

SB22 is law!

Delaware is the 32nd state in the nation that requires health insurers to cover autism treatment!

Senate Bill 22, legislation that required insurance coverage for autism treatment, was passed by the Delaware Senate on June 7 and the House of Representatives on June 27 and was signed into law by Governor Jack Markell (at right with Autism Delaware's Theda Ellis and Kim Siegel and St. Sen. Liane Sorenson), surrounded by happy advocates and families living with autism. The signing took place August 13 in Autism Delaware's newly renovated Newark office.

This law is the result of several years' work by Autism Delaware, Autism Speaks, and lead sponsors St. Sen. Liane Sorenson and St. Rep. Quinn Johnson. Lt. Gov. Matt Denn helped forge new relationships with decision-makers to move the bill forward.

The driving force behind the law was the many autism advocates who called, emailed, and visited with their legislators over the years: **You** raised awareness of the problems faced by families in accessing treatment and the need for this law. **You** raised your voices when it mattered most. Throughout June 2012, legislators' offices were abuzz with talk of "the autism bill"—because of **you**. And **you** helped get SB22 passed. **You did it!**

Autism Delaware offers sincere thanks to all of you. Thank you.

What does the new law do?

The law prohibits insurance companies from denying treatment or dropping a child from a policy because the child has an autism spectrum disorder (ASD).

Whether you have an individual or group insurance plan regulated by Delaware law, your insurer must cover the following for a child under 21 years of age:

- screening and diagnosis
- behavioral health treatment, including applied behavior analysis (ABA) and social skills training
- speech, occupational, and physical therapies
- psychological and psychiatric care
- prescription medications

The child must have a medical diagnosis of autism from a physician or psychologist, and this practitioner must find the care to be "medically necessary" for it to be covered by the insurance plan.

ABA is covered up to \$36,000 a year per child; all other therapies are covered to the extent that they would be for other disorders in your policy.

Note: No services delivered by schools will be covered by insurance. The responsibilities of the schools (as well as adult service providers) remain the same to all children; services to the child cannot be denied or reduced because of the family's health insurance coverage.

Does the law apply to my health insurance?

Ask the human resources department at work or your insurance company directly.

The new law does not apply to Medicaid or insurance regulated by federal law or another state. If another state regulates your health insurance but does not require autism coverage, help that state's advocates to pass a law to make sure it does.

If your insurance is self-funded (that is, regulated by the federal Employee Retirement Income Security Act, or ERISA, for short), the Autism Delaware insurance reform webpage has a link to Autism Speaks resources that will help you advocate for autism coverage with your employer.

The Autism Delaware insurance reform webpage continues to be the latest source of information as the law is put into place, so please visit often. Go to www.autismdelaware.org, hover over Advocacy and then Issues and Positions, and then click on Autism Insurance Reform in Delaware.

What happens next?

SB22 takes effect 120 days after the governor signs it into law. As of December 11, 2012, the law affects all Delaware-regulated policies being issued or renewed.

Continued on next page



Helping People and Families Affected by Autism

Printed originally in *The Sun* (October–December 2012), a publication of Autism Delaware™.

Main office:

924 Old Harmony Rd., Suite 201, Newark DE 19713
(302) 224-6020

Southern Delaware office:

16394 Samuel Paynter Blvd., Unit 201, Milton DE 19968
(302) 644-3410

SB22 is law! (continued)

Six months from the signing, the Delaware Department of Health and Social Services must have developed qualification regulations that providers must meet to be reimbursed by insurance.

A board-certified behavior analyst (BCBA) who meets the standards for national certification is automatically considered an autism service provider. Autism Delaware advocates that a state license for other existing practitioners (such as speech therapists, mental health providers, and so on) is also sufficient to become an autism service provider. Standards for line therapists—who have never been regulated in Delaware—are likely to be the most discussed.

Autism Delaware is also watching to see how the federal Affordable Care Act will impact coverage of autism therapies as well as advocating that Delaware's insurance exchange plans must include ABA—as intended by the U.S. Congress.

More bills passed to protect our children

- **HS1 for HB253 w/HA1 creates a process for evaluating a child's competency to stand trial.**
- **HB319 requires that competitive, integrated employment be the first service option considered for anyone entering or already in adult services.**
- **HB365 allows parents and guardians to recover the costs for expert witnesses on their behalf if they successfully challenge the denial of services to their children.**
- **SB207 w/SA1 increases compliance with IDEA. School districts must now identify children with special needs at private schools within district borders. Attorneys from other states who are competent in IDEA requirements may now be appointed to administrative hearing panels.**
- **SB234 w/SA2 makes child abuse a specific criminal offense that includes higher penalties for crimes committed against a child who is three years of age or younger or who has intellectual or developmental disabilities.**
- **SCR34 creates a task force to study transition services for youth with disabilities and special health-care needs.**



Helping People and Families Affected by Autism

Printed originally in *The Sun* (October–December 2012), a publication of Autism Delaware™.

Main office:

924 Old Harmony Rd., Suite 201, Newark DE 19713
(302) 224-6020

Southern Delaware office:

16394 Samuel Paynter Blvd., Unit 201, Milton DE 19968
(302) 644-3410