

SENATE AMENDMENTS

2nd Printing

By: Allen, Lucio III, Thompson

H.B. No. 451

A BILL TO BE ENTITLED

AN ACT

1
2 relating to health benefit plan coverage for autism spectrum
3 disorder.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1355.002, Insurance Code, is amended to
6 read as follows:

7 Sec. 1355.002. APPLICABILITY OF SUBCHAPTER. (a) This
8 subchapter applies only to a group health benefit plan that
9 provides benefits for medical or surgical expenses incurred as a
10 result of a health condition, accident, or sickness, including:

11 (1) a group insurance policy, group insurance
12 agreement, group hospital service contract, or group evidence of
13 coverage that is offered by:

14 (A) an insurance company;

15 (B) a group hospital service corporation
16 operating under Chapter 842;

17 (C) a fraternal benefit society operating under
18 Chapter 885;

19 (D) a stipulated premium company operating under
20 Chapter 884; or

21 (E) a health maintenance organization operating
22 under Chapter 843; and

23 (2) to the extent permitted by the Employee Retirement
24 Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.), a plan

1 offered under:

2 (A) a multiple employer welfare arrangement as
3 defined by Section 3 of that Act; or

4 (B) another analogous benefit arrangement.

5 (b) Notwithstanding any provision in Chapter 1575 or 1579 or
6 any other law, Section 1355.015 applies to:

7 (1) a basic plan under Chapter 1575; and

8 (2) a primary care coverage plan under Chapter 1579.

9 SECTION 2. Section 1355.015(a), Insurance Code, is amended
10 to read as follows:

11 (a) At a minimum, a health benefit plan must provide
12 coverage as provided by this section to an enrollee [~~older than two~~
13 ~~years of age and younger than six years of age~~] who is diagnosed
14 with autism spectrum disorder from the date of diagnosis until the
15 enrollee completes nine years of age. If an enrollee who is being
16 treated for autism spectrum disorder becomes 10 [~~six~~] years of age
17 or older and continues to need treatment, this subsection does not
18 preclude coverage of treatment and services described by Subsection
19 (b).

20 SECTION 3. This Act applies only to a health benefit plan
21 delivered, issued for delivery, or renewed on or after January 1,
22 2010. A health benefit plan delivered, issued for delivery, or
23 renewed before January 1, 2010, is governed by the law as it existed
24 immediately before the effective date of this Act, and that law is
25 continued in effect for that purpose.

26 SECTION 4. This Act takes effect September 1, 2009.

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 25 2009

BY:

Thomas H. Ragan

1 Amend H.B. No. 451 by *Adding* ^{Secretary of the Senate} the following appropriately
2 numbered SECTION to the bill and renumbering subsequent SECTIONS of
3 the bill accordingly:

4 SECTION ____ (a) Subchapter D, Chapter 117, Human Resources
5 Code, is amended by adding Section 117.075 to read as follows:

6 Sec. 117.075. AUTISM PROGRAM. (a) To the extent
7 appropriated money is available for the purpose, the department
8 shall provide services to children not younger than three or older
9 than eight years of age who are diagnosed with autism spectrum
10 disorder, to enhance communication, social, and independent living
11 skills so that the children may fully participate in society.

12 (b) The services must include applied behavioral analysis
13 and must complement and not duplicate services outlined in a
14 child's individualized education plan developed by an independent
15 school district.

16 (b) The executive commissioner of the Health and Human
17 Services Commission shall develop the autism program required under
18 Section 117.075, Human Resources Code, as added by this Act, not
19 later than January 1, 2010.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB451 by Allen (Relating to health benefit plan coverage for autism spectrum disorder.), As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend the Insurance Code relating to health benefit plan coverage for autism spectrum disorder. Based on the analysis of the Texas Department of Insurance (TDI), it is assumed that there would be a one-time revenue gain of \$16,000 in the General Revenue Dedicated Account Fund 36 in fiscal year 2010 because the bill would result in additional filings. Since General Revenue Dedicated Account Fund 36 is a self-leveling account, this analysis assumes all revenue generated would go toward fund balances or the maintenance tax would be set to recover a lower level of revenue the following year. It is also assumed that any costs realized by TDI from implementing the provisions of the bill could be absorbed within existing resources. Based on the analysis by the Teachers Retirement System, the bill would not change the coverage offered by agency's health insurance plans and therefore would not have a fiscal impact on the agency.

The bill would amend the Human Resources Code as it relates to the creation of an autism program to provide services to children with autism spectrum disorder. The bill would require the Department of Assistive and Rehabilitative Services (DARS) to provide services to children ages 3-8 that are diagnosed with autism spectrum disorder, to the extent that appropriated money is available. The executive commissioner of the Health and Human Services Commission would also be required to develop the autism program required by the bill, not later than January 1, 2010. Since the provisions of the bill would codify the autism program already in existence at DARS, there would be no fiscal impact. Senate Bill 1, Eighty-first Legislature, Regular Session includes \$3.3 million for fiscal year 2010 and \$3.3 million for fiscal year 2011.

The bill would take effect September 1, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 454 Department of Insurance

LBB Staff: JOB, KJG, CH, JW, CL, SJ, LR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB451 by Allen (Relating to health benefit plan coverage for autism spectrum disorder.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Insurance Code relating to health benefit plan coverage for autism spectrum disorder. Based on the analysis of the Texas Department of Insurance (TDI), it is assumed that there would be a one-time revenue gain of \$16,000 in the General Revenue Dedicated Account Fund 36 in fiscal year 2010 because the bill would result in additional filings. Since General Revenue Dedicated Account Fund 36 is a self-leveling account, this analysis assumes all revenue generated would go toward fund balances or the maintenance tax would be set to recover a lower level of revenue the following year. It is also assumed that any costs realized by TDI from implementing the provisions of the bill could be absorbed within existing resources.

Based on the analysis by the University of Texas System, the Texas A&M University System, Teachers Retirement System, and Employee Retirement System, the bill would not change the coverage offered under any of these agency's health insurance plans and therefore would not have a fiscal impact on these agencies.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 454 Department of Insurance

LBB Staff: JOB, KJG, CH, JW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 7, 2009

TO: Honorable John T. Smithee, Chair, House Committee on Insurance

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB451 by Allen (Relating to health benefit plan coverage for autism spectrum disorder.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Insurance Code relating to health benefit plan coverage for autism spectrum disorder. Based on the analysis of the Texas Department of Insurance (TDI), it is assumed that there would be a one-time revenue gain of \$16,000 in the General Revenue Dedicated Account Fund 36 in fiscal year 2010 because the bill would result in additional filings. Since General Revenue Dedicated Account Fund 36 is a self-leveling account, this analysis assumes all revenue generated would go toward fund balances or the maintenance tax would be set to recover a lower level of revenue the following year. It is also assumed that any costs realized by TDI from implementing the provisions of the bill could be absorbed within existing resources.

Based on the analysis by the University of Texas System, the Texas A&M University System, Teachers Retirement System, and Employee Retirement System, the bill would not change the coverage offered under any of these agency's health insurance plans and therefore would not have a fiscal impact on these agencies.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 454 Department of Insurance

LBB Staff: JOB, KJG, CH, JW

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 13, 2009

TO: Honorable John T. Smithee, Chair, House Committee on Insurance

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB451 by Allen (Relating to health benefit plan coverage for autism spectrum disorder.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Insurance Code relating to health benefit plan coverage for autism spectrum disorder. Based on the analysis of the Texas Department of Insurance (TDI), it is assumed that there would be a one-time revenue gain of \$16,000 in the General Revenue Dedicated Account Fund 36 in fiscal year 2010 because the bill would result in additional filings. Since General Revenue Dedicated Account Fund 36 is a self-leveling account, this analysis assumes all revenue generated would go toward fund balances or the maintenance tax would be set to recover a lower level of revenue the following year. It is also assumed that any costs realized by TDI from implementing the provisions of the bill could be absorbed within existing resources.

Based on the analysis by the University of Texas System, the Texas A&M University System, Teachers Retirement System, and Employee Retirement System, the bill would not change the coverage offered under any of these agency's health insurance plans and therefore would not have a fiscal impact on these agencies.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 327 Employees Retirement System, 454 Department of Insurance, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: JOB, KJG, CH, JW