

AN ACT

ENTITLED, An Act to revise certain provisions regarding health coverage for applied behavior analysis.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 58-17-154 be amended to read:

58-17-154. Terms used in §§ 58-17-155 to 58-17-162, inclusive, mean:

- (1) "Applied behavior analysis," the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior;
- (2) "Autism spectrum disorder," a complex neurodevelopmental medical disorder characterized by social impairment, communication difficulties, and restricted, repetitive, and stereotyped patterns of behavior;
- (3) "Behavioral health treatment," evidence-based interventions that:
 - (a) Achieve specific improvements in functional capacity of a person; and
 - (b) Are provided or supervised by a licensed practitioner as provided in § 58-17-159;
- (4) "Treatment," evidence-based care which is prescribed or ordered for a person diagnosed with an autism spectrum disorder by a licensed physician or psychologist, including:
 - (a) Behavioral health treatment;
 - (b) Pharmacy care; and
 - (c) Therapeutic care.

Section 2. That § 58-17-159 be amended to read:

58-17-159. Any person who performs or supervises applied behavior analysis shall:

- (1) Be licensed by the South Dakota Board of Medical and Osteopathic Examiners or the

Board of Examiners of Psychologists and have documented training and competence in applied behavior analysis; or

- (2) Be licensed by the South Dakota Board of Social Workers as a licensed behavior analyst.

Section 3. That § 58-17-160 be amended to read:

58-17-160. A health carrier or plan provider subject to §§ 58-17-154 to 58-17-162, inclusive, shall have the right to request a review of the treatment that a person is receiving not more than once every three months unless the insurer and the person's licensed physician or licensed psychologist execute an agreement that a more frequent review is necessary. Any agreement regarding the right to review a treatment plan more frequently applies only to a particular person receiving applied behavior analysis and may not apply to all persons receiving applied behavior analysis by a licensed physician, licensed psychologist, or licensed behavior analyst. The cost of obtaining a review under this section shall be paid by the health carrier or plan.

Section 4. That chapter 58-17 be amended by adding a NEW SECTION to read:

The provisions of this Act are effective on January 1, 2018.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1195

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1195

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State