



National Association of Health Underwriters

Current State Laws Regarding Health Insurance Coverage of Autism Spectrum Disorders

February 2009

State	Statute Citation	Mandate or Mental Health Parity?	Applicability	Covered Services	Annual Benefit Limits	Age Limit	Definition of Autism
Arizona	20-826.04	Stand alone mandate	Group plans of 51+ full-time employees	Medical diagnosis and assessment, and medically necessary behavioral therapy services	\$50,000 up to age 9. \$25,000 up to age 16.	16	“Autism spectrum disorder” means one of the three following disorders as defined in the most recent edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association: (1) Autistic disorder. (2) Asperger's syndrome. (3) Pervasive developmental disorder - not otherwise specified.
Arkansas	23-99-504	Covered under Mental health Parity	Group plans of 51+ full-time employees	Diagnosis and treatment of mental illnesses and developmental disorders when the diagnosis and treatment are medically necessary	Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage.	None	“Mental illnesses” and “developmental disorders” mean those illnesses and disorders listed in the International Classification of Diseases Manual and the Diagnostic and Statistical Manual of Mental Disorders. Autism is categorized as a developmental disorder.
California	1374.72	Covered under Mental Health Parity	Individual policies and group policies	Diagnosis and medically necessary treatment of severe mental of a person of any age. Required benefits include: (1) Outpatient services. (2) Inpatient hospital services. (3) Partial hospital services. (4) Prescription drugs, if the plan contract includes coverage for prescription drugs.	Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage.	None	Autism is included as a “severe mental illness” in the state’s law.
Colorado	10-16-104.5	Colorado law is unique as it sets a floor for autism coverage, but does not mandate that it to be offered.	Individual policies and group plans	Autism coverage, if offered, must be covered in the same manner as for any other accident or sickness, other than mental illness, otherwise covered under such policy.	None.	None	No legal definition.
Connecticut	38a-488a 38a-514	Covered under Mental Health Parity	Individual policies and group plans	Services of a licensed physician or psychologist and treatment deemed necessary under generally accepted medical standards	Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage.	None	The law refers to “the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.”
Florida	627.6686	Stand alone mandate	Group plans	Speech therapy, occupational therapy, physical therapy, and applied behavior analysis	\$36,000 up to age 18. \$200,000 lifetime max.	18	“Autism spectrum disorder” means any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association: (1) Autistic disorder. (2) Asperger's syndrome. (3) Pervasive developmental disorder not otherwise specified.
Georgia	33-24-59.10	Covered under Mental Health Parity	Individual policies and group plans	“treatment authorized for neurological disorders”	Insurance policies that cover neurological disorders must offer comprehensive autism	None	“Autism” means a developmental neurological disorder, usually appearing in the first three years of life, which affects normal brain functions and

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					benefits.		is manifested by compulsive, ritualistic behavior and severely impaired social interaction and communication skills.
Illinois	215 ILCS 356z.14	Stand alone mandate	Individual policies and group plans	(1) Psychiatric care, meaning direct, consultative, or diagnostic services provided by a licensed psychiatrist. (2) Psychological care, meaning direct or consultative services provided by a licensed psychologist. (3) Habilitative or rehabilitative care, meaning professional, counseling, and guidance services and treatment programs, including applied behavior analysis, (4) Therapeutic care, including behavioral, speech, occupational, and physical therapies	\$36,000.	21	“Autism spectrum disorders” means pervasive developmental disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including autism, Asperger's disorder, and pervasive developmental disorder not otherwise specified.
Indiana	27-8-14.2	Stand alone mandate	Group plans only. Individual policies must offer to provide the coverage.	“Treatment that is prescribed by the insured's treating physician in accordance with a treatment plan”	Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage	None	"Pervasive developmental disorder" means a neurological condition, including Asperger's syndrome and autism, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.
Iowa	514C.22	Covered under Mental Health Parity	Group plans with 51+ full time employees	“medically necessary and clinically appropriate”	Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage. Coverage shall include 30 days of in-patient care for mental illness and for 52 visits for out-patient care.	None	Shall be consistent with the definition provided in the most recent edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM-IV).
Kansas	40-2, 105a	Covered under Mental Health Parity	Group plans	“Coverage for diagnosis and treatment (of autism)”	45 days of in-patient care for mental illness and for 45 visits for out-patient care. Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage.	None	“Same as the fourth edition, (DSM-IV, 1994) of the American Psychiatric Association.”
Kentucky	304.17A-143	Stand alone mandate	Individual policies and group plans	Therapeutic, respite, and rehabilitative care	\$500 per month. Covered services include therapeutic, respite and rehabilitative care.	2-21	Must meet six or more items from subparagraphs 1, 2, and 3, with at least two from subparagraph 1 and one each from subparagraphs 2 and 3: (1) Qualitative impairment in social interaction, as manifested by at least two of the following: <ul style="list-style-type: none"> • Marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction; • Failure to develop peer relationships appropriate to developmental level; • A lack of spontaneous seeking to share enjoyment, interests, or achievement with

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							<p>other people; or</p> <ul style="list-style-type: none"> Lack of social or emotional reciprocity. <p>(2) Qualitative impairments in communication as manifested by at least one of the following:</p> <ul style="list-style-type: none"> Delay in, or total lack of, the development of spoken language; In individuals with adequate speech, marked impairment in the ability to imitate or sustain a conversation with others; Stereotyped and repetitive use of language or idiosyncratic language Lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental levels. <p>(3) Restricted repetitive and stereotyped patterns of behavior, interests, and activities, as manifested by at least one of the following:</p> <ul style="list-style-type: none"> Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus; Apparently inflexible adherence to specific, nonfunctional routines or rituals; Stereotyped and repetitive motor mannerisms; or Persistent preoccupation with parts of objects; Delays or abnormal functioning in at least one of the following areas, with onset prior to age three years: social interaction, language as used in social communication, symbolic or imaginative play, and the disturbance is not better accounted for by Rett's Disorders of Childhood Disintegrative Disorder.
Louisiana	22:669	Covered under Mental Health Parity	Group plans	Physician, psychologist and licensed clinical social worker services	Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage.	None	No legislative definition.
Maine	24A,2749-C	Mandated Offer.	Individual policies and group plans	"Treatment and diagnosis of mental illnesses"	Autism coverage must be offered and may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage. A provider of medical treatment for mental illness shall furnish data substantiating that medical care is necessary.	None	No legislative definition.
Maryland	15-835	Covered under Mental Health Parity	Individual policies and group plans	"Habilitative services" including occupational therapy, physical	Autism services shall include occupational therapy, physical	19	Autism is included in the definition of a "congenital or genetic birth defect," a defect

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				therapy, and speech therapy.	therapy, and speech therapy, for the treatment of a child with a congenital or genetic birth defect to enhance the child's ability to function.		existing at or from birth, including a hereditary defect.
Massachusetts	Ch 175, Sect 47B	Mental Health Parity with extended benefits	Individual policies and group plans	"Medically necessary benefits for...diagnosis and treatment"	The insurer shall continue to provide benefits to any adolescent who is engaged in an ongoing course of treatment beyond the adolescent's nineteenth birthday until said course of treatment, as specified in said adolescent's treatment plan, is completed.	19	"Biologically-based mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association."
Missouri	376.1550	No	Group plans	Nothing specific other than "coverage for treatment of a mental health condition"	A health benefit plan shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to treatment for a mental health condition than for access to treatment for a physical health condition.	None	"Mental health condition," any condition or disorder defined by categories listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders except for chemical dependency.
Montana	33-22-706	No	Individual policies and group plans	Inpatient hospital services, outpatient services; rehabilitative services; medication; services rendered by a licensed physician, licensed advanced practice registered nurse with a specialty in mental health, licensed social worker, licensed psychologist, and licensed professional counselor	Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage.	None	Same definition as the American Psychiatric Association's. Montana law includes autism under the category of "severe mental illness."
New Hampshire	37-417-E	No	Group plans	"Benefits for treatment and diagnosis of certain biologically-based mental illnesses"	Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage.	None	"Mental illness" means a clinically significant or psychological syndrome or pattern that occurs in a person and that is associated with present distress, a painful symptom or disability, impairment in one or more important areas of functioning, or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom.
New Jersey	17:48E-35.20	No	Individual policies and group plans	Nothing specific. "Shall provide coverage for biologically-based illness(es)."	Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage.	None	"Biologically-based mental illness" means a mental or nervous condition that is caused by a biological disorder of the brain and results in a clinically significant or psychological syndrome or pattern that substantially limits the functioning of the person with the illness, including but not limited to, schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, panic disorder and pervasive developmental disorder or autism.
New York	3221(1)(17)	No	Individual policies	"Coverage for diagnosis and	None.	None	"Autism spectrum disorder" means a

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			and group plans	treatment of autism spectrum disorder			neurobiological condition that includes autism, Asperger syndrome, Rett's syndrome or pervasive developmental disorder.
North Carolina	58-3-220	No	Group plans	"Benefits for the necessary care and treatment of mental illnesses	Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage.		Mental illnesses are as diagnosed and defined in the Diagnostic and Statistical Manual of Mental Disorders, DSM-IV or a subsequent edition published by the American Psychiatric Association, except those mental disorders coded in the DSM-IV or subsequent edition as substance-related disorders, those coded as sexual dysfunctions not due to organic disease and those coded as "V" codes. (The code for autism is 299.0.)
Oregon	743A.190	Yes	Individual policies and group plans	All "medical services, including rehabilitation services, that are medically necessary"	None.	18	"Pervasive developmental disorder" means a neurological condition that includes Asperger's syndrome, autism, developmental delay, developmental disability or mental retardation.
Pennsylvania	Act 62 (2008)	Yes	Group plans with 51+ full-time employees, state insurance programs: Medical Assistance, CHIP and Adult Basic	Diagnostic assessment and treatment of autism spectrum disorders	\$36,000. After Dec. 30, 2011, this will be inflation-adjusted annually.	21	"Autism spectrum disorders" means any of the pervasive developmental disorders defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or its successor, including autistic disorder, Asperger's disorder and pervasive developmental disorder not otherwise specified.
Rhode Island	27-38.2-2	No	Individual policies and group plans	"Medically necessary and appropriate treatment"	30 days of in-patient care for mental illness and for 30 visits for out-patient care. Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage.		Any mental disorder and substance abuse disorder that is listed in the most recent revised publication or the most updated volume of either the Diagnostic and Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric Association or the International Classification of Disease Manual (ICD) published by the World Health Organization and that substantially limits the life activities of the person with the illness.
South Carolina	38-71-280	Yes	Group plans with 51+ full-time employees.	Prescribed treatment by a medical doctor and coverage for behavioral therapy	\$50,000. Child must be diagnosed with a qualifying disorder by age 8.	16	"Autism spectrum disorder" means one of the three following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association: (1) Autistic Disorder; (2) Asperger's Syndrome; (3) Pervasive Developmental Disorder—Not Otherwise Specified.
Tennessee	56-7-2367	No	Individual policies and group plans	No benefits are specified, but coverage for the treatment of autism spectrum disorders must at least be as comprehensive as those provided for other neurological disorders.	Insurance policies that cover neurological disorders must offer comprehensive autism benefits.	12	"Autism spectrum disorders" means neurological disorders, usually appearing in the first three years of a person's life, that affect normal brain functions and are typically manifested by impairments in communication and social interaction, as well as restrictive, repetitive and stereotyped behaviors.
Texas	1355.015	Yes	Group plans	Covers all generally recognized	Autism coverage may not be	2-6	"Autism spectrum disorder" means a

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				services, which may include may include: (1) evaluation and assessment services; (2) applied behavior analysis; (3) behavior training and behavior management; (4) speech therapy; (5) occupational therapy; (6) physical therapy; or (7) medications or nutritional supplements used to address symptoms of autism spectrum disorder.	less comprehensive and its cost sharing shall be comparable to physical illness coverage.		neurobiological disorder that includes autism, Asperger's syndrome or Pervasive Developmental Disorder—Not Otherwise Specified.
Vermont	4089	No	Group plans	Inpatient and outpatient services for the consultation, diagnosis or treatment of mental health care	None.	None	Mental or nervous condition or mental disorder falling under any of the diagnostic categories listed in the mental disorders section of the international classification of disease as periodically revised.
Virginia	38.2-3412.1:01	No	Group plans with 26+ full-time employees	Nothing specific, except that coverage provided for the treatment of autism spectrum disorders must be at least as comprehensive as those provided for other neurological disorders. This is left up to each policy. Neurological disorders benefits are not defined or mandated in the TN code.	Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage.	None	Autism is defined as a “biologically based mental illness,” any mental or nervous condition caused by a biological disorder of the brain that results in a clinically significant syndrome that substantially limits the person's functioning.
Washington	48-21-241	No	Group plans with 51+ full-time employees.	Medically necessary outpatient and inpatient services, prescription drugs	Autism coverage may not be less comprehensive and its cost sharing shall be comparable to physical illness coverage.	None	Medically necessary outpatient and inpatient services provided to treat mental disorders covered by the diagnostic categories listed in the most current version of the diagnostic and statistical manual of mental disorders, published by the American Psychiatric Association.

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