

ASSEMBLY BILL NO. 369—ASSEMBLYMEN OHRENSCHALL,
WOODBURY AND DONDERO LOOP

MARCH 18, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to coverage for autism spectrum disorders in certain policies of health insurance and health care plans. (BDR 57-819)

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

CONTAINS UNFUNDED MANDATE (§ 6)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; revising the requirement for certain policies of health insurance and health care plans to provide coverage or provide an option of coverage for autism spectrum disorders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain health care plans and policies of insurance to provide an option or a requirement, as applicable, of coverage for the screening for and diagnosis and treatment of autism spectrum disorders in certain circumstances and with certain limitations on the coverage. (NRS 287.0276, 287.04335, 689A.0435, 689B.0335, 689C.1655, 695C.1717, 695G.1645) This bill requires health care plans and policies of insurance to provide coverage, rather than provide an option of coverage, for the screening for and diagnosis and treatment of autism spectrum disorders. This bill revises the limitation on coverage for applied behavior analysis from a maximum benefit of \$36,000 per year to a maximum benefit of 30 hours of treatment per week unless a treatment plan provides for additional hours of treatment. This bill prohibits an insurer from denying coverage for a treatment on the basis that the treatment is educational in nature. This bill provides that: (1) certain medical procedures are covered for the screening for and diagnosis of autism spectrum disorders; and (2) certain treatments are covered for the treatment of autism spectrum disorders. This bill provides that, if any provision of federal law expressly authorizes coverage for autism spectrum disorders that is more favorable to the insured than the provisions of this bill, a health care plan or policy of health insurance must include such coverage.



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

Section 1. NRS 689A.0435 is hereby amended to read as follows:

689A.0435 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, until the person reaches the age of 22.}~~

2. ~~{Optional}~~ *Except as otherwise provided in subsection 7,* 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.}~~ *copayment,* deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance ~~{to the same extent as}~~ *that are not less favorable to the insured than* other medical services or prescription drugs covered by the policy.

3. 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}~~ *refuse* to issue *or renew* 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 *otherwise* provided in ~~{subsections 1 and 2,}~~ *subsection 7,* 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 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.~~



~~7.1~~ An insurer may request a copy of and review a treatment plan created pursuant to this subsection ~~7.1~~ *not more frequently than once every 12 months unless the insurer and the insured's licensed physician or licensed psychologist agree that a more frequent review is necessary. The insurer is responsible for paying any costs incurred in obtaining and reviewing a treatment plan.*

6. *An insurer shall not deny coverage for the treatment of an autism spectrum disorder on the basis that the treatment is educational in nature.*

7. *Coverage provided under this section for applied behavior analysis is subject to a maximum benefit of 30 hours of treatment per week unless the treatment plan developed pursuant to subsection 5 recommends a higher number of hours and expressly provides that any hours of treatment beyond the first 30 hours in a week will not be counted against the maximum benefit for that week. Only time spent by a licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist providing treatment using applied behavior analysis and for an autism spectrum disorder may be counted against the maximum benefit. If more than one session of treatment using applied behavior analysis is received by an insured in a calendar day, the insurer shall charge a single daily copayment for all sessions of treatment using applied behavior analysis received during that calendar day.*

8. *A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2013, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.*

9. Nothing in this section shall be construed as ~~requiring~~:

(a) *Requiring* an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services ~~7.1~~

~~7.1~~; or

(b) *Except as otherwise provided in subsection 7, limiting the benefits that are otherwise available to the insured through the health benefit plan.*

10. *If any provision of federal law expressly authorizes coverage for screening for and diagnosis of autism spectrum disorders or for treatment of autism spectrum disorders that is more favorable to the insured than the provisions of this section:*

(a) *The provision of federal law supersedes this section;*

(b) *A policy subject to the provisions of this chapter has the legal effect of including the coverage authorized by the provision of federal law; and*



(c) *Any provision of the policy which is in conflict with the provision of federal law is void.*

11. 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,†~~ *any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders or the International Statistical Classification of Diseases and Related Health Problems. The term includes, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified ††, as those disorders are defined in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Clinical Modification, and any substantially similar disorder defined in a subsequent edition or revision.*

(c) *"Behavioral care" means any counseling, therapy or treatment for the purpose of:*

(1) Increasing appropriate or adaptive behaviors;
(2) Decreasing maladaptive behaviors; or
(3) Developing, maintaining or restoring, to the maximum extent practicable, the functioning of a person, including, without limitation, the systematic management of environmental factors or the consequences of behaviors. The term includes, without limitation, applied behavioral analysis.

(d) "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, licensed assistant behavior analyst or certified autism behavior interventionist.

~~†(d)†~~ (e) "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



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1 (3) A licensed assistant behavior analyst.

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

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

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

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

24 ~~(j)~~ (j) "*Medically appropriate*" means any care, intervention,
25 item, service or treatment which is prescribed, provided or ordered
26 by a licensed physician, licensed psychologist or licensed behavior
27 analyst in accordance with accepted standards of practice and
28 which will, or is reasonably expected to:

29 (1) *Prevent the onset or worsening of an illness, condition,*
30 *injury or disability;*

31 (2) *Reduce or ameliorate the physical, mental or*
32 *developmental effects of an illness, condition, injury or disability;*
33 *or*

34 (3) *Assist to achieve or maintain maximum functioning*
35 *capacity in performing daily activities, taking into account both*
36 *the functional capacity of the recipient and the functional*
37 *capacities that are appropriate for recipients of the same age.*

38 (k) "Prescription care" means medications , *including, without*
39 *limitation, biologicals,* prescribed by a licensed physician and any
40 health-related services deemed medically ~~necessary~~ *appropriate* to
41 determine the need or effectiveness of the medications.

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



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

~~[(l)]~~ (n) "Screening for *and diagnosis of* autism spectrum disorders" means *any* medically ~~[(necessary)]~~ *appropriate* assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder ~~[(f)]~~

~~[(m)]~~ *, including, without limitation, electroencephalography, audiological evaluation, metabolic screening, neuroimaging, karyotype and genetic testing for fragile X syndrome and laboratory testing for gastrointestinal disturbances.*

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

~~[(n)]~~ (p) "*Treatment of autism spectrum disorders*" means:

- (1) *Behavioral care;*
- (2) *Consultation or treatment by a nutritionist or dietitian;*
- (3) *Full-time care in a residential setting that specializes in care for persons with autism spectrum disorders;*
- (4) *Habilitative or rehabilitative care;*
- (5) *Music therapy;*
- (6) *Prescription care;*
- (7) *Psychiatric care;*
- (8) *Psychological care;*
- (9) *Therapeutic care; or*
- (10) *Therapy relating to social communication and social skills,*

↳ that is prescribed, provided or ordered by a licensed physician, licensed psychologist or licensed behavior analyst who determines the care to be medically appropriate for a person diagnosed with an autism spectrum disorder.

(q) "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. 2. NRS 689B.0335 is hereby amended to read as follows:

689B.0335 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, until the person reaches the age of 22.)]~~

2. ~~[(Coverage)]~~ *Except as otherwise provided in subsection 7,* coverage provided under this section is subject to ~~[(f)]~~

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



~~—(b) Copayment.~~ *copayment*, deductible and coinsurance provisions and any other general exclusion or limitation of a policy of group health insurance ~~to the same extent as~~ *that are not less favorable to the insured than* other medical services or prescription drugs covered by the policy.

3. 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~~ *refuse* to issue *or renew* 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 *otherwise* provided in ~~subsections 1 and 2,~~ *subsection 7*, 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 ~~+~~ *not more frequently than once every 12 months unless the insurer and the insured's licensed physician or licensed psychologist agree that a more frequent review is necessary. The insurer is responsible for paying any costs incurred in obtaining and reviewing a treatment plan.*

6. *An insurer shall not deny coverage for the treatment of an autism spectrum disorder on the basis that the treatment is educational in nature.*

7. *Coverage provided under this section for applied behavior analysis is subject to a maximum benefit of 30 hours of treatment per week unless the treatment plan developed pursuant to subsection 5 recommends a higher number of hours and expressly provides that any hours of treatment beyond the first 30 hours in a week will not be counted against the maximum benefit for that*



week. Only time spent by a licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist providing treatment using applied behavior analysis and for an autism spectrum disorder may be counted against the maximum benefit. If more than one session of treatment using applied behavior analysis is received by an insured in a calendar day, the insurer shall charge a single daily copayment for all sessions of treatment using applied behavior analysis received during that calendar day.

8. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~January~~ *July 1, 2011, 2013*, has the legal effect of including the coverage required by ~~subsection 1,~~ *this section*, and any provision of the policy or the renewal which is in conflict with ~~subsection 1 or 2~~ *this section* is void.

~~7-~~ 9. Nothing in this section shall be construed as ~~requiring~~ ;

(a) *Requiring* an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services ~~;~~

~~—8-~~ ; or

(b) *Except as otherwise provided in subsection 7, limiting the benefits that are otherwise available to the insured through the health benefit plan.*

10. *If any provision of federal law expressly authorizes coverage for screening for and diagnosis of autism spectrum disorders or for treatment of autism spectrum disorders that is more favorable to the insured than the provisions of this section:*

(a) *The provision of federal law supersedes this section;*

(b) *A policy subject to the provisions of this chapter has the legal effect of including the coverage authorized by the provision of federal law; and*

(c) *Any provision of the policy which is in conflict with the provision of federal law is void.*

11. 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,~~ *any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic*



and Statistical Manual of Mental Disorders or the International Statistical Classification of Diseases and Related Health Problems. The term includes, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified ~~(H)~~, as those disorders are defined in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Clinical Modification, and any substantially similar disorder defined in a subsequent edition or revision.

(c) "Behavioral care" means any counseling, therapy or treatment for the purpose of:

- (1) Increasing appropriate or adaptive behaviors;
- (2) Decreasing maladaptive behaviors; or
- (3) Developing, maintaining or restoring, to the maximum extent practicable, the functioning of a person, including, without limitation, the systematic management of environmental factors or the consequences of behaviors. The term includes, without limitation, applied behavioral analysis.

(d) "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, licensed assistant behavior analyst or certified autism behavior interventionist.

~~(H)~~ (e) "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.

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

~~(H)~~ (g) "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.

~~(H)~~ (h) "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



1 organization, who is licensed as an assistant behavior analyst by the
2 Board of Psychological Examiners and who provides behavioral
3 therapy under the supervision of a licensed behavior analyst or
4 psychologist.

5 ~~[(h)]~~ (i) “Licensed behavior analyst” means a person who holds
6 current certification or meets the standards to be certified as a board
7 certified behavior analyst or a board certified assistant behavior
8 analyst issued by the Behavior Analyst Certification Board, Inc., or
9 any successor in interest to that organization and who is licensed as
10 a behavior analyst by the Board of Psychological Examiners.

11 ~~[(h)]~~ (j) “*Medically appropriate*” means *any care, intervention,*
12 *item, service or treatment which is prescribed, provided or ordered*
13 *by a licensed physician, licensed psychologist or licensed behavior*
14 *analyst in accordance with accepted standards of practice and*
15 *which will, or is reasonably expected to:*

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

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

21 (3) *Assist to achieve or maintain maximum functioning*
22 *capacity in performing daily activities, taking into account both*
23 *the functional capacity of the recipient and the functional*
24 *capacities that are appropriate for recipients of the same age.*

25 (k) “Prescription care” means medications , *including, without*
26 *limitation, biologicals,* prescribed by a licensed physician and any
27 health-related services deemed medically ~~[(necessary)]~~ *appropriate* to
28 determine the need or effectiveness of the medications.

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

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

35 ~~[(h)]~~ (n) “Screening for *and diagnosis of* autism spectrum
36 disorders” means *any* medically ~~[(necessary)]~~ *appropriate*
37 assessments, evaluations or tests to screen and diagnose whether a
38 person has an autism spectrum disorder ~~[(m)]~~

39 ~~[(m)]~~ , *including, without limitation, electroencephalography,*
40 *audiological evaluation, metabolic screening, neuroimaging,*
41 *karyotype and genetic testing for fragile X syndrome and*
42 *laboratory testing for gastrointestinal disturbances.*

43 (o) “Therapeutic care” means services provided by licensed or
44 certified speech pathologists, occupational therapists and physical
45 therapists.



~~(+)~~ (p) “Treatment of autism spectrum disorders” means:

- (1) Behavioral care;
- (2) Consultation or treatment by a nutritionist or dietitian;
- (3) Full-time care in a residential setting that specializes in care for persons with autism spectrum disorders;
- (4) Habilitative or rehabilitative care;
- (5) Music therapy;
- (6) Prescription care;
- (7) Psychiatric care;
- (8) Psychological care;
- (9) Therapeutic care; or
- (10) Therapy relating to social communication and social skills,

↳ that is prescribed, provided or ordered by a licensed physician, licensed psychologist or licensed behavior analyst who determines the care to be medically appropriate for a person diagnosed with an autism spectrum disorder.

(q) “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. 3. NRS 689C.1655 is hereby amended to read as follows:

689C.1655 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 health benefit plan . ~~under the age of 18 or, if enrolled in high school, until the person reaches the age of 22.-~~

2. ~~Coverage~~ Except as otherwise provided in subsection 7, coverage provided under this section is subject to ~~the~~:

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

~~—(b) Copayment.-~~ copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health benefit plan ~~to the same extent as~~ that are not less favorable to the insured than other medical services or prescription drugs covered by the plan.

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

~~—(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~~ refuse to issue or renew a health benefit plan or cancel a health benefit plan solely because the person applying for



1 or covered by the plan uses or may use in the future any of the
2 services listed in subsection 1.

3 4. Except as *otherwise* provided in ~~{subsections 1 and 2,}~~
4 *subsection 7*, a carrier shall not limit the number of visits an insured
5 may make to any person, entity or group for treatment of autism
6 spectrum disorders.

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

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

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

17 ~~→~~ A carrier may request a copy of and review a treatment plan
18 created pursuant to this subsection ~~{}~~ *not more frequently than*
19 *once every 12 months unless the carrier and the insured's licensed*
20 *physician or licensed psychologist agree that a more frequent*
21 *review is necessary. The carrier is responsible for paying any costs*
22 *incurred in obtaining and reviewing a treatment plan.*

23 6. *A carrier shall not deny coverage for the treatment of an*
24 *autism spectrum disorder on the basis that the treatment is*
25 *educational in nature.*

26 7. *Coverage provided under this section for applied behavior*
27 *analysis is subject to a maximum benefit of 30 hours of treatment*
28 *per week unless the treatment plan developed pursuant to*
29 *subsection 5 recommends a higher number of hours and expressly*
30 *provides that any hours of treatment beyond the first 30 hours in a*
31 *week will not be counted against the maximum benefit for that*
32 *week. Only time spent by a licensed behavior analyst, licensed*
33 *assistant behavior analyst or certified autism behavior*
34 *interventionist providing treatment using applied behavior*
35 *analysis and for an autism spectrum disorder may be counted*
36 *against the maximum benefit. If more than one session of*
37 *treatment using applied behavior analysis is received by an*
38 *insured in a calendar day, the carrier shall charge a single daily*
39 *copayment for all sessions of treatment using applied behavior*
40 *analysis received during that calendar day.*

41 8. A health benefit plan subject to the provisions of this chapter
42 that is delivered, issued for delivery or renewed on or after ~~{January}~~
43 *July 1, {2011} 2013*, has the legal effect of including the coverage
44 required by ~~{subsection 1,}~~ *this section*, and any provision of the



plan or the renewal which is in conflict with ~~subsection 1 or 2~~ *this section* is void.

~~7.1~~ 9. Nothing in this section shall be construed as ~~requiring~~ :

(a) *Requiring* a carrier to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services ~~+~~

~~8.1~~ ; or

(b) *Except as otherwise provided in subsection 7, limiting the benefits that are otherwise available to the insured through the health benefit plan.*

10. *If any provision of federal law expressly authorizes coverage for screening for and diagnosis of autism spectrum disorders or for treatment of autism spectrum disorders that is more favorable to the insured than the provisions of this section:*

(a) *The provision of federal law supersedes this section;*

(b) *A health benefit plan subject to the provisions of this chapter has the legal effect of including the coverage authorized by the provision of federal law; and*

(c) *Any provision of the plan which is in conflict with the provision of federal law is void.*

11. 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 ~~1a-neurobiological medical condition including,~~ *any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders or the International Statistical Classification of Diseases and Related Health Problems. The term includes, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified ~~1.1~~, as those disorders are defined in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Clinical Modification, and any substantially similar disorder defined in a subsequent edition or revision.*

(c) "Behavioral care" means any counseling, therapy or treatment for the purpose of:

(1) *Increasing appropriate or adaptive behaviors;*



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(2) *Decreasing maladaptive behaviors; or*
(3) *Developing, maintaining or restoring, to the maximum extent practicable, the functioning of a person, including, without limitation, the systematic management of environmental factors or the consequences of behaviors. The term includes, without limitation, applied behavioral analysis.*

(d) "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, licensed assistant behavior analyst or certified autism behavior interventionist.

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

~~(f)~~ (g) "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)~~ (h) "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)~~ (i) "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)~~ (j) *"Medically appropriate" means any care, intervention, item, service or treatment which is prescribed, provided or ordered by a licensed physician, licensed psychologist or licensed behavior*



analyst in accordance with accepted standards of practice and which will, or is reasonably expected to:

(1) Prevent the onset or worsening of an illness, condition, injury or disability;

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

(3) Assist to achieve or maintain maximum functioning capacity in performing daily activities, taking into account both the functional capacity of the recipient and the functional capacities that are appropriate for recipients of the same age.

(k) “Prescription care” means medications, *including, without limitation, biologicals*, prescribed by a licensed physician and any health-related services deemed medically ~~necessary~~ *appropriate* to determine the need or effectiveness of the medications.

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

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

~~(l)~~ (n) “Screening for *and diagnosis of* autism spectrum disorders” means *any* medically ~~necessary~~ *appropriate* assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder ~~+~~

~~—(m)~~ *, including, without limitation, electroencephalography, audiological evaluation, metabolic screening, neuroimaging, karyotype and genetic testing for fragile X syndrome and laboratory testing for gastrointestinal disturbances.*

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

~~(n)~~ (p) “Treatment of autism spectrum disorders” means:

(1) Behavioral care;

(2) Consultation or treatment by a nutritionist or dietitian;

(3) Full-time care in a residential setting that specializes in care for persons with autism spectrum disorder;

(4) Habilitative or rehabilitative care;

(5) Music therapy;

(6) Prescription care;

(7) Psychiatric care;

(8) Psychological care;

(9) Therapeutic care; or

(10) Therapy relating to social communication and social skills,



1 *↪ that is prescribed, provided or ordered by a licensed physician,*
2 *licensed psychologist or licensed behavior analyst who determines*
3 *the care to be medically appropriate for a person diagnosed with*
4 *an autism spectrum disorder.*

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

9 **Sec. 4.** NRS 695C.1717 is hereby amended to read as follows:

10 695C.1717 1. A health care plan issued by a health
11 maintenance organization must provide coverage for screening for
12 and diagnosis of autism spectrum disorders and for treatment of
13 autism spectrum disorders to persons covered by the health care
14 plan . ~~under the age of 18 or, if enrolled in high school, until the~~
15 ~~person reaches the age of 22.~~

16 2. ~~Coverage~~ *Except as otherwise provided in subsection 7,*
17 *coverage* provided under this section is subject to ~~the~~:

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

20 ~~—(b) Copayment.~~ *copayment*, deductible and coinsurance
21 provisions and any other general exclusion or limitation of a health
22 care plan ~~to the same extent as~~ *that are not less favorable to the*
23 *enrollee than* other medical services or prescription drugs covered
24 by the plan.

25 3. A health ~~care plan issued by a health~~ maintenance
26 organization that *issues a health care plan which* provides coverage
27 for outpatient care shall not ~~be~~:

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

32 ~~—(b) Refuse~~ *refuse* to issue *or renew* a health care plan or cancel
33 a health care plan solely because the person applying for or covered
34 by the plan uses or may use in the future any of the services listed in
35 subsection 1.

36 4. Except as *otherwise* provided in ~~subsections 1 and 2,~~
37 *subsection 7*, a health maintenance organization shall not limit the
38 number of visits an enrollee may make to any person, entity or
39 group for treatment of autism spectrum disorders.

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

44 ~~—(a) Prescribed for a person diagnosed with an autism spectrum~~
45 ~~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.~~

~~—~~† A health maintenance organization may request a copy of and review a treatment plan created pursuant to this subsection ~~†~~ *not more frequently than once every 12 months unless the health maintenance organization and the enrollee's licensed physician or licensed psychologist agree that a more frequent review is necessary. The health maintenance organization is responsible for paying any costs incurred in obtaining and reviewing a treatment plan.*

6. *A health maintenance organization shall not deny coverage for the treatment of an autism spectrum disorder on the basis that the treatment is educational in nature.*

7. *Coverage provided under this section for applied behavior analysis is subject to a maximum benefit of 30 hours of treatment per week unless the treatment plan developed pursuant to subsection 5 recommends a higher number of hours and expressly provides that any hours of treatment beyond the first 30 hours in a week will not be counted against the maximum benefit for that week. Only time spent by a licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist providing treatment using applied behavior analysis and for an autism spectrum disorder may be counted against the maximum benefit. If more than one session of treatment using applied behavior analysis is received by an enrollee in a calendar day, the health maintenance organization shall charge a single daily copayment for all sessions of treatment using applied behavior analysis received during that calendar day.*

8. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~†January†~~ July 1, ~~†2011,†~~ 2013, has the legal effect of including the coverage required by ~~†subsection 1,†~~ *this section*, and any provision of the evidence of coverage or the renewal which is in conflict with ~~†subsection 1 or 2†~~ *this section* is void.

~~†7,†~~ 9. Nothing in this section shall be construed as ~~†requiring†~~ ;

(a) *Requiring* a health maintenance organization to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services ~~†~~

~~—8,†~~ ; or

(b) *Except as otherwise provided in subsection 7, limiting the benefits that are otherwise available to the insured through the health care plan.*



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1 ***10. If any provision of federal law expressly authorizes***
2 ***coverage for screening for and diagnosis of autism spectrum***
3 ***disorders or for treatment of autism spectrum disorders that is***
4 ***more favorable to the enrollee than the provisions of this section:***

5 ***(a) The provision of federal law supersedes this section;***

6 ***(b) An evidence of coverage subject to the provisions of this***
7 ***chapter has the legal effect of including the coverage authorized***
8 ***by the provision of federal law; and***

9 ***(c) Any provision of the evidence of coverage which is in***
10 ***conflict with the provision of federal law is void.***

11 ***11. As used in this section:***

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

19 ***(b) "Autism spectrum disorders" means ~~fa neurobiological~~***
20 ***~~medical condition including,~~ any of the pervasive developmental***
21 ***disorders as defined by the most recent edition of the Diagnostic***
22 ***and Statistical Manual of Mental Disorders or the International***
23 ***Statistical Classification of Diseases and Related Health Problems.***
24 ***The term includes, without limitation, autistic disorder, Asperger's***
25 ***Disorder and Pervasive Developmental Disorder Not Otherwise***
26 ***Specified ~~H~~, as those disorders are defined in the Diagnostic and***
27 ***Statistical Manual of Mental Disorders, Fourth Edition, or the***
28 ***International Statistical Classification of Diseases and Related***
29 ***Health Problems, Tenth Revision, Clinical Modification, and any***
30 ***substantially similar disorder defined in a subsequent edition or***
31 ***revision.***

32 ***(c) "Behavioral care" means any counseling, therapy or***
33 ***treatment for the purpose of:***

34 ***(1) Increasing appropriate or adaptive behaviors;***

35 ***(2) Decreasing maladaptive behaviors; or***

36 ***(3) Developing, maintaining or restoring, to the maximum***
37 ***extent practicable, the functioning of a person, including, without***
38 ***limitation, the systematic management of environmental factors or***
39 ***the consequences of behaviors. The term includes, without***
40 ***limitation, applied behavioral analysis.***

41 ***(d) "Behavioral therapy" means any interactive therapy derived***
42 ***from evidence-based research, including, without limitation, discrete***
43 ***trial training, early intensive behavioral intervention, intensive***
44 ***intervention programs, pivotal response training and verbal behavior***
45 ***provided by a licensed psychologist, licensed behavior analyst,***



1 licensed assistant behavior analyst or certified autism behavior
2 interventionist.

3 ~~(d)~~ (e) “Certified autism behavior interventionist” means a
4 person who is certified as an autism behavior interventionist by the
5 Board of Psychological Examiners and who provides behavior
6 therapy under the supervision of:

- 7 (1) A licensed psychologist;
- 8 (2) A licensed behavior analyst; or
- 9 (3) A licensed assistant behavior analyst.

10 ~~(e)~~ (f) “Evidence-based research” means research that applies
11 rigorous, systematic and objective procedures to obtain valid
12 knowledge relevant to autism spectrum disorders.

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

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

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

32 ~~(i)~~ (j) *“Medically appropriate” means any care, intervention,*
33 *item, service or treatment which is prescribed, provided or ordered*
34 *by a licensed physician, licensed psychologist or licensed behavior*
35 *analyst in accordance with accepted standards of practice and*
36 *which will, or is reasonably expected to:*

37 (1) *Prevent the onset or worsening of an illness, condition,*
38 *injury or disability;*

39 (2) *Reduce or ameliorate the physical, mental or*
40 *developmental effects of an illness, condition, injury or disability;*
41 *or*

42 (3) *Assist to achieve or maintain maximum functioning*
43 *capacity in performing daily activities, taking into account both*
44 *the functional capacity of the recipient and the functional*
45 *capacities that are appropriate for recipients of the same age.*



(k) “Prescription care” means medications , *including, without limitation, biologicals*, prescribed by a licensed physician and any health-related services deemed medically ~~necessary~~ *appropriate* to determine the need or effectiveness of the medications.

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

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

~~(l)~~ (n) “Screening for *and diagnosis of* autism spectrum disorders” means *any* medically ~~necessary~~ *appropriate* assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder ~~+~~

~~—(m)~~ *, including, without limitation, electroencephalography, audiological evaluation, metabolic screening, neuroimaging, karyotype and genetic testing for fragile X syndrome and laboratory testing for gastrointestinal disturbances.*

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

~~(n)~~ (p) “Treatment of autism spectrum disorders” means:

(1) Behavioral care;

(2) Consultation or treatment by a nutritionist or dietitian;

(3) Full-time care in a residential setting that specializes in care for persons with autism spectrum disorder;

(4) Habilitative or rehabilitative care;

(5) Music therapy;

(6) Prescription care;

(7) Psychiatric care;

(8) Psychological care;

(9) Therapeutic care; or

(10) Therapy relating to social communication and social skills,

↳ that is prescribed, provided or ordered by a licensed physician, licensed psychologist or licensed behavior analyst who determines the care to be medically appropriate for a person diagnosed with an autism spectrum disorder.

(q) “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. 5. NRS 695G.1645 is hereby amended to read as follows:

695G.1645 1. A health care plan issued by a managed care organization for *individual or* group coverage must provide



1 coverage for screening for and diagnosis of autism spectrum
2 disorders and for treatment of autism spectrum disorders to persons
3 covered by the health care plan . ~~{under the age of 18 or, if enrolled~~
4 ~~in high school, until the person reaches the age of 22.}~~

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

11 ~~— 3. Coverage}~~ *Except as otherwise provided in subsection 7,*
12 *coverage* provided under this section is subject to ~~†~~:

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

15 ~~— (b) Copayment.}~~ *copayment*, deductible and coinsurance
16 provisions and any other general exclusion or limitation of a health
17 care plan ~~{to the same extent as}~~ *that are not less favorable to the*
18 *insured than* other medical services or prescription drugs covered
19 by the plan.

20 ~~{4.}~~ 3. A managed care organization that offers or issues a
21 health care plan which provides coverage for outpatient care shall
22 not ~~†~~:

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

27 ~~— (b) Refuse}~~ *refuse* to issue *or renew* a health care plan or cancel
28 a health care plan solely because the person applying for or covered
29 by the plan uses or may use in the future any of the services listed in
30 subsection 1.

31 ~~{5.}~~ 4. Except as *otherwise* provided in ~~{subsections 1, 2 and~~
32 ~~3.}~~ *subsection 7*, a managed care organization shall not limit the
33 number of visits an insured may make to any person, entity or group
34 for treatment of autism spectrum disorders.

35 ~~{6.}~~ 5. Treatment of autism spectrum disorders must be
36 identified in a treatment plan . ~~{and may include medically~~
37 ~~necessary, habilitative or rehabilitative care, prescription care,~~
38 ~~psychiatric care, psychological care, behavior therapy or therapeutic~~
39 ~~care that is:~~

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

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



~~+~~ A managed care organization may request a copy of and review a treatment plan created pursuant to this subsection ~~+~~ *not more frequently than once every 12 months unless the managed care organization and the insured's licensed physician or licensed psychologist agree that a more frequent review is necessary. The managed care organization is responsible for paying any costs incurred in obtaining and reviewing a treatment plan.*

6. *A managed care organization shall not deny coverage for the treatment of an autism spectrum disorder on the basis that the treatment is educational in nature.*

7. *Coverage provided under this section for applied behavior analysis is subject to a maximum benefit of 30 hours of treatment per week unless the treatment plan developed pursuant to subsection 5 recommends a higher number of hours and expressly provides that any hours of treatment beyond the first 30 hours in a week will not be counted against the maximum benefit for that week. Only time spent by a licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist providing treatment using applied behavior analysis and for an autism spectrum disorder may be counted against the maximum benefit. If more than one session of treatment using applied behavior analysis is received by an insured in a calendar day, the managed care organization shall charge a single daily copayment for all sessions of treatment using applied behavior analysis received during that calendar day.*

8. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~January~~ July 1, ~~2011,~~ 2013, has the legal effect of including the coverage required by ~~subsection 1,~~ this section, and any provision of the evidence of coverage or the renewal which is in conflict with ~~subsection 1 or 3,~~ this section is void.

~~8-~~ 9. Nothing in this section shall be construed as ~~requiring~~ :

(a) *Requiring* a managed care organization to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services ~~+~~ ~~9-~~ ; or

(b) *Except as otherwise provided in subsection 7, limiting the benefits that are otherwise available to the insured through the health care plan.*

10. *If any provision of federal law expressly authorizes coverage for screening for and diagnosis of autism spectrum disorders or for treatment of autism spectrum disorders that is more favorable to the insured than the provisions of this section:*

(a) *The provision of federal law supersedes this section;*



(b) *An evidence of coverage subject to the provisions of this chapter has the legal effect of including the coverage authorized by the provision of federal law; and*

(c) *Any provision of the evidence of coverage which is in conflict with the provision of federal law is void.*

11. 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,”~~ *any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders or the International Statistical Classification of Diseases and Related Health Problems. The term includes, without limitation, autistic disorder, Asperger’s Disorder and Pervasive Developmental Disorder Not Otherwise Specified ~~H~~, as those disorders are defined in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Clinical Modification, and any substantially similar disorder defined in a subsequent edition or revision.*

(c) “Behavioral care” means any counseling, therapy or treatment for the purpose of:

(1) *Increasing appropriate or adaptive behaviors;*

(2) *Decreasing maladaptive behaviors; or*

(3) *Developing, maintaining or restoring, to the maximum extent practicable, the functioning of a person, including, without limitation, the systematic management of environmental factors or the consequences of behaviors. The term includes, without limitation, applied behavioral analysis.*

(d) “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, licensed assistant behavior analyst or certified autism behavior interventionist.

~~(H)~~ (e) “Certified autism behavior interventionist” means a person who is certified as an autism behavior interventionist by the



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1 Board of Psychological Examiners and who provides behavior
2 therapy under the supervision of:

- 3 (1) A licensed psychologist;
- 4 (2) A licensed behavior analyst; or
- 5 (3) A licensed assistant behavior analyst.

6 ~~(f)~~ (f) “Evidence-based research” means research that applies
7 rigorous, systematic and objective procedures to obtain valid
8 knowledge relevant to autism spectrum disorders.

9 ~~(g)~~ (g) “Habilitative or rehabilitative care” means counseling,
10 guidance and professional services and treatment programs,
11 including, without limitation, applied behavior analysis, that are
12 necessary to develop, maintain and restore, to the maximum extent
13 practicable, the functioning of a person.

14 ~~(h)~~ (h) “Licensed assistant behavior analyst” means a person
15 who holds current certification or meets the standards to be certified
16 as a board certified assistant behavior analyst issued by the Behavior
17 Analyst Certification Board, Inc., or any successor in interest to that
18 organization, who is licensed as an assistant behavior analyst by the
19 Board of Psychological Examiners and who provides behavioral
20 therapy under the supervision of a licensed behavior analyst or
21 psychologist.

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

28 ~~(j)~~ (j) *“Medically appropriate” means any care, intervention,*
29 *item, service or treatment which is prescribed, provided or ordered*
30 *by a licensed physician, licensed psychologist or licensed behavior*
31 *analyst in accordance with accepted standards of practice and*
32 *which will, or is reasonably expected to:*

33 (1) *Prevent the onset or worsening of an illness, condition,*
34 *injury or disability;*

35 (2) *Reduce or ameliorate the physical, mental or*
36 *developmental effects of an illness, condition, injury or disability;*
37 *or*

38 (3) *Assist to achieve or maintain maximum functioning*
39 *capacity in performing daily activities, taking into account both*
40 *the functional capacity of the recipient and the functional*
41 *capacities that are appropriate for recipients of the same age.*

42 (k) “Prescription care” means medications , *including, without*
43 *limitation, biologicals,* prescribed by a licensed physician and any
44 health-related services deemed medically ~~necessary~~ *appropriate* to
45 determine the need or effectiveness of the medications.



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

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

~~(k)~~ (n) “Screening for *and diagnosis of* autism spectrum disorders” means *any* medically ~~necessary~~ *appropriate* assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder ~~+~~

~~—(m)~~ *, including, without limitation, electroencephalography, audiological evaluation, metabolic screening, neuroimaging, karyotype and genetic testing for fragile X syndrome and laboratory testing for gastrointestinal disturbances.*

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

~~(m)~~ (p) *“Treatment of autism spectrum disorders” means:*

(1) Behavioral care;

(2) Consultation or treatment by a nutritionist or dietitian;

(3) Full-time care in a residential setting that specializes in care for persons with an autism spectrum disorder;

(4) Habilitative or rehabilitative care;

(5) Music therapy;

(6) Prescription care;

(7) Psychiatric care;

(8) Psychological care;

(9) Therapeutic care; or

(10) Therapy relating to social communication and social skills,

↳ that is prescribed, provided or ordered by a licensed physician, licensed psychologist or licensed behavior analyst who determines the care to be medically appropriate for a person diagnosed with an autism spectrum disorder.

(q) “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 287.0276 is hereby amended to read as follows:

287.0276 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum



disorders to persons covered by the plan of self-insurance . ~~Under the age of 18 or, if enrolled in high school, until the person reaches the age of 22.~~

2. ~~{Coverage}~~ *Except as otherwise provided in subsection 7,* 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.~~ *copayment*, deductible and coinsurance provisions and any other general exclusion or limitation of a plan of self-insurance ~~{to the same extent as}~~ *that are not less favorable to the insured than* other medical services or prescription drugs covered by the policy.

3. A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-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 plan of self-insurance; or~~

~~—(b) Refuse~~ *refuse* to issue *or renew* a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the plan of self-insurance uses or may use in the future any of the services listed in subsection 1.

4. Except as *otherwise* provided in ~~{subsections 1 and 2,}~~ *subsection 7*, a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance 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.~~

~~†~~ A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health



1 insurance through a plan of self-insurance may request a copy of
2 and review a treatment plan created pursuant to this subsection ~~+~~
3 *not more frequently than once every 12 months unless the*
4 *governing body and the insured's licensed physician or licensed*
5 *psychologist agree that a more frequent review is necessary. The*
6 *governing body is responsible for paying any costs incurred in*
7 *obtaining and reviewing a treatment plan.*

8 6. *A governing body of any county, school district, municipal*
9 *corporation, political subdivision, public corporation or other*
10 *local governmental agency of the State of Nevada that provides*
11 *health insurance through a plan of self-insurance shall not deny*
12 *coverage for the treatment of an autism spectrum disorder on the*
13 *basis that the treatment is educational in nature.*

14 7. *Coverage provided under this section for applied behavior*
15 *analysis is subject to a maximum benefit of 30 hours of treatment*
16 *per week unless the treatment plan developed pursuant to*
17 *subsection 5 recommends a higher number of hours and expressly*
18 *provides that any hours of treatment beyond the first 30 hours in a*
19 *week will not be counted against the maximum benefit for that*
20 *week. Only time spent by a licensed behavior analyst, licensed*
21 *assistant behavior analyst or certified autism behavior*
22 *interventionist providing treatment using applied behavior*
23 *analysis and for an autism spectrum disorder may be counted*
24 *against the maximum benefit. If more than one session of*
25 *treatment using applied behavior analysis is received by an*
26 *insured in a calendar day, the governing body of any county,*
27 *school district, municipal corporation, political subdivision, public*
28 *corporation or other local governmental agency of the State of*
29 *Nevada that provides health insurance through a plan of self-*
30 *insurance shall charge a single daily copayment for all sessions of*
31 *treatment using applied behavior analysis received during that*
32 *calendar day.*

33 8. A plan of self-insurance subject to the provisions of this
34 chapter that is delivered, issued for delivery or renewed on or after
35 July 1, ~~2011,~~ 2013, has the legal effect of including the coverage
36 required by ~~subsection 1,~~ *this section*, and any provision of the
37 plan of self-insurance or the renewal which is in conflict with
38 ~~subsections 1 or 2~~ *this section* is void.

39 ~~7-1~~ 9. Nothing in this section shall be construed as ~~requiring~~
40 :

41 (a) *Requiring* a governing body of any county, school district,
42 municipal corporation, political subdivision, public corporation or
43 other local governmental agency of the State of Nevada that
44 provides health insurance through a plan of self-insurance to provide



reimbursement to an early intervention agency or school for services delivered through early intervention or school services ~~†~~

~~—8.† ; or~~

(b) Except as otherwise provided in subsection 7, limiting the benefits that are otherwise available to the insured through the plan of self-insurance.

10. If any provision of federal law expressly authorizes coverage for screening for and diagnosis of autism spectrum disorders or for treatment of autism spectrum disorders that is more favorable to the insured than the provisions of this section:

(a) The provision of federal law supersedes this section;

(b) A plan of self-insurance subject to the provisions of this chapter has the legal effect of including the coverage authorized by the provision of federal law; and

(c) Any provision of the plan of self-insurance which is in conflict with the provision of federal law is void.

11. 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,†~~ any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders or the International Statistical Classification of Diseases and Related Health Problems. The term includes, without limitation, autistic disorder, Asperger’s Disorder and Pervasive Development Disorder Not Otherwise Specified ~~†~~, as those disorders are defined in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Clinical Modification, and any substantially similar disorder defined in a subsequent edition or revision.

(c) “Behavioral care” means any counseling, therapy or treatment for the purpose of:

(1) Increasing appropriate or adaptive behaviors;

(2) Decreasing maladaptive behaviors; or

(3) Developing, maintaining or restoring, to the maximum extent practicable, the functioning of a person, including, without limitation, the systematic management of environmental factors or



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1 *the consequences of behaviors. The term includes, without*
2 *limitation, applied behavioral analysis.*

3 (d) “Behavioral therapy” means any interactive therapy derived
4 from evidence-based research, including, without limitation, discrete
5 trial training, early intensive behavioral intervention, intensive
6 intervention programs, pivotal response training and verbal behavior
7 provided by a licensed psychologist, licensed behavior analyst,
8 licensed assistant behavior analyst or certified autism behavior
9 interventionist.

10 ~~(d)~~ (e) “Certified autism behavior interventionist” means a
11 person who is certified as an autism behavior interventionist by the
12 Board of Psychological Examiners and who provides behavior
13 therapy under the supervision of:

- 14 (1) A licensed psychologist;
- 15 (2) A licensed behavior analyst; or
- 16 (3) A licensed assistant behavior analyst.

17 ~~(e)~~ (f) “Evidence-based research” means research that applies
18 rigorous, systematic and objective procedures to obtain valid
19 knowledge relevant to autism spectrum disorders.

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

25 ~~(g)~~ (h) “Licensed assistant behavior analyst” means a person
26 who holds current certification or meets the standards to be certified
27 as a board certified assistant behavior analyst issued by the Behavior
28 Analyst Certification Board, Inc., or any successor in interest to that
29 organization, who is licensed as an assistant behavior analyst by the
30 Board of Psychological Examiners and who provides behavior
31 therapy under the supervision of a licensed behavior analyst or
32 psychologist.

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

39 ~~(i)~~ (j) *“Medically appropriate” means any care, intervention,*
40 *item, service or treatment which is prescribed, provided or ordered*
41 *by a licensed physician, licensed psychologist or licensed behavior*
42 *analyst in accordance with accepted standards of practice and*
43 *which will, or is reasonably expected to:*

44 (1) *Prevent the onset or worsening of an illness, condition,*
45 *injury or disability;*



(2) *Reduce or ameliorate the physical, mental or developmental effects of an illness, condition, injury or disability;*
or

(3) *Assist to achieve or maintain maximum functioning capacity in performing daily activities, taking into account both the functional capacity of the recipient and the functional capacities that are appropriate for recipients of the same age.*

(k) “Prescription care” means medications, *including, without limitation, biologicals*, prescribed by a licensed physician and any health-related services deemed medically ~~necessary~~ *appropriate* to determine the need or effectiveness of the medications.

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

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

~~(l)~~ (n) “Screening for *and diagnosis of* autism spectrum disorders” means ~~all~~ *any* medically appropriate assessments, evaluations or tests to *screen and* diagnose whether a person has an autism spectrum disorder ~~+~~

~~—(m)~~ *, including, without limitation, electroencephalography, audiological evaluation, metabolic screening, neuroimaging, karyotype and genetic testing for fragile X syndrome and laboratory testing for gastrointestinal disturbances.*

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

~~(n)~~ (p) “*Treatment of autism spectrum disorders*” means:

(1) *Behavioral care;*

(2) *Consultation or treatment by a nutritionist or dietitian;*

(3) *Full-time care in a residential setting that specializes in care for persons with autism spectrum disorder;*

(4) *Habilitative or rehabilitative care;*

(5) *Music therapy;*

(6) *Prescription care;*

(7) *Psychiatric care;*

(8) *Psychological care;*

(9) *Therapeutic care; or*

(10) *Therapy relating to social communication and social skills,*

↳ that is prescribed, provided or ordered by a licensed physician, licensed psychologist or licensed behavior analyst who determines the care to be medically appropriate for a person diagnosed with an autism spectrum disorder.



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

5 **Sec. 7.** The provisions of NRS 354.599 do not apply to any
6 additional expenses of a local government that are related to the
7 provisions of this act.

8 **Sec. 8.** This act becomes effective on July 1, 2013.

