1	SENATE BILL 161
2	53rd legislature - STATE OF NEW MEXICO - SECOND SESSION, 2018
3	INTRODUCED BY
4	Linda M. Lopez
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10	AN ACT
11	RELATING TO PUBLIC ASSISTANCE; REQUIRING MEDICAL ASSISTANCE
12	COVERAGE FOR AUTISM SPECTRUM DISORDER TO RECIPIENTS REGARDLESS
13	OF AGE; MAKING AN APPROPRIATION.
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15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
16	SECTION 1. A new section of the Public Assistance Act is
17	enacted to read:
18	"[<u>NEW MATERIAL</u>] MEDICAL ASSISTANCEAUTISM SPECTRUM
19	DISORDER
20	A. The secretary shall ensure that medical
21	assistance coverage provides coverage, which shall not be
22	subject to age restrictions or dollar limits, for:
23	(1) well-baby and well-child screening for
24	diagnosing the presence of autism spectrum disorder; and
25	(2) treatment of autism spectrum disorder
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through speech therapy, occupational therapy, physical therapy
 and applied behavioral analysis.

B. Coverage required pursuant to Subsection A ofthis section:

5 (1) shall be limited to treatment that is
6 prescribed by the recipient's treating physician in accordance
7 with a treatment plan;

(2) shall not be denied on the basis that the services are habilitative or rehabilitative in nature;

10 (3) may be subject to other general exclusions
11 and limitations of medical assistance coverage, including
12 coordination of benefits, participating provider requirements,
13 restrictions on services provided by family or household
14 members and utilization review of health care services,
15 including the review of medical necessity, case management and
16 other managed care provisions; and

(4) may be limited to exclude coverage for services received under the federal Individuals with Disabilities Education Improvement Act of 2004 and related state laws that place responsibility on state and local school boards for providing specialized education and related services to children three to twenty-two years of age who have autism spectrum disorder.

C. The coverage required pursuant to Paragraph (1) of Subsection A of this section shall not be subject to any .209604.1 - 2 -

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recipient cost-sharing.

2	D. The coverage required pursuant to Paragraph (2)
3	of Subsection A of this section shall not be subject to cost-
4	sharing provisions that are less favorable to a recipient than
5	the cost-sharing provisions that apply to physical illnesses
6	that are generally covered through medical assistance coverage,
7	except as otherwise provided in Subsection B of this section.
8	E. The treatment plan required pursuant to
9	Subsection B of this section shall include all elements
10	necessary for the health insurance plan to pay claims
11	appropriately. These elements include the:
12	<pre>(1) diagnosis;</pre>
13	(2) proposed treatment by types;
14	(3) frequency and duration of treatment;
15	(4) anticipated outcomes stated as goals;
16	(5) frequency with which the treatment plan
17	will be updated; and
18	(6) signature of the treating physician.
19	F. This section shall not be construed as limiting
20	benefits and coverage otherwise available to a recipient
21	through medical assistance coverage.
22	G. As used in this section:
23	(1) "autism spectrum disorder" means a
24	condition that meets the diagnostic criteria for autism
25	spectrum disorder published in any edition of the Diagnostic
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and Statistical Manual of Mental Disorders published by the 2 American psychiatric association;

"cost-sharing" means any deductible, 3 (2) copayment, coinsurance or other payment that a recipient is 4 5 required to pay for medical assistance items or services provided through medical assistance coverage; and 6

(3) "habilitative or rehabilitative services" means treatment programs that are necessary to develop, 8 9 maintain or restore to the maximum extent practicable the functioning of an individual." 10

SECTION 2. APPROPRIATION. -- One hundred thousand dollars (\$100,000) is appropriated from the general fund to the human services department for expenditure in fiscal year 2019 and subsequent fiscal years to carry out the purposes of this act. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

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