



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

DIVISION OF INSURANCE

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BULLETIN B 15-05

TO: HEALTH CARE INSURERS AND OTHER INTERESTED PARTIES

RE: COVERAGE OF SERVICES PROVIDED BY BEHAVIORAL ANALYSTS AND OTHER AUTISM SERVICE PROVIDERS UNDER AS 21.42.397

It has come to the attention of the Division of Insurance that some insurers may be denying or delaying payment of claims for services provided by a behavioral analyst on the basis that the behavioral analyst is not licensed as required under licensing statutes that became effective September 16, 2014. Information regarding these licensing requirements can be found at: <http://commerce.state.ak.us/dnn/cbpl/ProfessionalLicensing/BehaviorAnalysts.aspx>.

Statutory Authority

AS 21.42.397 requires health care insurance plans to provide “coverage for the costs of the diagnosis and treatment of autism spectrum disorders. Coverage required by this subsection must include treatment prescribed by a licensed physician, psychologist, or advanced nurse practitioner, provided by or supervised by an **autism service provider**, and as identified in a treatment plan developed following a comprehensive evaluation. Covered treatment includes medically necessary pharmacy care, psychiatric care, psychological care, habilitative or rehabilitative care, and therapeutic care.”

“**Autism service provider**” means an individual who is licensed, certified, or registered by the applicable state licensing board or by a nationally recognized certifying organization and who provides direct services to an individual with an autism spectrum disorder.

Analysis

Under AS 21.42.397 an autism service provider, including a behavioral analyst, is not required to be licensed in Alaska in order for costs of services provided by the behavioral analyst for the treatment of autism spectrum disorders to be covered as required under AS 21.42.397. It is sufficient for the provider to be certified by a nationally recognized certifying organization for the coverage mandate in AS 21.42.397 to apply.

Compliance requirements

Denying a claim solely on the basis that a behavioral analyst is not licensed in Alaska would be a violation of AS 21.42.397 and may be a violation of AS 21.36.125 when the behavioral analyst is

certified by a nationally recognized certifying organization such as the Behavior Analyst Certification Board, Inc. and when the insurer has been provided documentation of the certification.

In addition, the prompt pay provision in AS 21.36.495 applies to these claims and the claims are subject to the payment and notice requirements, as well as the interest penalty for late payment. For example, a claim that is delayed solely on the basis that the behavioral analyst is not licensed in Alaska after the insurer has evidence that the behavioral analyst is certified by a nationally recognized certifying organization such as the Behavior Analyst Certification Board, Inc., is a clean claim that must be paid within the 30 or 15 days specified in the statute in order for the insurer to avoid paying the 15% interest penalty for late payment.

If you have questions regarding this bulletin, contact Katie Campbell by phone at (907) 465-4607 or by e-mail at katie.campbell@alaska.gov.

Dated March 18th, 2015



Lori Wing-Heler
Director