



## **Frequently Asked Questions about Health Insurance Coverage for Autism in North Dakota**

Whether or not your health insurance plan requires autism benefits and more specifically, benefits for Applied Behavior Analysis (ABA), depends on what type of plan you have. State law regulates most plans issued in North Dakota; however, federal law regulates some. For example, “fully-insured” plans are state-regulated and state law determines what benefits are required. Forty-eight states have taken action to require coverage for the diagnosis and treatment of autism, including ABA, in at least some fully-insured markets (see FAQ #2).

“Self-funded” health insurance plans that have multiple employers participating known as Multiple Employer Welfare Arrangements (MEWAs) are primarily regulated in North Dakota by state law. If the self-funded plan has only one employer, it is regulated by federal law, namely the Employee Retirement Income Security Act of 1974 (ERISA), and may not be required to have the same level of benefits as the state regulated self-funded plans. Many federally regulated self-funded plan administrators have voluntarily added autism/ABA coverage in response to employee advocacy. For more information on autism coverage in self-funded health benefit plans, see FAQ #3.

### **1. How can I determine which type of health plan I have?**

If you receive health benefits through your employer, the plan may be either fully insured or self-funded. In order to be certain whether an *employer-sponsored* health insurance plan is fully insured or self-funded, contact your Human Resources Department.

An *individual policy* is a policy that is not purchased in connection with an employer but directly from an insurance company or agent. Individual health insurance plans are fully insured. An individual policy may cover an individual or a family.

A *state employee health insurance plan* is one that is offered to state employees and is administered by a state agency. As with other employer-sponsored plans, state employee plans may be fully insured or self-funded (see FAQ #4). Currently, North Dakota’s state employee health insurance plan is fully insured.

*Military health care programs* (e.g., TRICARE) are provided to military personnel, retirees and their dependents and are administered by the U.S. Department of Defense (see FAQ #5).

A *Federal Employees Health Benefits (FEHB) plan* is one that is offered to civilian federal employees and is administered by the U.S. Office of Personnel Management (see FAQ #6).

*Medicaid* and *CHIP* are health insurance programs that are jointly funded by states and the federal government. Eligibility for these programs is based on income but some states have chosen to extend coverage to other non-income-based groups such as individuals with certain disabilities or individuals receiving home and community-based services.

## **2. Which health benefits for autism must fully insured plans in North Dakota cover?**

Fully insured plans include *large group*, *small group* and *individual plans*. Small group plans in North Dakota are defined as those provided by employers with 2 to 50 employees. Under the Affordable Care Act (ACA), small group and individual plans are further characterized by whether they are grandfathered or non-grandfathered. *Grandfathered* plans are those that were in place prior to March 23, 2010. Plans sold after this date are considered *non-grandfathered* and must comply with certain provisions of the ACA (e.g., they must provide coverage for Essential Health Benefits). Non-grandfathered plans include those sold on the *health insurance marketplace*.

<b>Fully Insured Plan Type</b>	<b>ABA Coverage Required</b>	<b>Effective Date</b>
Grandfathered large group plans	Yes	Oct. 1, 2018
Non-grandfathered large group plans	Yes	Jan. 1, 2019
Small group grandfathered or transitional plans	Yes	Oct. 1, 2018
Small group non-grandfathered plans	Yes	Jan. 1, 2019
Individual grandfathered or transitional plans	Yes	Oct. 1, 2018
Individual non-grandfathered plans	Yes	Jan. 1, 2019
Self-funded plans (MEWAs regulated by the North Dakota Insurance Department)	Yes	Jan. 1, 2019
Single employer health benefit plan	Individuals with questions should contact their Human Resources Department for more information	

Note – All fully insured group health benefit plans offered by United HealthCare and Cigna cover ABA for autism, even in states without mandated coverage.

## **3. What can I do if my self-funded health insurance plan does not cover ABA or other medically necessary treatments for autism?**

Please download the Autism Speaks Self-Funded Employer Tool Kit at [www.autismspeaks.org](http://www.autismspeaks.org) for information on how you can advocate for the addition of meaningful coverage for autism in self-funded health benefit plans. You may also email advocacy@autismspeaks.org for further assistance.

## **4. Does my state employee health insurance plan have to provide coverage for autism treatments in North Dakota?**

Yes, so long as the state employee health insurance plan covers autism, the plan is subject to North Dakota Insurance Department Bulletin 2018-1 and must provide coverage no later than Oct. 1, 2018.

## **5. What coverage for autism must be provided under TRICARE?**

TRICARE covers ABA for autism under the Comprehensive Autism Care Demonstration Project.

## **6. What coverage for autism must be provided under a FEHB plan?**

Effective Jan. 1, 2017, all FEHB plans administered by the U.S. Office of Personnel Management must provide coverage for ABA. For more information on FEHBs, visit

[www.opm.gov/healthcare-insurance/healthcare/carriers](http://www.opm.gov/healthcare-insurance/healthcare/carriers).

## **7. Who can provide ABA in North Dakota?**

Typically, ABA is provided in a multi-tiered structure with a Board Certified Behavior Analyst (or a psychologist trained in behavior analysis) designing and supervising the intervention and a team of behavior technicians implementing it. Each insurance carrier will set the requirements for an ABA professional to become credentialed as a provider with that insurance carrier. For more information on ABA professional standards, see the Behavior Analyst Certification Board's Applied Behavior Analysis Treatment of Autism Spectrum Disorders: Practice Guidelines for Healthcare Funders and Managers at [www.bacb.com/asd-practice-document](http://www.bacb.com/asd-practice-document).

## **8. Are ABA professionals licensed?**

Some states have created licensure for behavior analysts; other states simply require national board certification. Each state's legislature decides which professions require licensure in that state. North Dakota has created a license for behavior analysts.

## **9. How can I find a Board Certified Behavior Analyst (BCBA) practicing in North Dakota?**

The Behavior Analyst Certification Board lists BCBAAs by state under "Find a Certificant" at [www.bacb.com](http://www.bacb.com).

## **10. What is required to become a BCBA?**

The BCBA is a graduate-level certification in behavior analysis. Professionals who are certified at the BCBA level are independent practitioners who provide behavior-analytic services. In addition, BCBAAs supervise the work of Board Certified Assistant Behavior Analysts, Registered Behavior Technicians and others who implement behavior-analytic interventions. BCBA certification requires a graduate degree, advanced training in behavior analysis and a passing score on the BCBA exam. More information is available at [www.bacb.com](http://www.bacb.com).

## **11. Are there current procedural terminology (CPT) codes that ABA providers can use to bill insurance for services?**

Yes. In 2017, the American Medical Association CPT Editorial Panel approved eight Category I (permanent) CPT codes for ABA and two Category III (temporary) codes. The Category I CPT codes go into effect on Jan. 1, 2019, and more information about the codes will be available in Aug. 2018. The ABA codes can be found under the title "Adaptive Behavior Treatment."