

## Know Your Rights



Under the federal **Affordable Care Act** your child cannot be denied coverage for a pre-existing health condition, including autism.

New Hampshire's **Early Childhood Mandate** requires state-regulated policies to cover up to \$3,200/year for occupational, physical, or speech therapy for children birth to 3 years.

Thanks to Connor's Law, NH state-regulated health insurance plans must cover therapeutic intervention based on **Applied Behavior Analysis (ABA)** up to \$36,000/year for children birth to 12 years and up to \$27,000/year for children from ages 12 to 21.

**Young adults** can be covered as dependents under a parent's health insurance plan until the age of 26, even if they live out of state or have graduated from college.

If you have a state-regulated policy and believe that you have been misinformed by your insurance company or unfairly denied coverage, you have the right to appeal to the **NH Department of Insurance**.

## To Learn More

The Affordable Care Act  
[www.healthcare.gov](http://www.healthcare.gov)

Connor's Law  
[www.connorslaw.info](http://www.connorslaw.info)

NH Consumer Protections for Health Insurance  
[www.nh.gov/insurance/consumers/health.htm](http://www.nh.gov/insurance/consumers/health.htm)

## To File a Consumer Complaint

[www.nh.gov/insurance/consumers/complaints.htm](http://www.nh.gov/insurance/consumers/complaints.htm)

### THE NH COUNCIL ON AUTISM SPECTRUM DISORDERS

The NH Council on Autism Spectrum Disorders  
21 South Fruit Street, Suite 22  
Concord, NH 03301

**EMAIL:**  
[Information@nhcouncilonasd.org](mailto:Information@nhcouncilonasd.org)

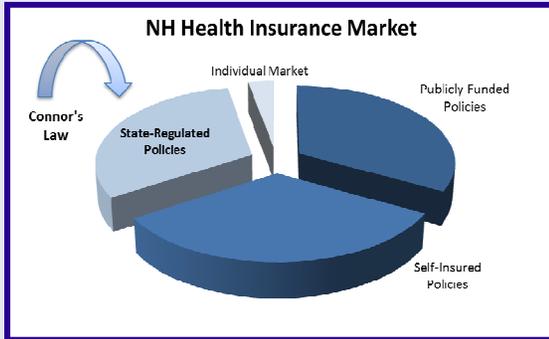
[www.nhcouncilonasd.org](http://www.nhcouncilonasd.org)

# The New Hampshire Council on Autism Spectrum Disorders



*Connor's Law*  
*And other Health Insurance*  
*for the Treatment of ASD*

# Health Insurance for Children with Autism Spectrum Disorder (ASD)



Health insurance can be confusing. To keep it simple, imagine that the insurance market is a pie divided into three roughly equal slices, with a tiny sliver taken out of the first wedge. This small piece represents those rare policies purchased by an individual rather than a group of employees or members of a union or professionals association; these policies are exempt from many state-laws.

## State-Regulated Policies

Because the NH legislature has adopted several important requirements that apply to this part of the market, state-regulated policies are generally the most advantageous for children with ASD.

- **Early Intervention Services:** For children under age 3, state-regulated policies must cover services provided by a licensed occupational therapist, physical therapist, speech pathologist, or social worker, if referred by a primary

care physician. These benefits are subject to deductibles, co-payments, and other terms and conditions, and have a cap of \$3,200 per child per year. For young children enrolled in NH's Family-Centered Early Supports and Services this may be one of several funding sources that support a comprehensive intervention program. See RSA 415:6-n, 415:18-s, 420-A:17-g, 420-B:8-r.

- **Connor's Law:** This law requires state-regulated policies to cover occupational, physical and speech therapy; pharmacy care; consultation by a psychiatrist, psychologist, or clinical social worker; and behavior-based therapy, also known as Applied Behavior Analysis (ABA). Terms and conditions such as co-payments still apply. ABA is capped at \$36,000/year for children birth to 12 years and \$27,000 for 12-21 years. Connor's Law effectively ended the practice of denying coverage for ABA based on the claim that it is "experimental." The law also states that coverage for the treatment of autism may not be denied as "habilitative." See RSA 417-E:2.

## Publicly Funded Policies

This slice of the market includes Medicare and, more importantly for autism services, Medicaid. You may know these policies by the brand name "NH Healthy Kids." After July 1, 2012, however, both Healthy Kids Gold and Silver will simply be called "NH Medicaid." This represents a change in name, not in the array of services covered. In fact, in some cases, the coverage will be more generous after the change — for example, families who used to have co-payments for their child's medical care no longer will.

NH children can qualify for Medicaid two ways: If their family's income is at or below 300% of the federal poverty level, they are eligible. Medicaid also serves as secondary insurance for children birth to 19 years who have significant medical needs, including autism, but do not meet family income guidelines. Secondary insurance covers services and out-of-pocket costs not covered by the primary policy.

The federal government sets certain minimum coverage standards for Medicaid. Many states, including NH, choose to exceed these requirements. The NH State Plan for Medicaid includes coverage for developmental evaluation; speech, occupational, and physical therapy; and psychological services. **However, at this time, NH Medicaid does not cover ABA.**

In several states, parents have successfully challenged this denial based on a federal coverage standard known as Early Periodic Screening, Diagnosis, and Treatment (EPSDT). To learn more, see [www.connorslaw.info](http://www.connorslaw.info).

## Self-Insured Policies

The last piece of the pie represents companies, usually large ones operating in multiple states, that cover their employees through what is known as a "self-insured plan." Because the option of self-insuring was made possible by a federal law, Congress — rather than individual states — regulates these plans. **Connor's Law does not apply to self-insured policies.**

From a consumer perspective, self-insured plans look the same as those regulated by the state. This is because the self-insuring corporation typically retains the services of an insurance carrier to manage the administration of their health benefit. The best way to find out what type of policy you have is to ask your employer's Human Resources Department.

An increasing number of self-insuring companies have agreed to write coverage for ABA into their health benefit. If you would like assistance in discussing this option with your employer, please contact the NH Council on ASD at [information@nhcouncilonasd.org](mailto:information@nhcouncilonasd.org).