

— YAI —
NEW YORK CITY
AUTISM
CONFERENCE

New York Autism Insurance Law

Judith Ursitti, CPA, Director, State Government Affairs,
Autism Speaks



ACCESSING HEALTHCARE COVERAGE FOR AUTISM
SPECTRUM DISORDER IN NEW YORK STATE

Judith Ursitti, CPA

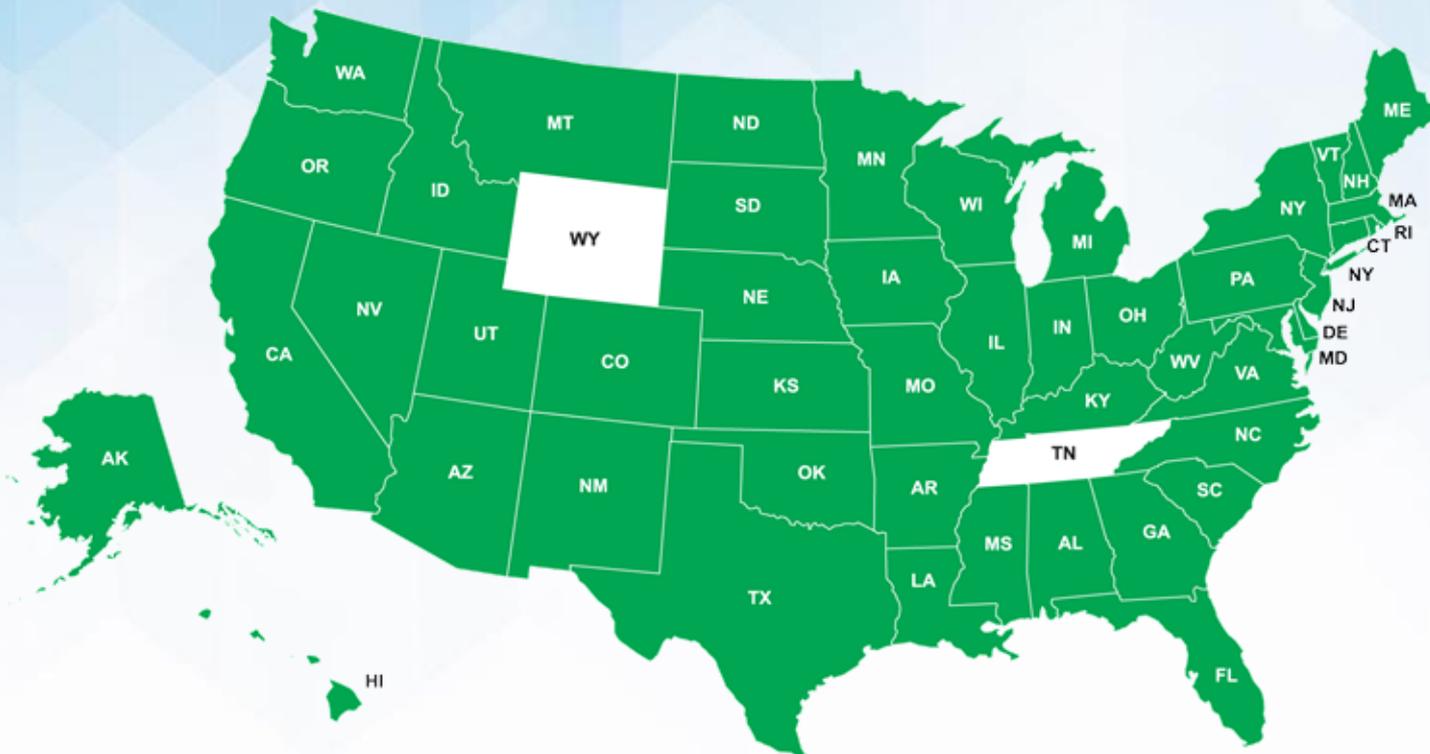
Director State Government Affairs



Private Health Insurance Coverage



November 11, 2011 Patience is a virtue.
Persistence gets the job done. Governor Cuomo
signs autism insurance legislation into law.



- | | | | | |
|-----------------------|--------------------|----------------------|---------------------|----------------------------|
| 2001 - Indiana | 2009 - Connecticut | 2010 - Missouri | 2012 - Alaska | 2015 - Georgia |
| 2007 - South Carolina | 2009 - Wisconsin | 2010 - New Hampshire | 2012 - Delaware | 2015 - Hawaii |
| 2007 - Texas | 2009 - Montana | 2010 - Massachusetts | 2013 - Minnesota | 2015 - North Carolina |
| 2008 - Arizona | 2009 - New Jersey | 2011 - Arkansas | 2013 - Oregon | 2016 - Oklahoma |
| 2008 - Florida | 2009 - New Mexico | 2011 - West Virginia | 2014 - Maryland | 2017 - Ohio |
| 2008 - Louisiana | 2010 - Maine | 2011 - Virginia | 2014 - Nebraska | 2017 - Alabama |
| 2008 - Pennsylvania | 2010 - Kentucky | 2011 - Rhode Island | 2014 - Utah | 2018 - Idaho |
| 2008 - Illinois | 2010 - California | 2011 - California | 2014 - Washington | 2018 - North Dakota |
| 2009 - Colorado | 2010 - Iowa | 2011 - New York | 2015 - South Dakota | |
| 2009 - Nevada | 2010 - Vermont | 2012 - Michigan | 2015 - Mississippi | |



NEW YORK AUTISM INSURANCE LAW COVERS

- Screening, diagnosis, and treatment
- Behavioral health treatment including applied behavior analysis up to \$45,000 annually
- Pharmacy care
- Psychiatric care
- Psychological care
- Therapeutic care, including non-restorative therapy
- Augmentative Communication Devices



WHO PROVIDES?

Pharmacy Care – Prescribed by a licensed health care provider legally authorized of prescribe under title eight of the education law

Psychiatric Care – Provided by a psychiatrist licensed in the state in which the psychiatrist practices

Psychological Care – Provided by a licensed psychologist in the state in which the psychologist practices

Therapeutic Care – Services provided by a licensed or certified speech therapist, occupational therapist, social worker or physical therapist

WHAT ABOUT ABA PROVIDERS?

- **July 2013** Emergency Regulations specific to ABA providers finalized. Expired October 2014
- **January 2014** Licensure law signed, establishing and defining the practice of applied behavior analysis and providing for the licensure of licensed behavior analysts and certified behavior analyst assistants under Article 167 of the education law.
- **October, 2014** New York Department of Financial Services issued bulletin to clarify licensure requirements and interface with autism insurance law.



WHAT ABOUT OTHER SERVICES?

- Does not affect any obligation to provide services to an individual under an individualized family service plan, an individualized education plan or an individualized service plan.
- Insurance coverage is intended for services provided on a supplemental basis outside of an educational setting prescribed by a licensed physician or licensed psychologist.



NY Consumer Protections through Department of Financial Services:

<http://www.dfs.ny.gov/insurance>

External appeals for medical necessity, experimental/investigational, clinical trial, rare disease treatment, or certain out-of-network denials

Department of Financial Services Consumer Assistance Unit is available to investigate any complaint you may have against your health plan. You can submit your complaint to the Department of Financial Services Consumer Assistance Unit using the Online Consumer Complaint Form located on this Web site.

For more information on how to file a consumer complaint, call 1-800-342-3736.





What about Medicaid?

Medicaid Coverage

- In July, 2014, the Centers for Medicare and Medicaid (CMS) provided clarification that Medicaid should cover “medically necessary” care for autism
- This coverage is required under the Early Periodic Screening, Diagnosis and Treatment (EPSDT) section of the federal Medicaid statute
- EPSDT applies to individuals under the age of 21





- Starting in 2014, Autism Speaks and other New York stakeholders began meeting with
 - Governor's Office
 - Department of Health leadership
 - Various legislators (Health Committee Chairs)
 - DOB
- Model state plan amendment language and fiscal impact data were provided in the meetings



- Included in state budget in 2018
- Bills filed
- Included in Executive Budget in 2019
- Bills Filed
- VICTORY!! Included in final budget passed by legislature on March 31, 2019
- Implementation work will begin immediately with coverage in place by the beginning of 2020

- 25,000 Medicaid-enrolled kids in New York are diagnosed with ASD
- More than 40 states have already implemented coverage
- Join our Facebook Group!





Other Considerations

THREE IMPORTANT QUESTIONS

- What kind of insurance do I have?
- In what state is it based?
- What is our plan year?





SELF FUNDED ERISA PLANS

- Many companies (mostly large companies and some government positions) offer self funded health benefit plans.
- These benefit plans are called “self-funded” because the employer pays employee benefits from the employer’s own pocket and assumes the risks.
- Employers that self fund health benefit plans often hire third-party administrators (**TPAs**) to keep track of premiums, claims, and related paperwork.
- If the employee is in a self-funded plan, federal **ERISA** law preempts most state insurance regulation, including benefit mandates.



The [Autism Speaks Self-Funded Employer Tool Kit](#) helps families approach their employers about adding benefits to the company health plan.

To get started:

1. Review the Self-Funded Employer Tool Kit.
2. Use the sample letters provided to customize a letter to your employer, requesting a meeting with the health benefits director in your HR Department.
3. Share your personal story (e.g., how autism and the lack of meaningful coverage for the treatment of autism has impacted your family).
4. Share the presentation in the tool kit related to autism, ABA, and the cost of providing an ABA benefit.
5. If you do not feel comfortable presenting the information yourself, please contact the [Autism Speaks Advocacy Team](#) for assistance. We will gladly participate in a phone conference with you, and sometimes we can personally accompany families to meetings with your HR department.

Autism Speaks has helped hundreds of families approach their companies about adding an autism benefit. We can help you too!

Judith.ursitti@autismspeaks.org

1-888-AUTISM2 (1-888-288-4762)

En Español: 1-888-772-9050

familyservices@autismspeaks.org



www.autismspeaks.org/advocate

Take Action

Sign up for Advocacy alert and emails.

Find your elected officials.

Follow our advocacy profiles

