



To increase access to the early, intensive treatment of autism spectrum disorders
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Issue Overview

Autism Spectrum Disorder (ASD) is now the fastest growing developmental disability in the United States, occurring in 1 out of every 150 children according to the Centers for Disease Control. At this rate, we can expect 100 NH children born each year to eventually have a diagnosis on the autism spectrum. While not curable, early intensive intervention has repeatedly been shown to significantly reduce interfering symptoms and reduce the level of services necessary to support an individual as an adult.

Recognizing the needs of this rapidly growing population, the NH legislature established a study committee on ASD and subsequently established the standing NH Council on ASD to oversee the implementation of the committee's recommendations. Among them, few are as central as the recommendation that NH's private health insurance carriers bear a reasonable share of the cost associated with the medically necessary treatment of ASD.

In New Hampshire, the three major carriers do not provide a benefit for therapies based on the principals of applied behavior analysis (ABA). This is the most commonly recommended treatment modality and has the strongest evidence to support its efficacy. Additionally, Speech, and Occupational Therapy are often denied coverage, even when prescribed by a doctor, because they do not fall within the traditional definition of "rehabilitation." As a result, the vast majority of NH children simply do not receive the recommended level of treatment.

HB 569 of the 2009 session, also known as Connor's Law, is an effort to align coverage with the guidelines adopted in 2007 by the American Academy of Pediatrics. HB 569 was retained by the House Commerce and Consumer Affairs Committee for further study. It is part of a broader national movement to secure coverage typically afforded any other neurologically based illness. Fifteen states have adopted similar laws. A recent report estimated that HB 569 would impact premium by between 77 cents and \$1.42 per member per month. The long term societal benefit to the Granite State was estimated to be \$597.8 million.

Proposed Solution

We propose continued efforts to pass HB 569, which would define the treatment of ASD in a manner consistent with generally accepted standards of medical practice. While NH's mental health parity law names ASD as a covered condition, treatment guidelines were not available at the time that the legislature chose to expand the law to include biologically-based conditions like autism (RSA 417-E:1). Because of the complexity of ASD, further clarification of the parity law is needed to fulfill its original intent. Connor's law specifically names behavior-based therapy as a covered service, along with Speech, OT, PT, medications, and the consultative services of a psychologist, psychiatrist, advanced registered nurse practitioner, or clinical social worker. Coverage could not be denied on the basis that the treatment goals are "not restorative" but rather seek to produce skills that the child has not yet attained. The bill would require a physician or psychologist to verify the medical necessity of such services, including determining the appropriate frequency and duration of treatment.

Call to Action

The 17 members of the Council can draw upon the 75 stakeholders who are actively participating in one of the Council's eight working groups. NH CAN Partners engaged in education and mental health advocacy will also be valuable supporters of this effort.