Under the Federal Affordable Care Act, your child with a pre-existing condition cannot be denied coverage for a pre-existing health condition, including autism.

New Hampshire's Early Childhood Mandate

For children up to age 3 years, health insurance plans must cover therapy for children with autism.

ABA (Applied Behavioral Analysis) therapy requires state-regulated policies to cover up to $2,000/year for occupational, physical, or speech therapy.

To File a Consumer Complaint

www.nh.gov/consumer/complaints.htm

To Learn More

www.healthcare.gov

NH Consumer Protections for Health Insurance

www.nh.gov/consumer/healthinsurancecomplaints.htm

About the Council

The New Hampshire Autism Council works with the Department of Health and Human Services to ensure that people with autism have access to health care and other supports.

www.nhcouncilonautism.org

Contact Information

21 South Fruit Street, Suite 22
Concord, NH 03301

Email: info@nhcouncilonautism.org

To file a complaint, visit www.nh.gov/consumer/complaints.htm

The Affordable Care Act

www.healthcare.gov

The Affordable Care Act is a federal law that requires health insurance policies to cover people with pre-existing conditions, including autism.

Connors Law

This information was printed with grants from: New Hampshire Council on Developmental Disabilities
Health insurance can be confusing. To keep it simple, imagine that the insurance market is a pie divided into three roughly equal slices, with a tiny sliver taken out of the first wedge.

**Connor’s Law**

This law requires state-regulated policies to cover occupational, physical, and speech therapy; pharmacy care; consultation by a psychiatrist, psychologist, or clinical social workers; and behavior-based therapy (also known as ABA). Terms and conditions such as co-payments still apply. ABA therapy is capped at $36,000/year for children birth to 12 years and $27,000 for 13-21 years. Connor’s Law effectively ended the practice of denying coverage for ABA based on the claim that it is “experimental.” It also states that coverage may not be denied as “habilitative.”

*See RSA 417-E:2.*

**Publicly Funded Policies**

This slice of the market includes Medicare and, more importantly for autism services, Medicaid. You may know these policies by the brand name “NH Healthy Kids.” Beginning July 1, 2012, however, both Healthy Kids Gold and Silver were grouped together and simply called “NH Medicaid.” This is part of the process by which NH is moving to a “managed care” approach in its Medicaid program. It is important to know that, despite the change in name, the health insurance benefits for children will not change.

NH children can qualify for Medicaid in two ways: If their family’s income is at or below 300% of the federal poverty level, they are eligible. Medicaid also serves as secondary insurance for children birth to 19 years who have special medical needs, including autism, but do not meet family income guidelines. Secondary insurance covers services and out-of-pocket costs not covered by the primary policy.

The federal government sets certain minimum coverage standards for Medicaid. Many states, including NH, choose to exceed these requirements. The NH State Plan for Medicaid includes coverage for developmental evaluation; speech, occupational, and physical therapy; and psychological services.

*However, at this time, NH Medicaid does not cover ABA.*

In several states, parents have successfully challenged this denial based on a federal coverage standard known as the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit.

To learn more, see [www.connorslaw.info](http://www.connorslaw.info)

**Self-Insured Policies**

The last piece of the pie represents companies, usually large ones operating in multiple states, that cover their employees through what is known as a “self-insured plan.” Because the option of self-insuring was made possible by a federal law, Congress - rather than individual states - regulates these plans. Connor’s Law does not apply to self-insured policies.

From a consumer perspective, self-insured plans look the same as those regulated by the state. This is because the self-insuring corporation typically retains the services of an insurance carrier to manage the administration of their health benefit. The best way to find out what type of policy you have is to ask your employer’s Human Resources Department.

An increasing number of self-insuring companies have agreed to write coverage for ABA into their health benefit. If you would like assistance in discussing this option with your employer, please contact the [NH Council on ASD](http://www.nhcouncilonasd.org).