SECTION 1. The legislature finds that "Luke's Law," Act 235, Session Laws of Hawaii 2015, provided improved access to treatment for autism through mandated insurance coverage. However, that Act had the unintended consequence of limiting the professionals who may administer the treatment. This has resulted in growing wait lists for services due to the shortage of qualified autism service providers.

The legislature notes that multiple professionals are qualified to treat autism. In 2015, the legislature established the licensure of behavior analysts. In 2018, through Act 205, Session Laws of Hawaii 2018, the legislature recognized that licensed psychologists may include the provision of applied behavior analysis within their licensed scope of practice. The legislature further recognizes that other professions such as psychiatrists and advanced practice registered nurses with a specialization in psychiatry are also qualified to diagnose autism spectrum disorders and to prescribe medically necessary
interventions. In addition, these other licensed professionals may be more qualified than licensed behavior analysts to provide diagnosis and treatment for other behavioral health issues individuals with autism frequently experience, such as anxiety and depression.

The legislature further finds that the need for evidence-based treatments for autism spectrum disorders cannot be filled by licensed behavior analysts alone. While there are currently no programs in Hawaii that confer degrees in applied behavior analysis, other professionals who are licensed in the State can pursue specialized training to fill this need. For example, there are doctoral-level licensed psychologists in the State who are well-trained in applied behavior analysis as well as in other important approaches to treating individuals with autism.

The purpose of this Act is to help ensure adequate access to necessary behavioral health services for the treatment of autism spectrum disorders by licensed professionals with adequate training and competence.

SECTION 2. Section 431:10A-133, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (j) to read:
"(j) Insurers shall strive to ensure that a sufficient number of autism service providers are included in their networks to meet the needs of members with autism. Insurers shall include in their network of approved autism service providers only those providers who have cleared state and federal criminal background checks as determined by the insurer."

2. By amending subsections (l) and (m) to read:

"(l) Treatment for autism shall not be covered pursuant to this section unless provided by an autism service provider [that is licensed by a state licensure board. If a state licensure board that licenses providers to provide autism services is unavailable, the autism service provider shall:]

1. Be certified by the Behavior Analyst Certification Board, Inc., provided that certification by the Behavior Analyst Certification Board, Inc., shall be valid for purposes of this subsection for no more than one year; or

2. Meet any existing credentialing requirements determined by the insurer]."
(m) As used in this section, unless the context clearly requires otherwise:

"Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.

"Autism" means autism spectrum disorder as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

"Autism service provider" means any person, entity, or group that provides treatment for autism and meets the minimum requirements pursuant to subsection (1):

(1) Is licensed by a state licensure board in a profession that practices in behavioral health; and

(2) Has specialized training or experience in the area of autism and evidence-based interventions for autism, including applied behavior analysis.

"Autism service provider" may include licensed behavior analysts, licensed psychologists, licensed psychiatrists,
licensed advanced practice registered nurses with a specialization in psychiatry, licensed clinical social workers, licensed marriage and family therapists, and licensed mental health counselors.

"Behavioral health treatment" means evidence-based counseling and treatment programs, including applied behavior analysis, that are:

(1) Necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual; and

(2) Provided or supervised by an autism service provider.

"Diagnosis of autism" means medically necessary assessments, evaluations, or tests conducted to diagnose whether an individual has autism.

"Pharmacy care" means medications prescribed by a licensed physician or registered nurse practitioner and any health-related services that are deemed medically necessary to determine the need or effectiveness of the medications.

"Psychiatric care" means direct or consultative services provided by a licensed psychiatrist.
"Psychological care" means direct or consultative services provided by a licensed psychologist.

"Therapeutic care" means services provided by licensed speech pathologists, registered occupational therapists, licensed social workers, licensed clinical social workers, or licensed physical therapists.

"Treatment for autism" includes the following care prescribed or ordered for an individual diagnosed with autism by a licensed physician, psychiatrist, psychologist, licensed clinical social worker, or registered nurse practitioner if the care is determined to be medically necessary:

(1) Behavioral health treatment;
(2) Pharmacy care;
(3) Psychiatric care;
(4) Psychological care; and
(5) Therapeutic care."

SECTION 3. Section 432:1-614, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (j) to read:

"(j) Insurers shall strive to ensure that a sufficient number of autism service providers are included in their
networks to meet the needs of members with autism. Mutual
benefit societies shall include in their network of approved
autism service providers only those providers who have cleared
state and federal criminal background checks as determined by
the society."

2. By amending subsections (1) and (m) to read:
"(1) Treatment for autism shall not be covered pursuant to
this section unless provided by an autism service provider [that
is licensed by a state licensure board. If a state licensure
board that licenses providers to provide autism services is
unavailable, the autism service provider shall:

(1) Be certified by the Behavior Analyst Certification
Board, Inc., provided that certification by the
Behavior Analyst Certification Board, Inc., shall be
valid for purposes of this subsection for no more than
one year; or

(2) Meet any existing credentialing requirements
determined by the mutual benefit society].

(m) As used in this section, unless the context clearly
requires otherwise:
"Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.

"Autism" means autism spectrum disorder as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

"Autism service provider" means any person, entity, or group that provides treatment for autism and [meets the minimum requirements pursuant to subsection (1).]:

(1) Is licensed by a state licensure board in a profession that practices in behavioral health; and

(2) Has specialized training or experience in the area of autism and evidence-based interventions for autism, including applied behavior analysis.

"Autism service provider" may include licensed behavior analysts, licensed psychologists, licensed psychiatrists, licensed advanced practice registered nurses with a specialization in psychiatry, licensed clinical social workers,
licensed marriage and family therapists, and licensed mental health counselors.

"Behavioral health treatment" means [evidence-based] evidence-based counseling and treatment programs, including applied behavior analysis, that are:

1. Necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual; and
2. Provided or supervised by an autism service provider.

"Diagnosis of autism" means medically necessary assessments, evaluations, or tests conducted to diagnose whether an individual has autism.

"Pharmacy care" means medications prescribed by a licensed physician or registered nurse practitioner and any health-related services that are deemed medically necessary to determine the need or effectiveness of the medications.

"Psychiatric care" means direct or consultative services provided by a licensed psychiatrist.

"Psychological care" means direct or consultative services provided by a licensed psychologist.
"Therapeutic care" means services provided by licensed speech pathologists, registered occupational therapists, licensed social workers, licensed clinical social workers, or licensed physical therapists.

"Treatment for autism" includes the following care prescribed or ordered for an individual diagnosed with autism by a licensed physician, psychiatrist, psychologist, licensed clinical social worker, or registered nurse practitioner if the care is determined to be medically necessary:

1. Behavioral health treatment;
2. Pharmacy care;
3. Psychiatric care;
4. Psychological care; and
5. Therapeutic care."

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: __________________________
Report Title:
Autism Spectrum Disorder; Service Providers

Description:
Clarifies the professionals who may administer autism treatment under mandated insurance coverage establish by Luke's Law.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.