Autism, Transition, and Law

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State Government Affairs
Autism Speaks
Autism and the Law
Cases, Statutes, and Materials
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What is Transition?

stages of life

[Diagram showing stages of life from baby to adult]
What is Transition?

- Childhood to Adulthood
- School to Out-of-School
- Diagnosed with Autism
- Into School
- Medicaid Recipient
- Working Environment
- Life with Parents
- Control Affairs
What Laws Govern Transition?

- Student - IDEA
- Housing – Fair Housing Act, State Law
- Legal Status – State Law
- Medicaid – Medicaid Act/Katie Beckett/TEFRA/EPSDT/State Law
- Employment – ADA
- Insurance – State Law, Mental Health Parity Act
Kennedy Krieger Institute
Children’s National Medical Center
Georgetown University Hospital
Bases for Denial

“I’ve heard that the treatment you want coverage for is experimental and/or ineffective.”
Outcome of 1987 UCLA Study

Efficacy of ABA Therapy

ABA Group

- 47% Achieved Normal IQ
- 53% Did Not Achieve Normal IQ

Other Intervention (Control) Group

- 2% Achieved Normal IQ
- 98% Did Not Achieve Normal IQ
Outcome of Lovaas 1987 UCLA Study

Educational Placements for Group That Received ABA

- **47%** = Mainstreamed with No Support
- **42%** = Low-Intensity Special Education Placement (for language delay)
- **11%** = High-Intensity Special Education Placement (for autism or intellectual disability)
Bases for Denial

“We don’t make insurers pay for treatment by non-licensed providers.”
Bases for Denial

“The treatments you want covered are **educational in nature**, not medical.”
• My motivation: Ryan
• My inspiration: Schoolhouse Rock
It starts with an idea.

But “It’s not easy becoming a law!”
A health insurance plan as defined in this section must provide coverage for the treatment of autism spectrum disorder. Coverage provided under this section is limited to treatment that is prescribed by the insured's treating medical doctor in accordance with a treatment plan. With regards to a health insurance plan as defined in this section an insurer may not deny or refuse to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or otherwise terminate or restrict coverage on an individual solely because the individual is diagnosed with autism spectrum disorder.

The coverage required pursuant to subsection (B) must not be subject to dollar limits, deductibles, or coinsurance provisions that are less favorable to an insured than the dollar limits, deductibles, or coinsurance provisions that apply to physical illness generally under the health insurance plan.
June 7, 2007: Ryan’s Law is Law!

- Effective July 2008
- Covers treatment prescribed by treating physician
- Diagnosed by age 8
- Coverage through 16
- $50,000/year cap on behavioral therapy
- S.C. Code 38-71-280
Autism Speaks
Government Relations
2004 Snapshot
2005 Snapshot
2008 Snapshot
2009 Snapshot
2011 Snapshot
2012 Snapshot
2013 Snapshot
States with Autism Insurance Reform

2001 - Indiana
2007 - South Carolina
2007 - Texas
2008 - Arizona
2008 - Florida
2008 - Louisiana
2008 - Pennsylvania
2008 - Illinois
2009 - Colorado
2009 - Nevada
2009 - Connecticut
2009 - Wisconsin
2009 - Montana
2009 - New Jersey
2009 - New Mexico
2010 - Maine
2010 - Kentucky
2010 - Kansas
2010 - Iowa
2010 - Vermont
2010 - Missouri
2010 - New Hampshire
2010 - Massachusetts
2011 - Arkansas
2011 - West Virginia
2011 - Virginia
2011 - Rhode Island
2011 - California
2011 - New York
2012 - Michigan
2012 - Alaska
2012 - Delaware
2013 - Minnesota
2013 - Oregon
2014 - Utah
2014 - Nebraska
2014 - Maryland
# State Autism Insurance Laws

<table>
<thead>
<tr>
<th>State</th>
<th>Year Enacted</th>
<th>State Population</th>
<th>Annual Dollar Cap</th>
<th>Age Cap</th>
<th>State E’ees?</th>
<th>Small Group?</th>
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<td>Indiana</td>
<td>2001</td>
<td>6,484,000</td>
<td>None</td>
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<td>South Carolina</td>
<td>2007</td>
<td>4,625,000</td>
<td>$50K</td>
<td>16</td>
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<td>Texas</td>
<td>2007</td>
<td>25,146,000</td>
<td>None thru 10; $36K after</td>
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<td>2008</td>
<td>6,392,000</td>
<td>$50K: 0-8, $25K: 9-16</td>
<td>16/17</td>
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<td>Louisiana</td>
<td>2008</td>
<td>4,533,000</td>
<td>$36K</td>
<td>&lt;21</td>
<td>Yes</td>
<td>Yes*</td>
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<td>Florida</td>
<td>2008</td>
<td>18,801,000</td>
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<td>19/22</td>
<td>Yes*</td>
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<td>2009</td>
<td>989,000</td>
<td>$50K: 0-8, $20K: 9-18</td>
<td>18</td>
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<td>Yes</td>
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<td>Nevada</td>
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<td>18/22</td>
<td>Yes</td>
<td>Yes</td>
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<td>Colorado</td>
<td>2009</td>
<td>5,029,000</td>
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<td>2009</td>
<td>3,574,000</td>
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<td>Wisconsin</td>
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<td>5,687,000</td>
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Federal Health Care Reform: Patient Protection & Affordable Care Act

Trying to get him to change "Mental health and substance use disorder services", one of ten covered services, to "Mental health and substance use disorder services, including behavioral health treatments."

http://www.autismvotes.org/site/apps/nlnet/content2.aspx?c=frKNI3PCImE&b=3930723&ct=7522291
Sources of Health Care Coverage

- Medicaid: 20%
- Medicare: 10%
- Uninsured: 11%
- State Health Plan: 10%
- ERISA - ASO: 25%
- Federal Tricare: 2%
- Federal Civilian: 2%
- Other Insured - Large Group: 15%
- Other Insured - Small Group: 4%
- Other Insured - Individual: 1%
What Laws Govern Transition?
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- Student - IDEA
- Housing – Fair Housing Act, State Law
- Legal Status (Guardianship, Conservatorship) – State Law
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- Employment – ADA
- Insurance – State Law, Mental Health Parity Act
Autism Speaks
Government Relations
- Headquartered in New York

Autism Speaks
Government Relations
- Headquartered in D.C. at 1990 K Street
Thank You!
One person can make a difference, and everyone should try.
~John F. Kennedy

Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it’s the only thing that ever has.
~ Margaret Mead