

# Got Insurance?

## The New Autism Insurance Law – aka ARICA

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# Introduction

- ▶ How We Passed Insurance Legislation
- ▶ Why the Autism Insurance Resource Center was created
- ▶ ARICA – What it does (and doesn't) do
- ▶ Implementation – Early Returns
- ▶ Next Steps

# How ARICA Became a Law– Fearlessness and Facts

- ▶ Representative L’Italien, Senator Berry, Autism Speaks, and the AFAM Insurance Committee
  - *“Leaders are visionaries with a poorly developed sense of fear and no concept of the odds against them” – Dr. Robert Jarvik*
- ▶ State (DHCFP) Mandated Benefits Analysis (copy available on our website)

# Mandated Benefits Analysis Highlights

- ▶ Autism treatments are medically necessary and have strong evidence to support efficacy.
- ▶ Premium impact is modest –Approximately \$1.84 Per Member Per Month (PMPM). Equivalent to 0.36% increase.
- ▶ Cost Benefit
  - *“Annual medical care cost estimates should be considered in the context of potential societal savings outside the medical care system, including those realized in education, social security payments and workplace productivity”*



The Autism Insurance Resource Center  
NE Index/UMass Medical School Shriver Center  
[www.disabilityinfo.org](http://www.disabilityinfo.org) 781-642-0248

- ▶ A Resource for Consumers, Providers, Employers, and Educators on Issues Related to Medical Insurance for Autism Treatment
  - Information and referral by phone/e-mail on issues related to Insurance Coverage for Autism-Related Treatments and Services
  - Access to documents including Legislation, FAQ's, Agency Bulletins, etc.
  - Support for Employers and Individuals covered by Self-Funded (ERISA) Plans
  - Webinars on Insurance Laws and Related Topics
  - Focus Groups and Trainings

# Who Does ARICA Cover?

- ▶ ARICA went into effect January 1, 2011. Implementation is based on each policy's specific renewal date.
- ▶ Only affects certain types of policies.
  - Private insurers
  - State employees and retirees
  - Hospital service plans
  - HMO's

# Who Isn't Covered?

- ▶ “Self-funded” plans, sometimes called “ERISA Plans” are regulated by Federal Law and not required to comply with State Mandates.
- ▶ Includes many of the State’s largest employers.
- ▶ Employees need to check with their HR Departments to find out if their plan is self-funded.
- ▶ Some ERISA employers may, as a matter of course, comply with ARICA; several have already done this. See list at <http://bit.ly/self-funded-autism>
- ▶ Outreach efforts are underway for companies that need more information or are deciding not to cover autism treatment.

# MassHealth

- ▶ Not subject to ARICA, but may provide assistance:
  - MassHealth can pay for co-pays and deductibles for ARICA mandated treatment covered by private insurance for children and adults who choose a provider that can bill MassHealth only if the treatment is a service covered by MassHealth.
  - MassHealth may pay for some autism related services through Early and Periodic Screening, Diagnosis and Treatment (EPSDT), a mandatory Medicaid benefit.– **Looking into this at CMS**
  - If family is eligible for Commonwealth Choice, and child has MassHealth Standard or MassHealth CommonHealth, the MSCPA program can provide assistance with the Commonwealth Choice premiums. (Note: MSCPA provides premium assistance for some employer-sponsored insurance plans too.)
- ▶ Massachusetts Autism Waiver
  - Children under age 9, whose family income is < 150% FPL, ex: less than \$33,528 for a family of 4)
  - The application period is currently closed; there is a waiting list
  - Learn more at <http://1.usa.gov/autismwaiver>



# What Treatments are Covered?

- ▶ ARICA covers the following care prescribed, or ordered by a licensed physician or a licensed psychologist who determines the care to be medically necessary:
  - habilitative or rehabilitative care;
  - pharmacy care;
  - psychiatric care;
  - psychological care;
  - and therapeutic care

# How does this affect IFSP's, IEP's and ISP's?

- ▶ From Mass General Laws, Chapter 207 of the Acts of 2010:

“This section shall not affect an obligation to provide services to an individual under an individualized family service plan, an individualized education program or an individualized service plan. Services related to autism spectrum disorder provided by school personnel under an individualized education program are not subject to reimbursement under this section.”
- ▶ Under IDEA, schools may not require parents to access private insurance for services that are part of FAPE.
- ▶ Dept. of Elementary and Secondary Education (DESE) is planning to issue a technical advisory discussing ARICA.

# The First Six Months Experience

- ▶ Implementation is “ramping up”. Pace is consistent, or a bit faster, than the experience in other states.
  - DOI issued a Consumer Advisory and two Bulletins
  - Health Plans issued CPT codes for ABA
- ▶ Consumers and providers have lots of questions:
  - Covered Treatments
  - Credentialing by Insurance Companies
  - Co-Pays, Deductibles
  - Medical/Education

# “Secret Shopper” Survey – May 2011

- ▶ Two consumers called the major health plans (BCBS, Harvard–Pilgrim, Tufts). Identified themselves as a parent and grandparent of a child with autism. They have an upcoming open enrollment period and wanted to see a list of ABA providers from each plan to help them choose the best plan for their family:
  - Good News – all the customer service representatives knew about ARICA (a change from consumers’ experiences earlier in the year)
  - Bad News – Lists of ABA providers were inaccessible – either because the insurers haven’t established networks (BCBS, Tufts), or they are only accessible to members (Harvard–Pilgrim).

# “Square Pegs and Round Holes”

- ▶ Behavior Analyst credential (BCBA) is not a license; this has made it difficult for some providers to get in-network with some insurers.
- ▶ Early Intervention families are not generally accessing insurance for Autism services.
- ▶ Some consumers with out-of-state policies are having trouble obtaining coverage.
- ▶ One insurer is requiring a copy of IEP as part of approval for ABA services.



# The Autism Insurance Resource Center

NE Index/UMass Medical School Shriver Center

May 2011 caller log entry: *“My Child was diagnosed with autism yesterday. The clinic gave me a huge packet of information. The resource specialist told me the first call I should make was to your Resource Center to figure out my coverage.”*

We are here to help – contact us!

# For Further Information

- Autism Insurance Resource Center
  - [www.disabilityinfo.org/arica](http://www.disabilityinfo.org/arica)  
[info@disabilityinfo.org](mailto:info@disabilityinfo.org)  
781-642-0248
- Advocates for Autism of MA (AFAM)
  - [www.afamaction.org](http://www.afamaction.org)
- Autism Speaks
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