

BY: Finance Committee

AMENDMENTS TO SENATE BILL 744
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, Astle, Kittleman, Kelley, and Middleton”; in line 2, strike “and” and substitute a comma; in line 3, after “Workgroup” insert “, and Technical Advisory Group”; strike beginning with “altering” in line 4 down through “services;” in line 6; in line 6, after “which” insert “certain insurers, nonprofit health service plans, and health maintenance organizations must provide”; in line 7, strike “must be provided” and substitute “of habilitative services”; in the same line, after the semicolon insert “requiring that certain determinations made by certain insurers, nonprofit health service plans, and health maintenance organizations be made in accordance with certain regulations beginning on a certain date; requiring the Department of Health and Mental Hygiene, in consultation with the Maryland Insurance Commissioner, to establish a technical advisory group on the medically necessary and appropriate use of habilitative services to treat autism and autism spectrum disorders; establishing the composition of the technical advisory group; requiring the technical advisory group to develop certain recommendations and obtain certain input; requiring the Commissioner, on or before a certain date, to adopt certain regulations based on the recommendations of the technical advisory group;”; in the same line, strike “Maryland Insurance”; in line 10, strike “report” and substitute “submit certain reports on”; in line 11, strike “a certain date” and substitute “certain dates”; and in line 12, after “definition;” insert “providing for the construction of this Act;”.

AMENDMENT NO. 2

On page 2, in line 9, strike “AND”; in line 10, after “HYDROENCEPHALOCELE” insert “; AND”

(Over)

**7. CONGENITAL OR GENETIC DEVELOPMENTAL
DISABILITIES**”;

in line 28, strike the brackets; and in the same line, strike “21”.

AMENDMENT NO. 3

On page 3, after line 8, insert:

**“(F) BEGINNING NOVEMBER 1, 2013, A DETERMINATION BY AN ENTITY
SUBJECT TO THIS SECTION OF WHETHER HABILITATIVE SERVICES COVERED
UNDER THIS SECTION ARE MEDICALLY NECESSARY AND APPROPRIATE TO
TREAT AUTISM AND AUTISM SPECTRUM DISORDERS SHALL BE MADE IN
ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSIONER.”.**

AMENDMENT NO. 4

On page 3, after line 9, insert:

**“(a) The Department of Health and Mental Hygiene, in consultation with the
Maryland Insurance Commissioner, shall establish a technical advisory group on the
medically necessary and appropriate use of habilitative services to treat autism and
autism spectrum disorders.**

**(b) The technical advisory group shall be composed of individuals with
expertise in the treatment of children with autism and autism spectrum disorders.**

**(c) The technical advisory group shall develop recommendations for the
medically necessary and appropriate use of habilitative services to treat autism and
autism spectrum disorders.**

**(d) When making a recommendation, the technical advisory group shall
consider whether the recommendation is:**

(1) objective;

(2) clinically valid;

(3) compatible with established principles of health care; and

(4) flexible enough to allow deviations from norms when justified on a case by case basis.

(e) In its work, the technical advisory group shall obtain input from the public, including input from:

(1) parents of children with autism and autism spectrum disorders;
and

(2) the insurers, nonprofit health service plans, and health maintenance organizations that are subject to § 15-835 of the Insurance Article, as enacted by Section 1 of this Act.

(f) Based on the recommendations of the technical advisory group, the Commissioner, on or before November 1, 2013, shall adopt regulations that relate to the medically necessary and appropriate use of habilitative services to treat autism and autism spectrum disorders for purposes of § 15-835 of the Insurance Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That:”.

AMENDMENT NO. 5

On page 3, in line 12, after “of” insert “:

(Over)

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House; and

(3);

in line 13, after “pathologists,” insert “pediatricians,”; in line 14, strike “special needs”; in the same line, after “child” insert “with special needs”; in line 16, after “Education,” insert “the Maryland Developmental Disabilities Council, the Maryland Department of Disabilities,”; in line 22, strike “and”; in line 27, after “systems” insert “; and

(4) the costs and benefits associated with expanding habilitative services coverage to individuals under the age of 26 years”;

in line 28, after “(d)” insert “(1)”; in the same line, after “shall” insert “submit an interim”; and after line 31, insert:

“(2) On or before November 1, 2013, the Commissioner shall submit a final report, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee on the findings and recommendations of the workgroup.”.

AMENDMENT NO. 6

On page 4, before line 1, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That the changes made under Section 1 of this Act to the definition of “congenital or genetic birth defect” in § 15-835(a)(2) of the Insurance Article are intended to clarify the scope of coverage of services required under § 15-835 as it existed before the effective date of this Act, and

are not intended, and may not be interpreted or construed, to expand the coverage of services required under § 15-835 as it existed before the effective date of this Act.”;

and in line 1, strike “3.” and substitute “5.”.