

BACKERS OF AUTISM TREATMENT CALL INSURANCE COVERAGE A 'HUMAN RIGHT'

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STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, OCT. 21, 2009.....Although they scored a victory in 2008, when the governor signed legislation guaranteeing insurance coverage for certain mental health treatments, families of autistic children returned to Beacon Hill Wednesday, arguing that some of the most important - and expensive - services they need may still go uncovered.

The so-called mental health parity law, passed in August 2008 and implemented in July, included autism on a list of 13 biologically-based mental health disorders that insurers must cover. But proponents of a new, specific mandate to cover autism services say the original law doesn't go far enough.

Rep. Barbara L'Italien (D-Andover), sponsor of a proposal to guarantee coverage for the diagnosis and treatment of autism, said mandating that insurers cover such treatments "is an issue of basic human rights." Though the parity law requires coverage of certain mental health ailments connected to autism, essential physical and behavioral services are not included, backers of L'Italien's bill say.

"We currently have a system of haves and have-nots," L'Italien said at a press conference prior to a Financial Services Committee hearing on her bill (H 3809). One hundred and eleven legislators, enough in both the House and Senate to guarantee passage if it reached a vote, have signed onto the proposal as co-sponsors.

Various studies indicate that nearly one in 100 children are diagnosed with autism, a figure that has spiked as detection methods have grown more sophisticated.

According to the nine-page proposal, "Any individual policy of accident and sickness insurance ... shall provide benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders having a principal place of employment in the commonwealth for the diagnosis and treatment of Autism Spectrum Disorder in individuals." The bill would prohibit insurers from enforcing annual or lifetime limits on autism treatment.

L'Italien, whose son has autism, said she has spent thousands out-of-pocket for services such as physical therapy and occupational therapy for his treatment. She said that the mental health parity law was a win, but added that autism should be treated as a neurological disorder, not strictly a mental health condition.

L'Italien told the News Service that existing laws requiring some mental health coverage for autism are likely to exclude "applied behavioral analysis," a treatment aimed at improving the behavior of autistic children and one that many families of autistic children say is critical.

A September Division of Insurance memo clarifying the services covered under the parity law notes that insurance plans may review required services to determine whether they are "medically necessary," a phrase included in the law to describe which mental health services would be covered. Services not required to be covered include any "programs that focus solely on interpersonal or other skills rather than treatment directed toward symptom reduction and functional recovery," according to the memo, signed by then-Insurance Commissioner Nonnie Burnes and Mental Health Commissioner Barbara Leadholm.

Insurers say applied behavioral analysis appears to fall outside the realm of what is required.

"These services have typically been educational in nature, not medical," said Dr. Marylou Buyse, president of the Massachusetts Association of Health Plans. "They're not services that are provided by licensed mental health professionals. These are not people who are licensed, and that's another problem for the plans. We deal with medical issues by licensed medical professionals."

Buyse said the flagging economy should also give pause to lawmakers who back the proposal.

"We have to all realize that this is not the time to be adding to employers' health care costs," she said. "Mandated benefits add to the cost of health insurance premiums. That adds on to the current costs for employers and consumers."

Buyse said mandated benefits already make up 12 cents of every dollar spent on insurance premiums.

Advocates, however, said Massachusetts would reap economic gains if the law passes, taking the burden off schools, who often care for autistic children in the special education system. Families struggling to pay medical bills would also win relief, they argued.

Lori Unumb, a policy analyst with the national organization Autism Speaks, said

her family spent \$75,000 a year to care for an autistic child.

"There's a huge autism tsunami that's heading your way. If private insurance doesn't step up to play its part, it's going to cost Massachusetts an incredible amount of money," she told committee members during a hearing in Gardner Auditorium. "Having studied this issue for about 10 years now, I've yet to come up with a better solution than what is in this bill."

Dr. Susan Wilczynski, executive director of the National Autism Center, said applied behavioral analysis was proven effective in hundreds of studies across the country, according to a nationwide review of autism research.

Many of the 17 committee members skipped all or parts of the hearing. By 1:30 p.m., as testimony continued, just three committee members were present on a warm fall day that featured no legislative sessions. Committee co-chair Rep. Peter Koutoujian was out with the flu, according to an aide.

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