§2847-T. Coverage for the diagnosis and treatment of autism spectrum disorders

(REALLOCATED FROM TITLE 24-A, SECTION 2847-R)

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

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 the use of direct observation, measurement and functional analysis of the relations between environment and behavior. [PL 2011, c. 420, Pt. A, §26 (RAL).]

B. "Autism spectrum disorders" means any of the pervasive developmental disorders as defined by the Diagnostic and Statistical Manual of Mental Disorders, 4th edition, published by the American Psychiatric Association, including autistic disorder, Asperger's disorder and pervasive developmental disorder not otherwise specified. [PL 2011, c. 420, Pt. A, §26 (RAL).]

C. "Treatment of autism spectrum disorders" includes the following types of care prescribed, provided or ordered for an individual diagnosed with an autism spectrum disorder:

1) Habilitative or rehabilitative services, including applied behavior analysis or other professional or counseling services necessary to develop, maintain and restore the functioning of an individual to the extent possible. To be eligible for coverage, applied behavior analysis must be provided by a person professionally certified by a national board of behavior analysts or performed under the supervision of a person professionally certified by a national board of behavior analysts;

2) Counseling services provided by a licensed psychiatrist, psychologist, clinical professional counselor or clinical social worker; and

3) Therapy services provided by a licensed or certified speech therapist, occupational therapist or physical therapist. [PL 2011, c. 420, Pt. A, §26 (RAL).]

2. Required coverage. All group health insurance policies, contracts and certificates must provide coverage for autism spectrum disorders for an individual covered under a policy, contract or certificate who is 10 years of age or under in accordance with the following.

A. The policy, contract or certificate must provide coverage for any assessments, evaluations or tests by a licensed physician or licensed psychologist to diagnose whether an individual has an autism spectrum disorder. [PL 2011, c. 420, Pt. A, §26 (RAL).]

B. The policy, contract or certificate must provide coverage for the treatment of autism spectrum disorders when it is determined by a licensed physician or licensed psychologist that the treatment is medically necessary health care as defined in section 4301-A, subsection 10-A. A licensed physician or licensed psychologist may be required to demonstrate ongoing medical necessity for coverage provided under this section at least annually. [PL 2011, c. 420, Pt. A, §26 (RAL).]

C. The policy, contract or certificate may not include any limits on the number of visits. [PL 2011, c. 420, Pt. A, §26 (RAL).]

D. Notwithstanding section 2843 and to the extent allowed by federal law, the policy, contract or certificate may limit coverage for applied behavior analysis to $36,000 per year. An insurer may not apply payments for coverage unrelated to autism spectrum disorders to any maximum benefit established under this paragraph. [PL 2011, c. 420, Pt. A, §26 (RAL).]

E. This subsection may not be construed to require coverage for prescription drugs if prescription drug coverage is not provided by the policy, contract or certificate. Coverage for prescription drugs...
for the treatment of autism spectrum disorders must be determined in the same manner as coverage
for prescription drugs for the treatment of any other illness or condition is determined under the
policy, contract or certificate. [PL 2011, c. 420, Pt. A, §26 (RAL).]
[PL 2013, c. 597, §2 (AMD); PL 2013, c. 597, §4 (AFF).]

3. Limits; coinsurance; deductibles. Except as otherwise provided in this section, any policy,
contract or certificate that provides coverage for services under this section may contain provisions for
maximum benefits and coinsurance and reasonable limitations, deductibles and exclusions to the extent
that these provisions are not inconsistent with the requirements of this section.
[PL 2011, c. 420, Pt. A, §26 (RAL).]

4. Individualized education plan. This section may not be construed to affect any obligation to
provide services to an individual with an autism spectrum disorder under an individualized education
plan or an individualized family service plan.
[PL 2011, c. 420, Pt. A, §26 (RAL).]

SECTION HISTORY

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include
the following disclaimer in your publication:
All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects
changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1,
2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State.
Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our
goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to
preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the
public. If you need legal assistance, please contact a qualified attorney.