



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senate Approves Senator Fuschillo's Legislation to Ensure Individuals WITH Autism Receive Insurance Coverage for Treatments and Therapies

CHARLES J. FUSCHILLO JR. June 17, 2013

| ISSUE: **DEVELOPMENTAL DISABILITIES**

Senator Charles J. Fuschillo, Jr. (R-Merrick) announced that the New York State Senate passed legislation he sponsored to ensure individuals with autism are able to receive insurance coverage for applied behavioral analysis (ABA) therapy as intended under New York State's autism insurance reform law.

The legislation is in response to regulations implemented by the New York State Department of Financial Services which have dramatically limited the number of ABA practitioners where individuals with autism can receive therapy which is covered by insurance.

"New York's autism insurance reform law was authored to prevent families from having to spend tens of thousands of dollars out of pocket on treatments and therapies for their loved ones with autism. Unfortunately, regulations were implemented contrary to the law's intent which prevent many families from receiving these benefits. This legislation would ensure that individuals with autism get coverage for the care they need as the law intended," said Senator Fuschillo.

Under New York's autism insurance reform law, which Senator Fuschillo authored, insurance companies must provide coverage for the screening, diagnosis, and treatment of autism spectrum disorders, including applied behavioral analysis (ABA), one of the most widely used autism therapies. Additionally, insurance companies cannot terminate coverage or refuse to renew, adjust, amend, issue, or execute a policy solely because the individual has been diagnosed with or received treatment for autism spectrum disorders. The law was designed to help families who were spending tens of thousands of dollars out of pocket each year on treatments and therapies for their loved ones with autism that many insurance companies refused to cover.

The law directed the New York State Department of Financial Services (DFS), in consultation with the Departments of Health and Education, to promulgate rules and regulations as to what qualifications a provider must have in order to qualify for coverage, but clearly specified that certification by the national Behavior Analyst Certification Board would be sufficient to receive coverage for ABA services. Instead, DFS implemented regulations requiring ABA practitioners to be licensed in order to qualify for insurance reimbursement, even though no such license exists in New York State.

As a result, only behavior analysts who have another type of state license, such as a physician or psychologist, and performs ABA therapy within the normal scope of their duties can currently qualify for insurance reimbursement. This significantly limits the number of available providers where families can go to receive insurance-covered ABA therapy and forces many to still pay for this therapy out of pocket, contrary to the law's intent.

Senator Fuschillo's legislation (S4862B) would establish a state license for behavior analysts and allow those behavior analysts who are already certified by the national Behavior Analyst Certification Board to immediately be licensed upon their filing an application with the state and paying a licensing fee. This would greatly expand the places

where individuals with autism could access the care they need and have it covered by insurance, as the law intended.

“New York’s autism community has come to depend on Senator Chuck Fuschillo for providing the help families need,” said Judith Ursitti, Autism Speaks’ director for state government affairs. “Autism Speaks thanks Senator Fuschillo for his instrumental role in getting this licensure bill through the Senate. Senator Fuschillo would not rest until New York families received the access to care they were promised under the autism insurance reform law.”