

# ASSEMBLY, No. 2238

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 25, 2008

**Sponsored by:**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Assemblyman JOSEPH J. ROBERTS, JR.**

**District 5 (Camden and Gloucester)**

**Assemblywoman JOAN M. VOSS**

**District 38 (Bergen)**

**Co-Sponsored by:**

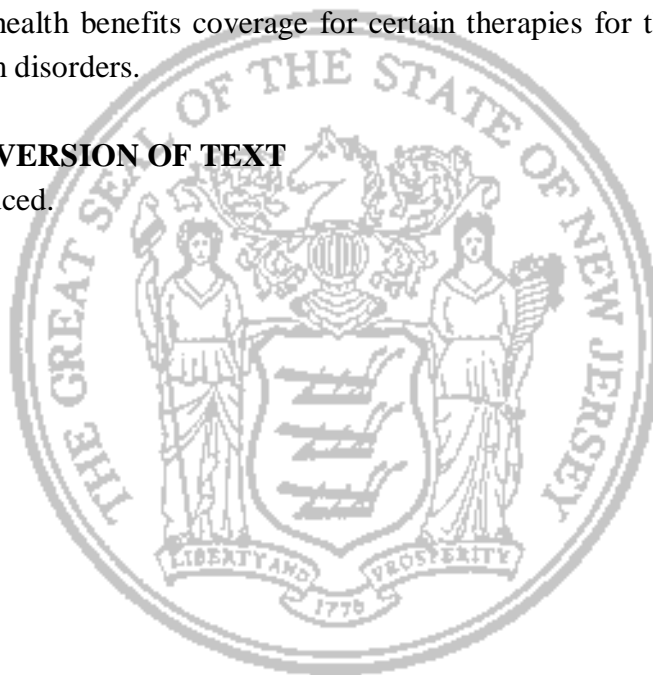
**Assemblymen Ramos, Biondi, Assemblywomen Pou, Vainieri Huttie,  
Assemblymen Coutinho, Scalera, Diegnan, Assemblywomen Wagner,  
Lampitt and Jasey**

**SYNOPSIS**

Requires health benefits coverage for certain therapies for the treatment of certain autism disorders.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/23/2008)**

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

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Notwithstanding any other provision of law to the contrary,  
9 every individual and group hospital service corporation contract  
10 that provides hospital and medical expense benefits and is  
11 delivered, issued, executed or renewed in this State pursuant to  
12 P.L.1938, c.366 (C.17:48-1 et seq.), or approved for issuance or  
13 renewal in this State by the Commissioner of Banking and  
14 Insurance, on or after the effective date of this act, shall, when the  
15 covered person's primary diagnosis is Autistic Disorder, Childhood  
16 Disintegrative Disorder, Asperger's Disorder, Pervasive  
17 Developmental Disorder - Not Otherwise Specified or Rhett's  
18 Syndrome, provide coverage for expenses incurred for the  
19 following treatments when prescribed as medically necessary by the  
20 covered person's physician: physical therapy; speech therapy;  
21 occupational therapy; and evidence-based behavioral interventions.

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

24 The provisions of this section shall apply to all contracts in  
25 which the hospital service corporation has reserved the right to  
26 change the premium.

27  
28 2. Notwithstanding any other provision of law to the contrary,  
29 every individual and group medical service corporation contract  
30 that provides hospital and medical expense benefits and is  
31 delivered, issued, executed or renewed in this State pursuant to  
32 P.L.1940, c.74 (C.17:48A-1 et seq.), or approved for issuance or  
33 renewal in this State by the Commissioner of Banking and  
34 Insurance, on or after the effective date of this act, shall, when the  
35 covered person's primary diagnosis is Autistic Disorder, Childhood  
36 Disintegrative Disorder, Asperger's Disorder, Pervasive  
37 Developmental Disorder - Not Otherwise Specified or Rhett's  
38 Syndrome, provide coverage for expenses incurred for the  
39 following treatments when prescribed as medically necessary by the  
40 covered person's physician: physical therapy; speech therapy;  
41 occupational therapy; and evidence-based behavioral interventions.

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

44 The provisions of this section shall apply to all contracts in  
45 which the medical service corporation has reserved the right to  
46 change the premium.

47  
48 3. Notwithstanding any other provision of law to the contrary,

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

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

16 The provisions of this section shall apply to all contracts in  
17 which the health service corporation has reserved the right to  
18 change the premium.

19

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

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

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

38

39 5. Notwithstanding any other provision of law to the contrary,  
40 every group health insurance policy that provides hospital and  
41 medical expense benefits and is delivered, issued, executed or  
42 renewed in this State pursuant to chapter 27 of Title 17B of the New  
43 Jersey Statutes, or approved for issuance or renewal in this State by  
44 the Commissioner of Banking and Insurance, on or after the  
45 effective date of this act, shall, when the covered person's primary  
46 diagnosis is Autistic Disorder, Childhood Disintegrative Disorder,  
47 Asperger's Disorder, Pervasive Developmental Disorder - Not  
48 Otherwise Specified or Rhetts Syndrome, provide coverage for

1 expenses incurred for the following treatments when prescribed as  
2 medically necessary by the covered person's physician: physical  
3 therapy; speech therapy; occupational therapy; and evidence-based  
4 behavioral interventions.

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

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

9

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

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

25 The provisions of this section shall apply to those health benefits  
26 plans in which the carrier has reserved the right to change the  
27 premium.

28

29 7. Notwithstanding any other provision of law to the contrary, a  
30 small employer health benefits plan that provides hospital and  
31 medical expense benefits and is delivered, issued, executed or  
32 renewed in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et  
33 seq.), or approved for issuance or renewal in this State by the  
34 Commissioner of Banking and Insurance, on or after the effective  
35 date of this act, shall, when the covered person's primary diagnosis  
36 is Autistic Disorder, Childhood Disintegrative Disorder, Asperger's  
37 Disorder, Pervasive Developmental Disorder - Not Otherwise  
38 Specified or Rhett's Syndrome, provide coverage for expenses  
39 incurred for the following treatments when prescribed as medically  
40 necessary by the covered person's physician: physical therapy;  
41 speech therapy; occupational therapy; and evidence-based  
42 behavioral interventions.

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

45 The provisions of this section shall apply to those health benefits  
46 plans in which the carrier has reserved the right to change the  
47 premium.

1       8. Notwithstanding any other provision of law to the contrary, a  
2 health maintenance organization enrollee agreement that provides  
3 health care services and is delivered, issued, executed or renewed in  
4 this State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), or  
5 approved for issuance or renewal in this State by the Commissioner  
6 of Health and Senior Services, on or after the effective date of this  
7 act, shall, when the covered person's primary diagnosis is Autistic  
8 Disorder, Childhood Disintegrative Disorder, Asperger's Disorder,  
9 Pervasive Developmental Disorder - Not Otherwise Specified or  
10 Rhett's Syndrome, provide coverage for expenses incurred for the  
11 following treatments when prescribed as medically necessary by the  
12 covered person's physician: physical therapy; speech therapy;  
13 occupational therapy; and evidence-based behavioral interventions.

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

16       The provisions of this section shall apply to those enrollee  
17 agreements in which the health maintenance organization has  
18 reserved the right to change the premium.

19

20       9. Notwithstanding any other provision of law to the contrary,  
21 the State Health Benefits Commission shall, when the covered  
22 person's primary diagnosis is Autistic Disorder, Childhood  
23 Disintegrative Disorder, Asperger's Disorder, Pervasive  
24 Developmental Disorder - Not Otherwise Specified or Rhett's  
25 Syndrome, provide coverage for expenses incurred for the  
26 following treatments when prescribed as medically necessary by the  
27 covered person's physician: physical therapy; speech therapy;  
28 occupational therapy; and evidence-based behavioral interventions.

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

31

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

33

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#### STATEMENT

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36       This bill requires health insurers to provide health benefits  
37 coverage for expenses incurred for certain treatments when  
38 prescribed as medically necessary by the covered person's physician  
39 upon a diagnosis of autism. When the covered person's primary  
40 diagnosis is Autistic Disorder, Childhood Disintegrative Disorder,  
41 Asperger's Disorder, Pervasive Developmental Disorder - Not  
42 Otherwise Specified or Rhett's Syndrome, the covered treatments  
43 would include: physical therapy; speech therapy; occupational  
44 therapy; and evidence-based behavioral interventions. Insurers  
45 covered by the bill include: health, hospital and medical service  
46 corporations; commercial individual and group health insurers;  
47 health maintenance organizations; health benefits plans issued  
48 pursuant to the New Jersey Individual Health Coverage and Small

**A2238 PRIETO, ROBERTS**

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- 1 Employer Health Benefits Programs; and the State Health Benefits
- 2 Program.