

NYS Autism Insurance Reform



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NYS Autism Insurance Reform

- What we will cover.
 1. Why Reform? Impact of Children with Special Health Care Needs (CSHCN) on families.
 2. Reforms – a National Overview
 3. History of Reforms in NYS
 4. Who does Autism Insurance Reforms include?
 5. Affordable Care Act and NYS Legislation.
 6. Unique Aspects of NYS Law
 7. What does law cover? Cautions!
 8. Appeals
 9. Resources





Why Reform?

- Nationwide, few private insurance companies or other employee benefit plans cover autism therapies.
- In fact, most insurance companies designate autism as a diagnostic exclusion, meaning that no autism-specific services are covered.

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- Savings to the state over \$13 million after six years, and expected to increase over time.
- Savings to EI, Medicaid systems.
- Projected to reduced Special Education costs as more children receive early treatment.

The Statistics –

(Children or Youth with Special Healthcare Needs CYSHCN)

- Approx. 10.2 million children (14%) have a special healthcare needs and have more than 40% the medical expenditures than children overall.
- 1.8 million or 18% of families indicate that their child's or youth's condition impacts their family financial situation.
- CYSHCN have greater healthcare expenditures (\$2669 vs. \$676) and higher out of pocket expenses (\$297 vs. \$189) than children overall.
- 38% of families do not have adequate insurance.
- 20% paid \$1000 or more out-of-pocket in medical expenses in the past 12 months.

Child and Adolescent Health Measurement Initiative. National Survey of CSHCN. Data Resource Center for Child and Adolescent Health website. Retrieved 02.17.2010 from www.cshcndata.org.

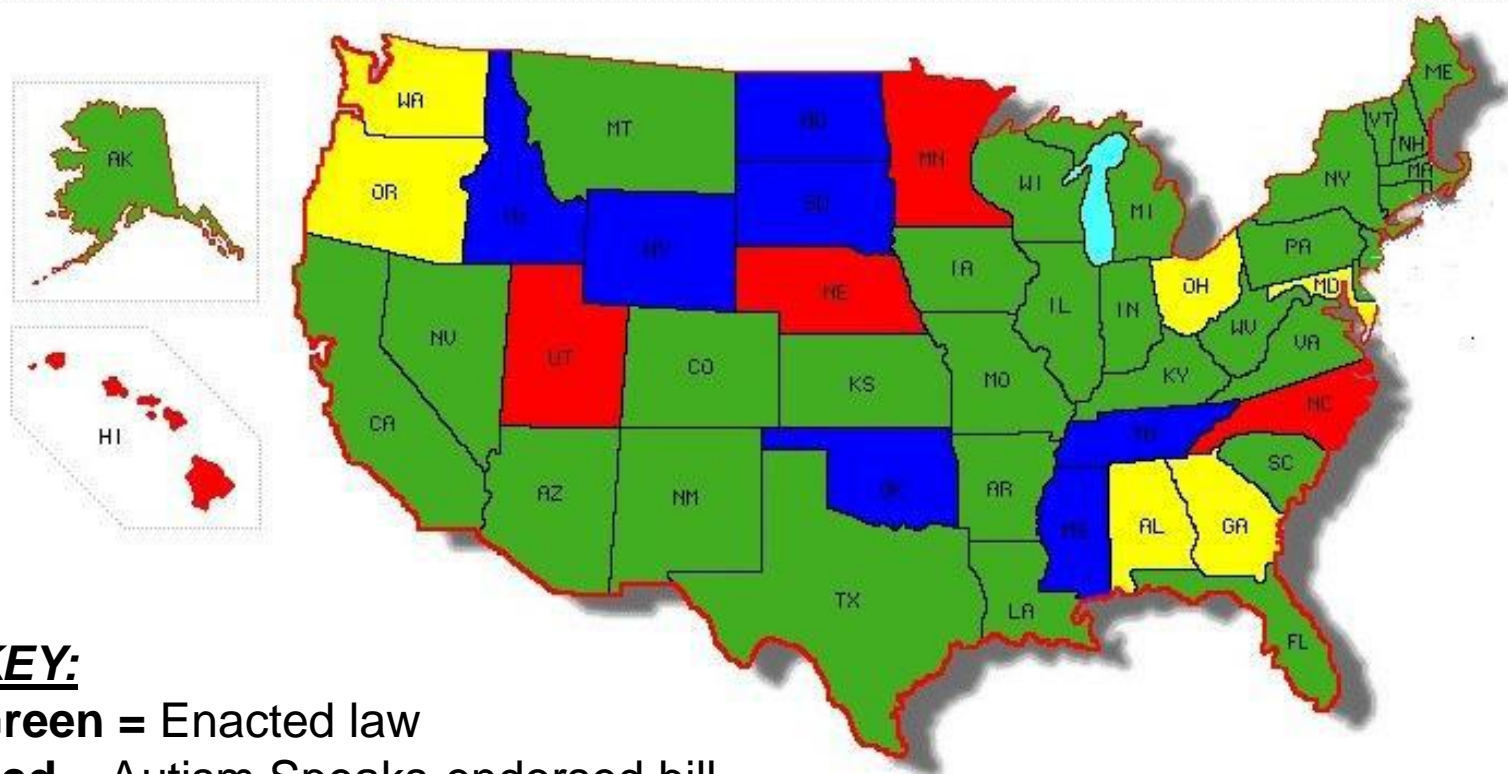
The Statistics – Children or Youth with Special Healthcare Needs (CYSHCN)

- 11.6% say they spend 10+ hours/week coordinating care for their child/youth *(scheduling appointments, making sure that care providers are exchanging information and following up)*
- 16.3% or 1.6 million family members cut down on the hours they work due to child/youth's condition.
- 13.3% or 1.3 million indicate family members stopped working due to child/youth's condition.

Child and Adolescent Health Measurement Initiative. National Survey of CSHCN. Data Resource Center for Child and Adolescent Health website. Retrieved 02.17.2010 from www.cshcndata.org.

Maternal and Child Bureau / National Center for Health Statistics 2005/2006 National Survey of Children with Special Health Care Needs.

States with Autism Reform Laws



KEY:

Green = Enacted law

Red = Autism Speaks-endorsed bill

Yellow = Working on bill in 2012

Blue = State not currently pursuing legislation

History



- New York State was **29th State** to pass Autism Reform legislation. Initially, it was passed unanimously by House and Senate and then vetoed by former Governor Patterson (2010)
- Second round produced some re-negotiation including cap on ABA Therapy of \$45,000 year.
- Governor Cuomo signed into law on Nov. 11th, 2011

Who does the Law include?

Included

- Requires **private health insurance companies** to provide coverage for the screening, diagnosis, and treatment of autism spectrum disorders.



Caveats / Nuances

- **State-regulated** insurance plans.
- Self-funded plans such as ERISA (**Employee Retirement Income Security Act**) which are Federally funded . ERISA's may voluntarily include these benefits.

Self-Funded ERISA Plans that Cover Autism Treatments

- Microsoft
- Home Depot
- Intel
- Arnold & Porter
- Halliburton
- Eli Lilly
- Deloitte
- Ohio State University
- Time Warner
- Blackbaud
- Lahey Clinic
- Partners Healthcare
- Wells Fargo
- Lexington Medical Center
- University of Minnesota
- Progressive Group
- Greenville Hospital System
- Symantec
- DTE Energy
- Cerner
- State Street Financial
- Children's Mercy
- EMC
- Yahoo
- Sisters of Mercy
- Princeton University
- **And many more**

Why would Self Insured Plans want to include these Benefits?

- Employee productivity
- Employee retention
- Children can achieve higher level of functioning which could over a lifetime:
 - Lower overall healthcare costs
 - Have better outcomes at school
 - relieve stress on the family
- Opportunity to have full life with fewer institutionalizations.



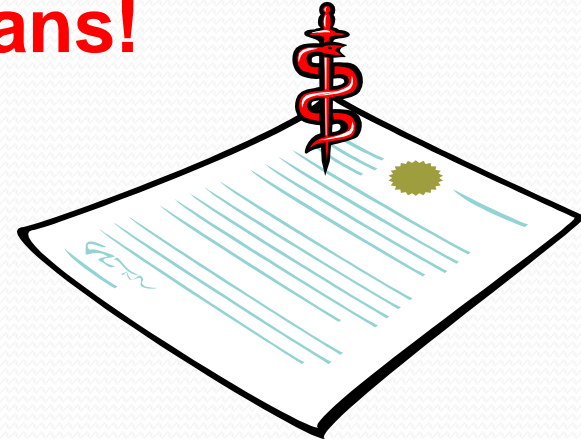
Who else does the Law include?



- DOES NOT apply to Medicaid or Federal Insurance plans (Tricare/Military).
- some insurance companies are hired to **process** internally funded plans (some BlueCross/Blue Shield plans for example). These may not include this coverage.
- DSM-V services are based on NEED not diagnosis. It is important to partner with your physicians and get prescriptions for services for “Essential Health Benefits)

Important things to know about your insurance plans!

- Where is your insurance company based?
- Is your insurance plan an HMO?
- Is your insurance plan an “a self-funded plan”?
- Is your insurance plan a “privately funded plan”?
- Law goes into affect in November of 2012 HOWEVER actual coverage will depend upon the “open enrollment period” of your particular policy.



Impacts of the Affordable Care Act on NYS legislation.

Services offered in the Autism Reform Law are based upon benefits determined in the ACA to be
“Essential Health Benefits”

Essential Health Benefits are a set of health care service categories that must be covered by certain plans, starting in 2014.

Essential Health Benefits

Essential health benefits must include the following 10 categories:

1. Ambulatory patient services;
2. emergency services;
3. hospitalization;
4. maternity and newborn care;
5. mental health and substance use disorder services, including behavioral health treatment;
6. prescription drugs;
7. rehabilitative and habilitative services and devices;
8. laboratory services;
9. preventive and wellness services and chronic disease management;
10. and pediatric services, including oral and vision care.

The Affordable Care Act

The ACA requires Health Insurance Exchanges to offer coverage for 10 categories however:

- Benchmark plans often lack or limit: Habilitation, Occupational or Physical Therapy, and Nutritional supplements.
- Are required to include mandates only if enacted before Dec.31st, 2011. Therefore, Exchanges may or may not include Essential Health Benefits as stated in the Autism Insurance Reforms.





Unique Aspects of NYS Law

- **NYS is one of three states to include adults.**
- **Augmentative Communication Devices.**
- **Parental Insurance coverage (29 vs. ACA 26) – this includes ALL children not just with autism.**

What does the Law include?

Included

- behavioral health treatments including Applied Behavioral Analysis (ABA)

Caveat / Nuances

- \$45,000 annual cap
- ABA Cap is adjusted per medical consumer price index (currently 4%)
- ABA training requirements still need to be clarified.

Emergency Regulation

- Emergency Regulations put into place on October 31st such that the Autism Insurance Reform could implement as planned on Nov.1st, 2012.
- Autism activists have asked that they be rescinded since they would essentially disallow ABA.
- Their regulations required NYS Certified ABA Therapists AND NYS has no such certification process in place. ABA Therapists are Nationally Certified.
- These issues are yet unresolved. Additional Information about this topic is available at http://www.dfs.ny.gov/insurance/r_emergy/re201t.pdf & <http://www.autismspeaks.org/advocacy/advocacy-news/state-proposal-would-gut-insurance-reform-law>

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Included

- pharmacy
- psychiatric care & psychological care

Caveat / Nuances

- If the existing policy includes prescription drug policy.
- As provided for other health impairments (e.g. 8 sessions, etc.)

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Included

- therapeutic care, including non-restorative therapy
- any other medical care provided by a licensed health care provider

Caveat / Nuances

- only if the policy covers therapeutic care for other conditions

Other Aspects of the Law



- No CAPS for treatments that are exclusive to having a diagnosis of an Autism Spectrum Disorder.
- Parity of coverage as compared to other conditions.

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- IFSP, IEP, ISP
- Insurance coverage as prescribed by a physician or psychologist (outside of school setting)
- Prohibition on Insurance companies denying because of ASP



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- “Medical Necessity” will dictate services.
- No difference within tiered insurance policies.
- Social skills are covered under “behavioral” benefit.

Keep in mind there are TWO systems (at least) that people may interact with.

Schools

- EDUCATIONAL RECORDS
- Based on accessing curriculum.
- This law should have NO impact on services from physician.
- IDEA is a Federal Law.
- Consider if you want to share insurance information with school districts.

Healthcare

- HEALTH RECORDS
- Insurance companies have access to health records – consider if you give IEP's to physicians, etc.
- Physician prescriptions are for services **outside** of school based services.

Problems or Concerns

1. Visit Autism Votes website at <http://www.autismspeaks.org/advocacy/insurance>
2. Complaints to the **NYState's Attorney General** office at <http://www.oag.state.ny.us/complaint-forms>



Appeals Process

- **NY Consumer Protections through Department of Financial Services:**

<http://www.dfs.ny.gov/insurance/extapp/extappqa.htm>

External appeals for medical necessity, experimental/investigational, clinical trial, rare disease treatment, or certain out-of-network denials.

Department of Financial Services Consumer Assistant Unit is available to investigate any complaint to the Department of Financial Services Consumer Assistance Unit using the Online Consumer Complaint Form located on the website.

For more information on how to file a consumer complaint, call 1-800-342-3736.

Resources

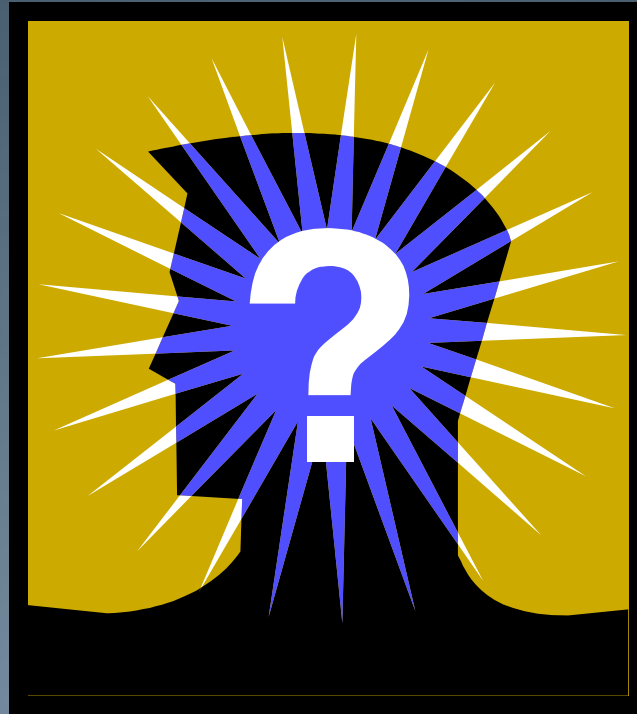
www.cshcnodata.org

<http://www.autismvotes.org/atf/cf/%7B2A179B73-96E2-44C3-8816-1B1C0BE5334B%7D/New%20York%20Fact%20sheet%20on%20BD%20report%20FF.pdf>

<http://www.healthcare.gov/glossary/e/essential.html>

<http://www.opwdd.ny.gov/nyacts/>

Questions?



REMINDER

WE WILL SEND OUT THE POWERPOINT PRESENTATION TO THOSE WHO COMPLETE OUR ONLINE SURVEY AFTER THIS WEBINAR.



Thank You!

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