

CHAPTER NO. 894

SENATE BILL NO. 2719

By Cooper, Burchett, Jackson, Williams, Burks, Ketron, McLeary, McNally, Kilby, Bowers, Tracy, Cohen, Finney, Mr. Speaker Wilder

Substituted for: House Bill No. 2744

By Shepard, Favors, Montgomery, Sargent, DuBois, Overbey, Hargett, Pinion, Moore, Lois DeBerry, Hawk, Todd, John Deberry, Tidwell, Borchert, Pruitt, Curtiss, Mike Turner, Yokley, Fraley, Russell Johnson, Marrero, Bone, Hackworth, Eldridge, Shaw, Coleman, Cooper, Campfield, Sontany, Odom, Harry Brooks, Brown, McDonald, Litz, McKee, Stanley, Baird, Harmon, Sherry Jones, Cobb, Crider, Dunn, Langster, Gresham, Hargrove, Winningham, Maddox, Ferguson

AN ACT to amend Tennessee Code Annotated, Title 33; Title 49; Title 56 and Title 71, relative to autism spectrum disorders.

WHEREAS, early intervention is the key to improving the health and well-being of children with autism spectrum disorders, so that they may become active, contributing members of society; and

WHEREAS, children with autism spectrum disorders can be diagnosed as early as eighteen (18) months of age, and treatment should begin immediately upon diagnosis; and

WHEREAS, children with autism spectrum disorders can benefit significantly from early, intensive speech therapy, physical therapy, occupational therapy, and behavioral therapy, which help to improve communication skills and functioning in everyday life activities; and

WHEREAS, children with autism spectrum disorders have a neurological disorder, and many insurance policies provide benefits for treatment of neurological disorders; therefore, therapies and treatments for autism spectrum disorders should be covered in the same manner and to the same extent as other neurological disorders; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 23, is amended by adding the following language as a new section to be appropriately designated.

SECTION __.

(a) As used in this section, "autism spectrum disorders" means neurological disorders, usually appearing in the first three (3) years of a person's life, that affect normal brain functions and are typically manifested by impairments in communication and social interaction, as well as restrictive, repetitive, and stereotyped behaviors.

(b) A contract or policy of an insurer that provides benefits for neurological disorders, whether under an individual or group health insurance policy providing coverage on an expense-incurred basis, an individual or group service contract issued by a health maintenance organization, a self-insured group arrangement to the extent

not preempted by federal law or a managed health care delivery entity of any type or description shall provide benefits and coverage for treatment of autism spectrum disorders that are at least as comprehensive as those provided for other neurological disorders. These benefits and coverage for treatment shall be provided to any person less than twelve (12) years of age.

(c) Benefits provided for treatment of autism spectrum disorders shall be subject to deductible and co-payment requirements and benefit limits which are no more stringent than those established for the treatment of other neurological disorders.

(d) An insurer that provides benefits for neurological disorders shall not refuse to renew policies, reissue policies, or otherwise terminate or restrict services to a person solely because the person is diagnosed with an autism spectrum disorder.

(e) The provisions of this section shall not expand the type or scope of treatment beyond that authorized for any other diagnosed neurological disorder and shall be effective upon any contract, policy, or plan which is delivered, issued for delivery, amended or renewed on or after January 1, 2007.

(f) Nothing in this act shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, or other limited benefit hospital insurance policies.

SECTION 2. Tennessee Code Annotated, Section 56-7-2903(d), as amended by SB 3895/HB 4011 (Public Chapter ____), is amended by deleting the language "simultaneously." at the end of the subsection and by substituting instead the language "simultaneously resign his or her membership on the board."

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2006, the public welfare requiring it.

PASSED: May 26, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 20th day of June 2006


PHIL BREDESEN, GOVERNOR