

(1) file the consumer choice health benefit plan with the Filings and Operations Division in accordance with:

(A) the Insurance Code Chapter 1271~~[Article 20A.09]~~ and Chapter 11 of this title (relating to Health Maintenance Organizations) including the filing fee requirements; and

(B) the Insurance Code Chapter 1701~~[Article 3.42]~~ and Chapter 3, Subchapter A of this title (relating to Requirements for Filing of Policy Forms, Riders, Amendments, Endorsements for Life, Accident, and Health Insurance and Annuities) including the filing fee requirements.

(2) (No change.)

Subchapter JJ. Autism Spectrum Disorder Coverage

§21.4401. Purpose and Applicability.

(a) General Purpose. This subchapter implements those provisions of the Insurance Code Chapter 1355, Subchapter A, that relate to autism spectrum disorder coverage. The general purpose of this subchapter is to ensure health benefit plan coverage for the early intervention, treatment, and services of certain child enrollees diagnosed with autism spectrum disorder, as provided in the Insurance Code Chapter 1355, Subchapter A.

(b) Applicability.

(1) This subchapter applies to:

(A) the health benefit plans specified in the Insurance Code §1355.002; and

(B) small employer health benefit plans offered pursuant to the Insurance Code §1501.252(c).

(2) This subchapter does not apply to:

(A) a standard health benefit plan provided under the Insurance Code Chapter 1507, pursuant to the Insurance Code §1355.015(e);

(B) a health benefit plan issued by a health carrier through a health group cooperative under the Insurance Code §1501.058, pursuant to the Insurance Code §1501.0581(i); or

(C) a health benefit plan specified in the Insurance Code §1355.003(a)(1) – (7).

§21.4402. Definitions. The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

(1) Applied behavior analysis--The design, implementation, and evaluation of systematic environmental changes to produce socially significant change in human behavior through skill acquisition and the reduction of problematic behavior. Applied behavior analysis includes direct observation and measurement of behavior and the identification of functional relations between behavior and the environment. Contextual factors, establishing operations, antecedent stimuli, positive reinforcers, and other consequences are used to produce the desired behavior change.

(2) Autism spectrum disorder--As defined in the Insurance Code §1355.001(3).

(3) Enrollee--A person covered by a health benefit plan described by the Insurance Code §1355.002.

(4) Generally recognized services--The term includes, but is not limited to, the following services, when such services are prescribed in accordance with the Insurance Code §1355.015(b) and §21.4403(b) of this subchapter (relating to Required Coverage):

(A) evaluation and assessment services;

(B) applied behavior analysis;

(C) behavior training and behavior management;

(D) speech therapy;

(E) occupational therapy;

(F) physical therapy; or

(G) medications or nutritional supplements used to address symptoms of autism spectrum disorder.

(5) Health care practitioner--A physician, advance practice nurse, physician assistant, or other individual appropriately licensed, registered, or certified, or whose professional credential is recognized and accepted as described by the Insurance Code §1355.015(b).

(6) Neurobiological disorder--As defined in the Insurance Code §1355.001(4).

(7) Primary care physician--A physician selected or otherwise designated as the enrollee's primary care physician pursuant to the provisions of the enrollee's health benefit plan or, if the enrollee's health benefit plan does not contain provisions concerning selection or designation of a primary care physician, a physician selected or otherwise designated to develop a treatment plan for the purpose of treating autism spectrum disorder.

§21.4403. Required Coverage.

(a) Certain Children Enrollees.

(1) At a minimum, a health benefit plan must provide coverage as provided by the Insurance Code §1355.015 to an enrollee who is three years of age or older and younger than six years of age and who is diagnosed with autism spectrum disorder.

(2) Pursuant to the Insurance Code §1355.015(a), if an enrollee who is being treated for autism spectrum disorder becomes six years of age or older and continues to need treatment, the health benefit plan is not precluded from providing coverage of treatment and services described by §1355.015(b) of the Insurance Code.

(b) Enrollees of Other Ages. A health benefit plan is not precluded from providing coverage of treatment and services described by §1355.015(b) of the Insurance Code for enrollees of other ages.

(c) Medical and Surgical Benefit. In accordance with the Insurance Code §1355.002 and §1355.015(b), a health benefit plan issuer must provide coverage as a

medical and surgical benefit under the health benefit plan for all generally recognized services prescribed in relation to autism spectrum disorder by the enrollee's primary care physician in the treatment plan recommended by that physician.

(d) Deductibles, Copayments, and Coinsurance. Pursuant to the Insurance Code §1355.015(d), coverage under this section may be subject to annual deductibles, copayments, and coinsurance that are consistent with annual deductibles, copayments, and coinsurance required for other coverage under the health benefit plan.

§21.4404. Health Care Practitioners.

(a) Health Care Practitioner Who Provides Treatment. Pursuant to the Insurance Code §1355.015(b), a health care practitioner providing treatment for autism spectrum disorder under the Insurance Code Chapter 1355, Subchapter A, and this subchapter must:

(1) be licensed, certified, or registered by an appropriate agency of this state;

(2) have professional credentials that are recognized and accepted by an appropriate agency of the United States; or

(3) be certified as a provider under the TRICARE military health system.

(b) Coverage for Applied Behavior Analysis. A health benefit plan issuer may not deny coverage for services for autism spectrum disorder on the basis that a health care practitioner providing applied behavior analysis does not hold a license issued by

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an agency of this state, as long the health care practitioner otherwise meets one of the requirements of the Insurance Code §1355.015(b).