

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009

Date

Honorable David Dewhurst
President of the Senate

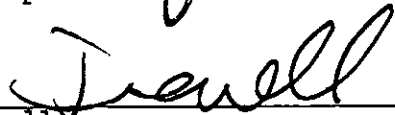
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 451 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



Shapiro



Deuell



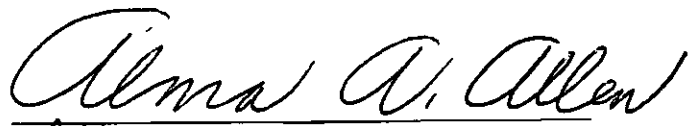
van de Putte



Lucio - chair



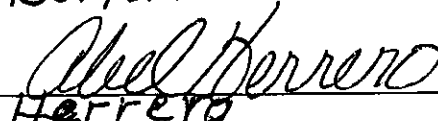
Carona On the part of the Senate



Allen



Bolton



Herrero



Cohen



Leibowitz on the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 451

A BILL TO BE ENTITLED

1

AN ACT

2 relating to health benefit plan coverage for autism spectrum
3 disorder.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1355.002, Insurance Code, is amended to
6 read as follows:

7 Sec. 1355.002. APPLICABILITY OF SUBCHAPTER. (a) This
8 subchapter applies only to a group health benefit plan that
9 provides benefits for medical or surgical expenses incurred as a
10 result of a health condition, accident, or sickness, including:

11 (1) a group insurance policy, group insurance
12 agreement, group hospital service contract, or group evidence of
13 coverage that is offered by:

14 (A) an insurance company;

15 (B) a group hospital service corporation
16 operating under Chapter 842;

17 (C) a fraternal benefit society operating under
18 Chapter 885;

19 (D) a stipulated premium company operating under
20 Chapter 884; or

21 (E) a health maintenance organization operating
22 under Chapter 843; and

23 (2) to the extent permitted by the Employee Retirement
24 Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.), a plan

1 offered under:

2 (A) a multiple employer welfare arrangement as
3 defined by Section 3 of that Act; or

4 (B) another analogous benefit arrangement.

5 (b) Notwithstanding any provision in Chapter 1575 or 1579 or
6 any other law, Section 1355.015 applies to:

7 (1) a basic plan under Chapter 1575; and

8 (2) a primary care coverage plan under Chapter 1579.

9 SECTION 2. Section 1355.015(a), Insurance Code, is amended
10 to read as follows:

11 (a) At a minimum, a health benefit plan must provide
12 coverage as provided by this section to an enrollee [~~older than two~~
13 ~~years of age and younger than six years of age~~] who is diagnosed
14 with autism spectrum disorder from the date of diagnosis until the
15 enrollee completes nine years of age. If an enrollee who is being
16 treated for autism spectrum disorder becomes 10 [~~six~~] years of age
17 or older and continues to need treatment, this subsection does not
18 preclude coverage of treatment and services described by Subsection
19 (b).

20 SECTION 3. This Act applies only to a health benefit plan
21 delivered, issued for delivery, or renewed on or after January 1,
22 2010. A health benefit plan delivered, issued for delivery, or
23 renewed before January 1, 2010, is governed by the law as it existed
24 immediately before the effective date of this Act, and that law is
25 continued in effect for that purpose.

26 SECTION 4. This Act takes effect September 1, 2009.

House Bill 451
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 1355.002, Insurance Code, is amended to read as follows:

Sec. 1355.002. APPLICABILITY OF SUBCHAPTER.

(a) This subchapter applies only to a group health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including:

(1) a group insurance policy, group insurance agreement, group hospital service contract, or group evidence of coverage that is offered by:

(A) an insurance company;

(B) a group hospital service corporation operating under Chapter 842;

(C) a fraternal benefit society operating under Chapter 885;

(D) a stipulated premium company operating under Chapter 884; or

(E) a health maintenance organization operating under Chapter 843; and

(2) to the extent permitted by the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.), a plan offered under:

(A) a multiple employer welfare arrangement as defined by Section 3 of that Act; or

(B) another analogous benefit arrangement.

(b) Notwithstanding any provision in Chapter 1575 or 1579 or any other law, Section 1355.015 applies to:

(1) a basic plan under Chapter 1575; and

(2) a primary care coverage plan under Chapter 1579.

SENATE VERSION

SECTION 1. Same as House version.

CONFERENCE

SECTION 1. Same as House version.

House Bill 451
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 2. Section 1355.015(a), Insurance Code, is amended to read as follows:

(a) At a minimum, a health benefit plan must provide coverage as provided by this section to an enrollee [~~older than two years of age and younger than six years of age~~] who is diagnosed with autism spectrum disorder from the date of diagnosis until the enrollee completes nine years of age. If an enrollee who is being treated for autism spectrum disorder becomes 10 [~~six~~] years of age or older and continues to need treatment, this subsection does not preclude coverage of treatment and services described by Subsection (b).

SECTION 3. This Act applies only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2010. A health benefit plan delivered, issued for delivery, or renewed before January 1, 2010, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

No equivalent provision.

SENATE VERSION

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION __. (a) Subchapter D, Chapter 117, Human Resources Code, is amended by adding Section 117.075 to read as follows:
Sec. 117.075. AUTISM PROGRAM. (a) To the extent appropriated money is available for the purpose, the department shall provide services to children not younger than three or older than eight years of age who are diagnosed with autism spectrum disorder, to enhance

CONFERENCE

SECTION 2. Same as House version.

SECTION 3. Same as House version.

Same as House version.

House Bill 451
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HOUSE VERSION

SENATE VERSION

CONFERENCE

communication, social, and independent living skills so that the children may fully participate in society.

(b) The services must include applied behavioral analysis and must complement and not duplicate services outlined in a child's individualized education plan developed by an independent school district.

(b) The executive commissioner of the Health and Human Services Commission shall develop the autism program required under Section 117.075, Human Resources Code, as added by this Act, not later than January 1, 2010.

SECTION 4. This Act takes effect September 1, 2009.

SECTION 4. Same as House version.

SECTION 4. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB451** by Allen (Relating to health benefit plan coverage for autism spectrum disorder.),
Conference Committee Report

No significant fiscal implication to the State is anticipated.

The bill would amend the Insurance Code relating to health benefit plan coverage for autism spectrum disorder. Based on the analysis of the Texas Department of Insurance (TDI), it is assumed that there would be a one-time revenue gain of \$16,000 in the General Revenue Dedicated Account Fund 36 in fiscal year 2010 because the bill would result in additional filings. Since General Revenue Dedicated Account Fund 36 is a self-leveling account, this analysis assumes all revenue generated would go toward fund balances or the maintenance tax would be set to recover a lower level of revenue the following year. It is also assumed that any costs realized by TDI from implementing the provisions of the bill could be absorbed within existing resources.

Based on the analysis by the Teachers Retirement System, the bill would not change the coverage offered under any of this agency's health insurance plan and therefore would not have a fiscal impact on this agency.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 454 Department of Insurance

LBB Staff: JOB, KJG, CH, JW

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 451 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Alma A. Allen

(name)

5/30/09

(date)