issued to the end of the biennium.

3. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

Sec. 15. The Board of Psychological Examiners shall begin licensing behavior analysts and ~~autism~~ assistant behavior ~~therapists~~ analysts pursuant to section 13 of this act and certifying autism behavior interventionists pursuant to section 12.1 of this act no later than January 1, 2010.

1 **Sec. 16. ~~{-}~~** This act becomes effective ~~{upon}~~ :
2 **1. Upon** passage and approval for the purpose of adopting regulations, ~~{and}~~
3 licensing behavior analysts **and assistant behavior analysts** and **certifying** autism
4 behavior ~~{therapists}~~ **interventionists; and**
5 2. ~~{This section and sections 2 to 15, inclusive, of this act become effective on~~
6 ~~October 1, 2009.~~
7 ~~3. Sections 1 and 2 of this act become effective on}~~ **On** January 1, 2011 ~~{-}~~,
8 **for all other purposes.**