

Autism, Insurance, and Applied Behavior Analysis in Virginia Tip Sheet

Children with autism spectrum disorder (ASD) ages 2-6 may be eligible for insurance benefits to cover medically necessary treatments. This tip sheet will provide background on this new law and will outline information to help parents and service providers with the process.

§38.2-3418.17 in the Code of Virginia stipulates insurance coverage for the treatment of children with autism spectrum disorder (ASD)

Here are some highlights of this law:

- The law covers diagnosis of ASD - meaning medically necessary assessments, evaluations, including neuropsychological evaluations, genetic testing, or other testing to determine whether a child has one or more autism spectrum disorder.
- The law includes the following treatments for children with ASD prescribed or ordered by a licensed physician or a licensed psychologist who says it's medically necessary:
 - Behavioral Health Treatment
 - Pharmacy Care
 - Psychiatric Care
 - Psychological Care
 - Therapeutic Care (such as Speech Therapy, Occupational Therapy, Physical Therapy)
 - Applied Behavior Analysis (ABA) when provided or supervised by a Licensed Behavior Analyst or Licensed Assistant Behavior Analyst
- Children with ASD cannot be denied insurance solely because they are diagnosed with or receive treatment for ASD.
- There is an annual dollar cap of \$35,000.
- The law covers children ages 2 to 6 years.
- State employees are included, but companies with 50 or fewer employees are exempt as are self-funded plans.

Accessing the insurance benefits can be difficult. Here are some tips to help you navigate the process:

1. Secure a diagnosis

- A formal diagnosis is needed in order to receive treatment.
- If there are concerns about a child and a belief that he/she meets criteria for ASD, the first step is to speak to a pediatrician. A pediatrician can conduct a screening. This is a quick process, typically involving a parent/guardian interview that will determine if the child is at-risk for ASD.
- If the child is determined to be at-risk, then a comprehensive evaluation is to be conducted to determine whether the child meets criteria for ASD.
- A comprehensive evaluation can be made by a qualified professional. This includes pediatricians, neurologists, psychologists, and psychiatrists. There are also clinics that provide evaluations to determine if a child meets criteria for ASD.
- Ask your pediatrician to provide a referral for a comprehensive diagnostic evaluation. If he/she is not able to provide a referral, access local resources from

the Autism Society of America (<http://www.autism-society.org>) or see the list of resources on the CAS website (<http://www.autismva.org/resources>).

- If the child is currently receiving Early Intervention, the service provider may also be able to provide a referral.

2. Talk to your Insurance Agent or Human Resources (HR) Department

- Contact the insurance Human Resources Department and determine whether they provide benefits for diagnosis and treatment of autism spectrum disorders.
 - There are some exemptions to the law. But if the answer is **no**:
 - Do not stop there; inquire further by speaking to other HR representatives.
 - Find someone to help you using the references cited in this document.
 - If the answer is **yes**, ask the following questions:
 - Is there a primary contact person for benefits at the insurance company specific to the treatment in which you are seeking?
 - Are there differences in benefits for in-network and out-of-network providers?
 - Are there any providers in-network?
 - Is there a co-pay or deductible?
 - For how many hours can my child be approved for services?
 - What services are covered (be specific and gather a list of ALL services covered in the event they are needed for the child)?
 - Who is and is NOT covered to provide specific treatments and direct service to the child?
 - Does my provider bill directly or do I submit a claim?
 - What are the next steps for accessing a provider, treatment and continued insurance benefits?
- Remember that this is as new for them as it is for you, so there may be some confusion and inconsistencies. Be patient!

3. Identify the service/services the child needs to receive

- Ask the following questions:
 - What are the most significant challenges for the child?
 - Which service will best meet the child's needs?
 - If using multiple services, then who will oversee the whole team to ensure consistency?

4. Based on the service needed, find a provider

- Ask your insurance company for a referral.
- Ask your pediatrician to provide a referral for a service provider. If he/she is not able to provide a referral, then access local resources from the Autism Society of America (<http://www.autism-society.org>) or see the list of resources on the CAS website (<http://www.autismva.org/resources>). If the child is currently receiving Early Intervention, the service provider may also be able to provide a referral.

- If the child is to receive **Behavioral Health Treatment**, then consider the following:
 - Behavioral Health Treatment services can only be provided by a mental health professional who meets specific requirements identified on the Department of Medical Assistance Services website, http://www.dmas.virginia.gov/Content_pgs/obh-home.aspx.
 - Licensed Mental Health Providers (LMHP) and Qualified Mental Health Providers (QMHP) are required to complete assessments and service plans.
 - For information on licensed providers in your area, use the *Provider Search* feature on the Virginia Department of Behavioral Health and Developmental Services (DBHDS), on their website <http://www.dbhds.virginia.gov/ODS-default.htm>.
- If the child is to receive **Pharmacy Care**, then consider the following:
 - A primary care physician must write prescriptions for medications that are medically necessary to support treatment as related to the diagnosis.
 - Find a local pharmacy in your area to ensure medications are in-stock and this specific insurance benefit is accepted.
 - For more information on pharmacy services covered through insurance benefits, visit the DMAS website, http://www.dmas.virginia.gov/Content_pgs/pharm-home.aspx/.
- If the child is to receive **Psychiatric Care**, then consider the following:
 - A psychiatrist must write a prescription and/or referral for needed services.
- If the child is to receive **Psychological Care**, then consider the following:
 - A psychologist must write a prescription and/or referral for needed services.
 - Access local psychologists on the Commonwealth Autism Service website, <http://www.autismva.org/PsychoPsych>.
- If the child is to receive **Therapeutic Care**, then consider the following:
 - **Speech Therapy** programs must be provided by or supervised by a certified Speech Language Pathologist.
 - Access the list of nationally certified personnel on the American Speech-Language and Hearing Association (ASHA) website, <http://www.asha.org/proserv/>. A lookup feature is available.
 - Access the list of Virginia certified personnel on the Virginia Board of Audiology and Speech Language Pathology, <http://www.dhp.virginia.gov/aud/>. A License Lookup feature is available.
 - Local speech language therapists and organizations at Commonwealth Autism Service's website, <http://www.autismva.org/speech>.
 - **Occupational Therapy** programs must be provided by or supervised by a certified Occupational Therapist.

- Access a list of local occupational therapists and organizations at Commonwealth Autism Service’s website, <http://www.autismva.org/otsensory>.
 - **Physical Therapy** programs must be provided by or supervised by a certified physical therapist.
 - Access
- If the child is to receive **Applied Behavior Analysis**, then consider the following:
 - Applied Behavior Analysis programs must be provided or supervised by a Licensed Behavior Analyst.
 - Access the list of certified personnel on the Behavior Analyst Certification Board® (BACB®) Web site (www.bacb.com) and use the site to contact a provider.
 - You can find out if a Behavior Analyst is licensed by using the *License Lookup* function on the Board of Medicine website (www.dhp.virginia.gov/medicine).
 - The BACB® recently published a document on guidelines for health plan coverage of ABA for autism spectrum disorder that can help parents learn more about typical ABA services. That document can be found on the BACB® Web site – www.bacb.com.

5. Support the Provider in Working with the Insurance Company

- Provide key information such as a plan or group number, contact numbers for the insurer and the letter of diagnosis from a physician or psychologist.
- Understand that a co-pay or deductible may be required by insurance.
- Be persistent! This is a new process for everyone.

6. Work with the Insurance Company on Your Own (optional)

- If the cardholder is required to make payment directly to the insurance company, then:
 - Submit a claim.
 - Find someone in HR or a contact person at the insurance company.
 - Get necessary information from the provider (such as NPI number, certification or license documentation, and federal tax ID number).
 - Initial payment for services may be required by cardholder, prior to being reimbursed by insurance.

Other Resources:

- leg1.state.va.us – The Virginia General Assembly Legislative Information System
 - On this site, you can look up laws that have been passed and the Code of Virginia including:
 - § 38.2-3418.17. Coverage for autism spectrum disorder.
 - § 54.1-2957.16. Licensure of Behavior Analysts and Assistant Behavior Analysts; requirements; powers of the Board.
- www.dhp.virginia.gov/medicine -- The Virginia Board of Medicine
 - On this site, you can see the emergency regulations and also look up licensed personnel.

- www.virginiaautismproject.org -- Virginia Autism Project
 - A grassroots, statewide coalition of families with children affected by ASD, working to create positive change through Autism Insurance Reform.
- www.autismspeaks.org/advocacy/insurance -- Autism Speaks
 - Including the Self-Funded Employer Tool Kit, a toolkit to help families approach their self-funded ERISA employers about adding autism benefits to the company health plan.
- <http://www.autismva.org/resources> -- Commonwealth Autism Service
 - One this site, you can find information on diagnosis, resources for medical resources in Virginia, and other resources for individuals and families.
- www.uhccf.org -- United Health Care Children's Foundation (UHCCF)
 - Provides a grant that can cover insurance co-pay for children up to age 16.
- Virginia's Bureau of Insurance
 - If your provider is **not** following the law:
www.scc.virginia.gov/boi/complaint.aspx#A7
 - Link to the Life and Health Insurance Complaint Form:
www.scc.virginia.gov/publicforms/262/Ihinquiry.pdf
 - Or to discuss a complaint or receive assistance call 1-877-310-6560 or (804)371-9691.