

I Mina'Trentai Kuáttro Na Liheslaturan
BILL STATUS

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES | NOTES |
|-------------|--|--|-----------------------|---|--|----------------------|-----------------------------|----------------------------|-------|
| 16-34 (COR) | Dennis G. Rodriguez, Jr. | AN ACT TO ADD A NEW CHAPTER 29A TO DIVISION 2 OF 22 GCA, PROVIDING FOR AUTISM SPECTRUM DISORDER INSURANCE, TO ADD A NEW SUBSECTION (P) TO § 2912 OF ARTICLE 9, TITLE 10 GUAM CODE ANNOTATED, AND ADD A NEW SUBSECTION (D) TO CHAPTER 29 OF TITLE 22 GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE PROVISION OF HEALTH CARE INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS BY INSURERS. THIS ACT SHALL BE KNOWN AND CITED AS HUNTER'S LAW OF 2017. | 2/1/17 3:33 p.m. | 02/07/17 | Committee on Appropriations and Adjudication | 3/13/17 2:00 p.m. | 4/17/17 4:19 p.m. | Fiscal Note Request 2/7/17 | |
| | | | Re-referred: 2/8/2017 | Re-referred Committee: Committee on Health, Tourism, Military Affairs and Senior Citizens | Fiscal Note 2/28/17 | | | | |
| | SESSION DATE | TITLE | DATE PASSED | DATE AND TIME TRANSMITTED | DUE DATE | NOTES | | | |
| 4/24/17 | AN ACT TO ADD A NEW CHAPTER 29A, AND A NEW § 29102(d) TO CHAPTER 29, BOTH OF DIVISION 2, TITLE 22, GUAM CODE ANNOTATED; AND TO ADD A NEW § 2912(p) OF ARTICLE 9, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE PROVISION OF HEALTH CARE INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS BY INSURERS; TO BE KNOWN AND CITED AS "HUNTER'S LAW OF 2017." | 4/27/17 | 4/28/17 6:02 p.m. | 5/10/17 | As amended by the Committee on Health, Tourism, Military Affairs, and Senior Citizens; and further amended on the Floor. | | | | |



COPY

I MINA'TRENTAI KUÀTTRO NA LIHESLATURAN GUÅHAN
Thirty-Fourth Guam Legislature

April 28, 2017

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill Nos. 1-34 (COR), 2-34 (COR), 10-34 (COR), 14-34 (COR), 16-34 (COR), 17-34 (COR), and 23-34 (COR); and Substitute Bill Nos. 15-34 (COR) and 58-34 (COR) which were passed by *I Mina'Trentai Kuàttro Na Liheslaturan Guåhan* on April 27, 2017.

Sincerely,


REGINO BISCOE LEE
Legislative Secretary

Enclosure (9)

PO1 J. RECHMUK #735
[Signature] *4/28/17 6:02PM*

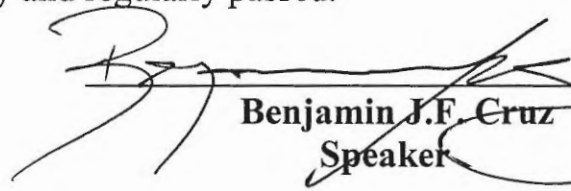


COPY

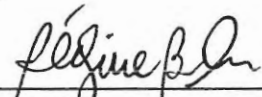
I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÁHEN GUÁHAN*

This is to certify that Bill No. 16-34 (COR), "AN ACT TO ADD A NEW CHAPTER 29A, AND A NEW § 29102(d) TO CHAPTER 29, BOTH OF DIVISION 2, TITLE 22, GUAM CODE ANNOTATED; AND TO ADD A NEW § 2912(p) OF ARTICLE 9, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE PROVISION OF HEALTH CARE INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS BY INSURERS; TO BE KNOWN AND CITED AS "HUNTER'S LAW OF 2017," was on the 27th day of April 2017, duly and regularly passed.


Benjamin J.F. Cruz
Speaker

Attested:


Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'láhen Guáhan* this 28 day of APRIL,
2017, at 6:02 o'clock P.M.


Assistant Staff Officer
Maga'láhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'láhen Guáhan

Date: _____

Public Law No. _____

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Bill No. 16-34 (COR)

As amended by the Committee on Health,
Tourism, Military Affairs, and Senior Citizens;
and further amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.
Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telena Cruz Nelson
Joe S. San Agustin
Michael F.Q. San Nicolas
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO ADD A NEW CHAPTER 29A, AND A NEW § 29102(d) TO CHAPTER 29, BOTH OF DIVISION 2, TITLE 22, GUAM CODE ANNOTATED; AND TO ADD A NEW § 2912(p) OF ARTICLE 9, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE PROVISION OF HEALTH CARE INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS BY INSURERS; TO BE KNOWN AND CITED AS “HUNTER’S LAW OF 2017.”

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the occurrences of autism spectrum disorders (ASD) are prevalent on Guam.

1 Forty-eight (48) states have statutes relative to providing mandatory access
2 and coverage for health insurance for the diagnosis and treatment of autism spectrum
3 disorder for minors.

4 According to the research from the Autism Society, about one percent (1%) of
5 the world's population has an autism spectrum disorder. Estimates of the Centers for
6 Disease Control and Prevention, the National Conference of State Legislatures and
7 Autism Speaks, a non-profit advocacy group, indicate one (1) in sixty-eight (68)
8 children in the United States has ASD. Some recent estimates put that figure higher
9 at one (1) in forty-five (45), however, in the last year the estimate of the increase in
10 incidence of ASD in the population throughout the United States has leveled off.

11 It has been established that the earlier the diagnosis of ASD and the earlier a
12 child receives treatment will yield the best results and outcome. Although children
13 experiencing disabilities or differences can expect specialized education programs
14 through the Department of Education, professional intervention in terms of diagnosis
15 and early intervention should occur at the earliest of ages. It is established that many
16 children with some form of the disorder can be diagnosed as early as the age of two
17 (2).

18 The cost of mandatory insurance for treatment programs for ASD as tracked
19 by Autism Speaks for five (5) states for a first and second year implementation
20 indicates a Fifteen Cent (\$.15) increase in insurance cost during the first year and a
21 Thirty-one Cent (\$.31) increase during the second year. An overall increase in cost
22 of one percent (1%) is estimated by the Council for Affordable Health Insurance.
23 The costs for Guam may vary depending upon the number of children with the
24 disorder on Guam and the severity of the disability associated with it.

25 Bill No. 379-33, now Public Law No. 33-227, established an Autism Spectrum
26 Disorder Treatment Center to be placed within the new DISID building/commercial

1 center. This expresses the commitment of Guam to serving children with this
2 disorder in the best possible way.

3 **Section 2.** This Act *shall* be known and may be cited as “*Hunter’s Law of*
4 *2017.*”

5 **Section 3.** A new Chapter 29A is *added* to Division 2 of Title 22, Guam
6 Code Annotated, to read:

7 **“CHAPTER 29A**
8 **HEALTH INSURANCE COVERAGE FOR**
9 **AUTISM SPECTRUM DISORDER**

10 **§ 29A101. Definitions.**

11 For the purposes of this Chapter:

12 (a) *Autism spectrum disorder* (ASD) means one (1) of the three (3)
13 following disorders as defined in the most recent edition of the diagnostic and
14 statistical manual of mental disorders of the American Psychiatric
15 Association:

16 (1) Autistic disorder;

17 (2) Asperger’s syndrome; or

18 (3) Pervasive developmental disorder—not otherwise
19 specified.

20 (b) *Behavioral therapy* means interactive therapies derived from
21 evidence-based research, including applied behavior analysis, which
22 includes discrete trial training, pivotal response training, intensive
23 intervention programs, and early intensive behavioral intervention.

24 (c) *Behavioral health treatment* means professional services and
25 treatment programs, including applied behavior analysis and evidence-based
26 behavior intervention programs, that develop or restore, to the maximum

1 extent practicable, the functioning of an individual with autism spectrum
2 disorder, and that meet all of the following criteria:

3 (1) The treatment is prescribed by a physician or surgeon duly
4 licensed to practice on Guam, or is developed by a psychiatrist or
5 psychologist, any of which *shall* be duly licensed to practice on Guam.

6 (2) The treatment is provided under a treatment plan
7 prescribed by a qualified ASD service provider and is administered by
8 one (1) of the following:

9 (A) a qualified ASD service provider;

10 (B) a qualified ASD service professional supervised and
11 employed by the qualified autism spectrum disorder service
12 provider; or

13 (C) an ASD service paraprofessional supervised and
14 employed by a qualified ASD service provider.

15 (3) The treatment plan has measurable goals over a specific
16 timeline that is developed and approved by the qualified ASD service
17 provider for the specific patient being treated. The treatment plan *shall*
18 be reviewed no less than once every six (6) months by the qualified
19 autism spectrum disorder service provider and modified whenever
20 appropriate, and *shall* be consistent with all of the following items
21 performed by the qualified autism spectrum disorder service provider,
22 who:

23 (A) describes the patient's behavioral health
24 impairments to be treated;

25 (B) designs an intervention plan that includes the
26 service type, number of hours, and parent participation needed to

1 achieve the plan's goal and objectives, and the frequency at
2 which the patient's progress is evaluated and reported;

3 (C) provides intervention plans that utilize evidence-
4 based practices, with demonstrated clinical efficacy in treating
5 autism spectrum disorder; and

6 (D) discontinues intensive behavioral intervention
7 services when the treatment goals and objectives are achieved or
8 no longer appropriate.

9 (4) The treatment plan is not used for purposes of providing
10 or for the reimbursement of respite, day care, or educational services,
11 and is not used to reimburse a parent for participating in the treatment
12 program. The treatment plan *shall* be made available to the health care
13 insurance service plan upon request.

14 (d) *Qualified autism spectrum disorder service provider* means
15 either of the following:

16 (1) a person, entity, or group that is certified by a national
17 entity, such as the Behavior Analyst Certification Board, that is
18 accredited by the National Commission for Certifying Agencies, and
19 who designs, supervises, or provides treatment for autism spectrum
20 disorder, provided the services are within the experience and
21 competence of the person, entity, or group that is nationally certified;
22 or

23 (2) a person licensed pursuant to Part 1 or Part 2 of Chapter
24 12, 10 GCA as a physician or surgeon, physical therapist, occupational
25 therapist, psychologist, marriage and family therapist, educational
26 psychologist, clinical social worker, professional clinical counselor,
27 speech-language pathologist, or audiologist who designs, supervises, or

1 provides treatment or services for autism spectrum disorder, provided
2 the services are within the experience and competence of the licensee.

3 (e) *Small employer shall* mean a business with less than ten (10)
4 employees.

5 (f) *Bundling* means combining various limited benefit insurance
6 policies, and advertising or indicating in any manner that these policies are
7 major medical expense coverage policies or could be substituted for major
8 medical expense coverage.

9 (g) *Limited benefit coverage* means an insurance policy that is
10 designed, advertised, and marketed to supplement major medical insurance;
11 and that includes accident only, dental only, vision only, disability income
12 only, fixed or hospital indemnity, specified disease insurance, credit
13 insurance, or Taft-Hartley trusts.

14 **§ 29A102. Mandate.**

15 (a) Except for those offered by a fraternal benefit society, every
16 health care insurance service or health maintenance organization plan contract
17 that provides hospital, medical, or surgical coverage *shall* also provide
18 coverage for behavioral health treatment for autism spectrum disorder no later
19 than October 1, 2017. The coverage *shall* be provided in the same manner and
20 *shall* be subject to the same requirements as provided in 22 GCA Chapter 29.

21 (b) Except for a fraternal benefit society, every insurer, which *shall*
22 include all insurance companies, health care service plans, health maintenance
23 organizations, and any other entity delivering or issuing for delivery in Guam
24 Medicare supplement policies or certificates licensed to do business on Guam,
25 *shall* be subject to the provisions of this Chapter.

26 **§ 29A103. Subscription Contracts for Healthcare Insurance; Autism**
27 **Spectrum Disorder; Coverage; Exceptions.**

1 (a) Except for those offered by a fraternal benefit society, health care
2 insurance service plans issued by a health insurance carrier, hospital service
3 corporation, medical service corporation, insurance company, health
4 maintenance organization, and any other entity delivering or issuing for
5 delivery in Guam Medicare supplement policies or certificates issued pursuant
6 to 22 GCA Chapter 29 *shall not*:

7 (1) exclude or deny coverage for a treatment or impose dollar
8 limits, deductibles and coinsurance provisions based solely on the
9 diagnosis of autism spectrum disorder. For the purposes of this
10 Subsection, "treatment" includes diagnosis, assessment, and services;
11 or

12 (2) exclude or deny coverage for medically necessary
13 behavioral therapy services. To be eligible for coverage, behavioral
14 therapy services *shall* be provided or supervised by a licensed or
15 certified autism spectrum disorder provider.

16 (b) This Chapter does not:

17 (1) apply to a health insurance subscription contract that is
18 issued to an individual or through a small employer; or

19 (2) apply to bundled or limited benefit coverage as defined in
20 § 29A101(f) of this Chapter.

21 (c) The coverage required by this Chapter is subject to all the terms
22 and conditions of the subscription contract. Nothing in this Chapter prevents
23 a corporation from imposing deductibles, coinsurance or other cost sharing in
24 relation to the coverage required by this Chapter.

25 (d) Coverage for diagnosis, treatment and behavioral therapy is
26 subject to:

1 (1) a Fifty Thousand Dollars (\$50,000) maximum benefit per
2 year for an eligible person up to the age of nine (9); or

3 (2) a Twenty-five Thousand Dollars (\$25,000) maximum
4 benefit per year for an eligible person who is between the ages of nine
5 (9) and twenty-one (21).”

6 **Section 4.** A new Subsection (p) is *added* to § 2912 of Article 9, Chapter 2
7 of Division 1, Title 10, Guam Code Annotated, to read:

8 “(p) Autism Spectrum Disorder (ASD). A Fifty Thousand Dollars
9 (\$50,000) maximum benefit per year for an eligible person up to the age of
10 nine (9). The treatment of an autism spectrum disorder *shall* be limited to a
11 Twenty-five Thousand Dollars (\$25,000) maximum benefit per year for an
12 eligible person who is between the ages of nine (9) and twenty-one (21).”

13 **Section 5.** A new Subsection (d) is *added* to § 29102 of Chapter 29, Title
14 22, Guam Code Annotated, to read:

15 “(d) Except for those offered by a fraternal benefit society, all health
16 care insurance service plans, health insurance subscription contracts, policies,
17 certificates or supplement plans issued pursuant to this Chapter *shall* be
18 subject to the provisions of 22 GCA Chapter 29A, relative to health care
19 insurance for the coverage for autism spectrum disorder.”

20 **Section 6. Funding.** The insurance coverage mandated in this legislation
21 that is provided by the government of Guam for its employees *shall* be funded
22 through the rates established by the insurance negotiating committees of the three
23 (3) branches of the government of Guam, or any subdivision of the government of
24 Guam, and by the General Appropriations Act of 2018. Such insurance coverage in
25 the private sector *shall* be established by the rates of the insurance provider.

1 **Section 7. Affordable Care Act.** The insurance coverage requirements of
2 this Act shall be in effect regardless of any repeal or change in provisions of the
3 Affordable Care Act, as it may affect any individuals.

4 **Section 8. Severability.** If any provision of this act or its application to any
5 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
6 *not* affect other provisions or applications of this act which can be given effect
7 without the invalid provisions or application, and to this end the provisions of this
8 act are severable.

9 **Section 9. Effective Date.** This Act *shall* be effective upon enactment.