Autism and the Determination of Essential Health Benefits

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by
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Autism Speaks
Autism and the Determination of Essential Health Benefits

In comments to the Institute of Medicine (IOM), Autism Speaks pointed out that the Secretary, in determining whether the details of each benefit package offered meet the requirements specified in the Patient Protection and Affordable Care Act (PPACA), must give effect to each provision of the Act, including section 1302(b)(1).
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- Section 1302(b)(1) lists ten general categories of essential health benefits, including “Mental health and substance use disorder services, including behavioral health treatment” (section 1302(b)(1)(E)).
- The reference to behavioral health treatment was added by amendments in both chambers of Congress.
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- Representatives Doyle (Congressional Autism Caucus co-chair), Deal, and Engel sponsored the amendment in the House Energy and Commerce Committee, and Senator Menendez sponsored the amendment in the Senate Finance Committee.
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- The Congressional Budget Office (CBO) determined that Senator Menendez’s amendment did not require any cost offsets.
- The CBO concluded that the Menendez amendment clarified rather than expanded what the Senate Finance Committee Chairman’s Mark required, namely, mental health and substance abuse services that at least met minimum standards set by federal and state laws.
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- In offering his amendment, Senator Menendez pointed out that behavioral health treatments “are critical for individuals affected by autism” as well as other conditions.
- Section 1302(b)(1)(E) should be understood as requiring behavioral health treatments for autism to be a part of each benefit package.
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*In other comments to the IOM, Autism Speaks urged the Secretary to consider justice, cost-effectiveness, and continuity of care in evaluating state mandates for inclusion in a national essential benefits package.*
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• Underinsurance has been a critical issue for individuals with autism.

• Children with autism are more likely than other special needs children to delay or forego care entirely.

• Their families have greater out-of-pocket costs, diminished work hours and lost income, and more negative health plan experiences.
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Concern about the healthcare needs of individuals with autism has prompted enactment of coverage standards in 23 states:
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Almost all of these laws have been enacted within the past four years:
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- Pre-2007
- 2007
- 2008
- 2009
- 2010

Map showing the determination of essential health benefits across the United States.
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- Oliver Wyman Actuarial Consulting (Oliver Wyman) estimates that state autism insurance laws may increase premiums by 0.3% to 0.6%:

<table>
<thead>
<tr>
<th>Scenario</th>
<th>% Diagnosed Under Age 6 Starting A BA</th>
<th>Avg. Annual AB A Program Cost (Ages 2-7)</th>
<th>Avg. Annual non-ABA Cost</th>
<th>Annual Premium Increase per Person</th>
<th>Premium Increase (% of Premium)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>40.0%</td>
<td>$35,000</td>
<td>$2,050</td>
<td>$11.20</td>
<td>0.28%</td>
</tr>
<tr>
<td>Middle</td>
<td>50.0%</td>
<td>$42,500</td>
<td>$3,075</td>
<td>$16.90</td>
<td>0.42%</td>
</tr>
<tr>
<td>High</td>
<td>66.7%</td>
<td>$49,496</td>
<td>$4,100</td>
<td>$25.60</td>
<td>0.64%</td>
</tr>
</tbody>
</table>
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Oliver Wyman projects that these cost increases will be offset by savings associated with decreased dependence.

Differences in Costs by Age With and Without Behavioral Intervention - Base Scenario

- Additional Costs at Early Childhood Ages for Behavioral Therapies
- Savings Associated With Increased Capabilities and Decreased Dependency

Costs Without Behavioral Therapy
Cost with Behavioral Therapy
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- State autism insurance laws have remedied coverage determinations that unfairly restricted access to treatment for many individuals.
- They have done so by striking a sound balance between short-term economic costs and long term gains in quality of life, reduced disability, and improved community integration.
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- Individuals have relied on these laws in deciding where to live and for whom to work.
- State autism insurance should be accorded deference.