

ASSEMBLY BILL NO. 304—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON HEALTH CARE)

MARCH 16, 2017

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to autism. (BDR 38-363)

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

CONTAINS UNFUNDED MANDATE (§ 2)
(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 autism; revising certain provisions relating to eligibility for services provided or coordinated by the Autism Treatment Assistance Program within the Aging and Disabilities Services Division of the Department of Health and Human Services; redefining the term “autism spectrum disorder” for certain purposes; requiring an insurer to reimburse an early intervention agency for certain services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law establishes the Autism Treatment Assistance Program within the
- 2 Aging and Disabilities Services Division of the Department of Health and Human
- 3 Services to provide and coordinate the provision of services to certain persons
- 4 “with” autism spectrum disorders. (NRS 427A.875) **Section 1** of this bill revises
- 5 this language to provide for the provision of services to persons who are “diagnosed
- 6 or determined” to have such disorders.
- 7 For purposes relating to the Program and required insurance coverage, existing
- 8 law defines the terms “autism spectrum disorder” or “autism spectrum disorders” to
- 9 mean “a neurobiological medical condition including, without limitation, autistic
- 10 disorder, Asperger’s Disorder and Pervasive Developmental Disorder Not
- 11 Otherwise Specified.” (NRS 287.0276, 427A.875, 689A.0435, 689B.0335,



689C.1655, 695C.1717, 695G.1645) **Sections 1-7** of this bill revise the definition to mean a condition that meets the diagnostic criteria for autism spectrum disorder published in the current edition of the *Diagnostic and Statistical Manual of Mental Disorders* published by the American Psychiatric Association or the edition of the *Manual* that was in effect at the time the condition was diagnosed or determined.

Existing law requires an insurer to provide coverage for screening for and diagnosis of autism spectrum disorders and treatment of autism spectrum disorders to certain young persons covered by the insurer. (NRS 287.0276, 689A.0435, 689B.0335, 689C.1655, 695C.1717, 695G.1645) **Sections 2-7** of this bill remove a provision stating that an insurer is not required to provide reimbursement to an early intervention agency, thereby requiring an insurer to reimburse such an agency that performs services for which reimbursement is otherwise required.

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

Section 1. NRS 427A.875 is hereby amended to read as follows:

427A.875 1. There is hereby established the Autism Treatment Assistance Program within the Division to serve as the primary autism program within the Department and to provide and coordinate the provision of services to persons ~~with~~ **diagnosed or determined, including, without limitation, through the use of a standardized assessment, to have** autism spectrum disorders through the age of 19 years.

2. The Autism Treatment Assistance Program shall:

(a) Prescribe an application process for parents and guardians of persons with autism spectrum disorders to participate in the Program.

(b) Provide for the development of a plan of treatment for persons who participate in the Program.

(c) Promote the use of evidence-based treatments which are cost effective and have been proven to improve treatment of autism spectrum disorders.

(d) Educate parents and guardians of persons with autism spectrum disorders on autism spectrum disorders and the assistance that may be provided by the parent or guardian to improve treatment outcomes.

(e) Establish and use a system for assessing persons with autism spectrum disorders to determine a baseline to measure the progress of and prepare a plan for the treatment of such persons.

(f) Assist parents and guardians of persons with autism spectrum disorders in obtaining public services that are available for the treatment of autism spectrum disorders.

3. A plan of treatment developed for a person who participates in the Program pursuant to paragraph (b) of subsection 2 must:



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(a) Identify the specific behaviors of the person to be addressed and the expected outcomes.

(b) Include, without limitation, preparations for transitioning the person from one provider of treatment to another or from one public program to another, as the needs of the person require through the age of 19 years.

(c) Be revised to address any change in the needs of the person.

4. The policies of the Autism Treatment Assistance Program and any services provided by the Program must be developed in cooperation with and be approved by the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization.

5. As used in this section, "autism spectrum disorder" means a ~~neurobiological-medical~~ condition ~~[including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder - Not Otherwise Specified.]~~ *that meets the diagnostic criteria for autism spectrum disorder published in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or the edition thereof that was in effect at the time the condition was diagnosed or determined.*

Sec. 2. 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 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a plan of self-insurance to the same extent as 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



1 outpatient care related to autism spectrum disorders than is required
2 for other outpatient care covered by the plan of self-insurance; or

3 (b) Refuse to issue a plan of self-insurance or cancel a plan of
4 self-insurance solely because the person applying for or covered by
5 the plan of self-insurance uses or may use in the future any of the
6 services listed in subsection 1.

7 4. Except as otherwise provided in subsections 1 and 2, a
8 governing body of any county, school district, municipal
9 corporation, political subdivision, public corporation or other local
10 governmental agency of the State of Nevada that provides health
11 insurance through a plan of self-insurance shall not limit the number
12 of visits an insured may make to any person, entity or group for
13 treatment of autism spectrum disorders.

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

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

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

24 ↪ A governing body of any county, school district, municipal
25 corporation, political subdivision, public corporation or other local
26 governmental agency of the State of Nevada that provides health
27 insurance through a plan of self-insurance may request a copy of
28 and review a treatment plan created pursuant to this subsection.

29 6. A plan of self-insurance subject to the provisions of this
30 chapter that is delivered, issued for delivery or renewed on or after
31 July 1, 2011, has the legal effect of including the coverage required
32 by subsection 1, and any provision of the plan of self-insurance or
33 the renewal which is in conflict with subsections 1 or 2 is void.

34 7. Nothing in this section shall be construed as requiring a
35 governing body of any county, school district, municipal
36 corporation, political subdivision, public corporation or other local
37 governmental agency of the State of Nevada that provides health
38 insurance through a plan of self-insurance to provide reimbursement
39 to ~~an early intervention agency or~~ a school for services delivered
40 through ~~early intervention or~~ school services.

41 8. As used in this section:

42 (a) "Applied behavior analysis" means the design,
43 implementation and evaluation of environmental modifications
44 using behavioral stimuli and consequences to produce socially
45 significant improvement in human behavior, including, without



1 limitation, the use of direct observation, measurement and
2 functional analysis of the relations between environment and
3 behavior.

4 (b) "Autism behavior interventionist" means a person who is
5 registered as a Registered Behavior Technician or an equivalent
6 credential by the Behavior Analyst Certification Board, Inc., or its
7 successor organization, and provides behavioral therapy under the
8 supervision of:

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

12 (c) "Autism spectrum ~~{disorders}~~" ~~means a neurobiological~~
13 ~~medical condition including, without limitation, autistic disorder,~~
14 ~~Asperger's Disorder and Pervasive Development Disorder Not~~
15 ~~Otherwise Specified.~~ *disorder" has the meaning ascribed to it in*
16 *NRS 427A.875.*

17 (d) "Behavioral therapy" means any interactive therapy derived
18 from evidence-based research, including, without limitation, discrete
19 trial training, early intensive behavioral intervention, intensive
20 intervention programs, pivotal response training and verbal behavior
21 provided by a licensed psychologist, licensed behavior analyst,
22 licensed assistant behavior analyst or autism behavior
23 interventionist.

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

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

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

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



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

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

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

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

(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. 3. 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 years or, if enrolled in high school, until the person reaches the age of 22 years.

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

(a) A maximum benefit of not less than the actuarial equivalent of \$72,000 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. 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 otherwise provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall



1 not limit the number of visits an insured may make to any person,
2 entity or group for treatment of autism spectrum disorders.

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

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

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

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

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

19 7. As used in this section:

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

27 (b) "Autism behavior interventionist" means a person who is
28 registered as a Registered Behavior Technician or an equivalent
29 credential by the Behavior Analyst Certification Board, Inc., or its
30 successor organization, and provides behavioral therapy under the
31 supervision of:

32 (1) A licensed psychologist;

33 (2) A licensed behavior analyst; or

34 (3) A licensed assistant behavior analyst.

35 (c) "Autism spectrum ~~disorders~~" ~~means a neurobiological~~
36 ~~medical condition including, without limitation, autistic disorder,~~
37 ~~Asperger's Disorder and Pervasive Developmental Disorder Not~~
38 ~~Otherwise Specified.] disorder" has the meaning ascribed to it in~~
39 ***NRS 427A.875.***

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



1 licensed assistant behavior analyst or autism behavior
2 interventionist.

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

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

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

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

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

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

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

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

37 (m) “Therapeutic care” means services provided by licensed or
38 certified speech-language pathologists, occupational therapists and
39 physical therapists.

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



Sec. 4. 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 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 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 to the same extent as 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 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 otherwise 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, behavioral 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 subsection 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~~ a 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 behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

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

(c) "Autism spectrum ~~disorders~~" ~~means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.~~ *disorder" has the meaning ascribed to it in NRS 427A.875.*

(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 autism behavior interventionist.

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

(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) "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



1 Board of Psychological Examiners and who provides behavioral
2 therapy under the supervision of a licensed behavior analyst or
3 psychologist.

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

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

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

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

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

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

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

29 **Sec. 5.** NRS 689C.1655 is hereby amended to read as follows:

30 689C.1655 1. A health benefit plan must provide coverage
31 for screening for and diagnosis of autism spectrum disorders and for
32 treatment of autism spectrum disorders to persons covered by the
33 health benefit plan under the age of 18 years or, if enrolled in high
34 school, until the person reaches the age of 22 years.

35 2. Coverage provided under this section is subject to:

36 (a) A maximum benefit of the actuarial equivalent of \$72,000
37 per year for applied behavior analysis treatment; and

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

42 3. A health benefit plan that offers or issues a policy of group
43 health insurance which provides coverage for outpatient care shall
44 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 benefit plan or cancel a health benefit 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 otherwise provided in subsections 1 and 2, 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, behavioral 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 carrier may request a copy of and review a treatment plan created pursuant to this subsection.

6. A 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 plan or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a carrier to provide reimbursement to ~~an early intervention agency or~~ a 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 behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its



1 successor organization, and provides behavioral therapy under the
2 supervision of:

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

6 (c) “Autism spectrum ~~disorders~~” ~~means a neurobiological~~
7 ~~medical condition including, without limitation, autistic disorder,~~
8 ~~Asperger’s Disorder and Pervasive Developmental Disorder Not~~
9 ~~Otherwise Specified.~~ *disorder” has the meaning ascribed to it in*
10 *NRS 427A.875.*

11 (d) “Behavioral therapy” means any interactive therapy derived
12 from evidence-based research, including, without limitation, discrete
13 trial training, early intensive behavioral intervention, intensive
14 intervention programs, pivotal response training and verbal behavior
15 provided by a licensed psychologist, licensed behavior analyst,
16 licensed assistant behavior analyst or autism behavior
17 interventionist.

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

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

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

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

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

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



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

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

(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.1717 is hereby amended to read as follows:

695C.1717 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 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

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

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

(a) Require an 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 otherwise provided in subsections 1 and 2, a health maintenance organization shall not limit the number of visits an 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, behavioral 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 health maintenance organization may request a copy of and review a treatment plan created pursuant to this subsection.

6. 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 subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a health maintenance organization to provide reimbursement to ~~an early intervention agency or~~ a 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 behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum ~~disorders~~" means ~~a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.~~ *disorder" has the meaning ascribed to it in NRS 427A.875.*

(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,



1 licensed assistant behavior analyst or autism behavior
2 interventionist.

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

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

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

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

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

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

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

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

37 (m) “Therapeutic care” means services provided by licensed or
38 certified speech-language pathologists, occupational therapists and
39 physical therapists.

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



Sec. 7. NRS 695G.1645 is hereby amended to read as follows:

695G.1645 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 years or, if enrolled in high school, until the person reaches the age of 22 years.

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 years or, if enrolled in high school, until the person reaches the age of 22 years.

3. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

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

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.

5. Except as otherwise provided in subsections 1, 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.

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, behavioral 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 managed care organization may request a copy of and review a treatment plan created pursuant to this subsection.



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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 subsection 1 or 3 is void.

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

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 behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum ~~disorders~~" ~~means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.~~ *disorder" has the meaning ascribed to it in NRS 427A.875.*

(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 autism behavior interventionist.

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

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are



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1 necessary to develop, maintain and restore, to the maximum extent
2 practicable, the functioning of a person.

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5 board certified assistant behavior analyst issued by the Behavior
6 Analyst Certification Board, Inc., or any successor in interest to that
7 organization, who is licensed as an assistant behavior analyst by the
8 Board of Psychological Examiners and who provides behavioral
9 therapy under the supervision of a licensed behavior analyst or
10 psychologist.

11 (h) “Licensed behavior analyst” means a person who holds
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13 certified behavior analyst or a board certified assistant behavior
14 analyst issued by the Behavior Analyst Certification Board, Inc., or
15 any successor in interest to that organization and who is licensed as
16 a behavior analyst by the Board of Psychological Examiners.

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

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31 physical therapists.

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

36 **Sec. 7.5.** The provisions of NRS 354.599 do not apply to any
37 additional expenses of a local government that are related to the
38 provisions of this act.

39 **Sec. 8.** This act becomes effective on July 1, 2017.



