

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

198V0775

HOUSE BILL NO. 1257

Introduced by: The Committee on Health and Human Services

1 FOR AN ACT ENTITLED, An Act to clarify certain autism spectrum disorders insurance
2 coverage.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "Autism spectrum disorder," as defined in the American Psychiatric Association's
6 Diagnostic and Statistical Manual of Mental Disorders, edition DSM-V-TR:

7 (2) "Director," the director of the Division of Insurance;

8 (3) "Health benefit plan," an accident and health insurance policy or certificate; a
9 nonprofit hospital or medical service corporation contract; a health maintenance
10 organization subscriber contract; a plan provided by a multiple employer welfare
11 arrangement; or a plan provided by another benefit arrangement, to the extent
12 permitted by the Employee Retirement Income Security Act of 1974, as amended to
13 January 1, 2001, or by any waiver of or other exception to that act provided under
14 federal law or regulation.

15 Section 2. No health benefit plan is required to provide coverage for any of the following:



1 acupuncture, animal-based therapy including hippotherapy, auditory integration training,
2 chelation therapy, child care, cranial sacral therapy, custodial or respite care, hyperbaric oxygen,
3 special diets or supplements.

4 Section 3. No health benefit plan is required to pay for treatment rendered by parents or legal
5 guardians who are otherwise qualified providers, supervising providers, therapists,
6 professionals, or paraprofessionals, for treatment rendered to their own children.

7 Section 4. A health benefit plan shall provide coverage for treatments, therapies, and
8 services to an insured diagnosed with autism spectrum disorders by an autism service provider
9 in locations including the provider's office, clinic, or in a setting conducive to the acquisition
10 of the target skill. Treatments may be provided in schools when the treatments, therapies, or
11 services are related to the goals of the treatment plan and do not duplicate services provided by
12 a school.

13 No health benefit plan is required to provide coverage for therapy, treatment, or services
14 when the therapy, treatment, or service is provided to an insured who is residing in a residential
15 treatment center, inpatient treatment facility, or a day treatment facility.

16 Section 5. A health benefit plan shall verify the licensure, certification, and all training or
17 other credentials of a qualified provider or health professional. No health benefit plan may deny
18 payment or reimbursement for the necessary diagnosis or treatment provided by a certified
19 behavior analyst or a health professional licensed in South Dakota.

20 Section 6. A health benefit plan shall provide written notice to the insured regarding claims
21 submitted and processed for the treatment of autism spectrum disorders and shall include the
22 total amount expended to date for the current policy year. The notice may be included with the
23 explanation of benefits form or in a separate communication provided on a periodic basis during
24 the course of treatment.