

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 170

Representatives Celeste, Peterson

**Cosponsors: Representatives Hagan, R., Foley, Evans, Budish, Stebelton,
Combs, Yuko, Skindell, Koziura, Lundy, Luckie**

—

A B I L L

To amend section 1739.05 and to enact sections 1
1751.68 and 3923.80 of the Revised Code to 2
prohibit health insurers from excluding coverage 3
for autism. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1739.05 be amended and sections 5
1751.68 and 3923.80 of the Revised Code be enacted to read as 6
follows: 7

Sec. 1739.05. (A) A multiple employer welfare arrangement 8
that is created pursuant to sections 1739.01 to 1739.22 of the 9
Revised Code and that operates a group self-insurance program may 10
be established only if any of the following applies: 11

(1) The arrangement has and maintains a minimum enrollment of 12
three hundred employees of two or more employers. 13

(2) The arrangement has and maintains a minimum enrollment of 14
three hundred self-employed individuals. 15

(3) The arrangement has and maintains a minimum enrollment of 16
three hundred employees or self-employed individuals in any 17

combination of divisions (A)(1) and (2) of this section. 18

(B) A multiple employer welfare arrangement that is created 19
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 20
that operates a group self-insurance program shall comply with all 21
laws applicable to self-funded programs in this state, including 22
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 23
to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 24
3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 3923.80, 25
3924.031, 3924.032, and 3924.27 of the Revised Code. 26

(C) A multiple employer welfare arrangement created pursuant 27
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 28
enrollments only through agents or solicitors licensed pursuant to 29
Chapter 3905. of the Revised Code to sell or solicit sickness and 30
accident insurance. 31

(D) A multiple employer welfare arrangement created pursuant 32
to sections 1739.01 to 1739.22 of the Revised Code shall provide 33
benefits only to individuals who are members, employees of 34
members, or the dependents of members or employees, or are 35
eligible for continuation of coverage under section 1751.53 or 36
3923.38 of the Revised Code or under Title X of the "Consolidated 37
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 38
U.S.C.A. 1161, as amended. 39

Sec. 1751.68. (A) As used in this section, "autism" means 40
autistic disorder as defined by the diagnostic and statistical 41
manual of mental disorders, fourth edition, published by the 42
American psychiatric association. 43

(B) Notwithstanding section 3901.71 of the Revised Code, no 44
individual or group health insuring corporation policy, contract, 45
or agreement providing basic health care services that is 46
delivered, issued for delivery, or renewed in this state shall 47
exclude coverage for the diagnosis and treatment of autism. 48

(C) A violation of this section is an unfair and deceptive practice in the business of insurance under sections 3901.19 to 3901.26 of the Revised Code. 49
50
51

Sec. 3923.80. (A) As used in this section, "autism" means autistic disorder as defined by the diagnostic and statistical manual of mental disorders, fourth edition, published by the American psychiatric association. 52
53
54
55

(B) Notwithstanding section 3901.71 of the Revised Code, no individual or group policy of sickness and accident insurance or public employee benefit plan shall exclude coverage for the diagnosis and treatment of autism, except as provided in division (C) of this section. 56
57
58
59
60

(C) This section does not apply to the offer or renewal of any individual or group policy of sickness and accident insurance that provides coverage for specific diseases or accidents only, or to any hospital indemnity, medicare supplement, medicare, tricare, long-term care, disability income, one-time limited duration policy of not longer than six months, or other policy that offers only supplemental benefits. 61
62
63
64
65
66
67

(D) A violation of this section is an unfair and deceptive practice in the business of insurance under sections 3901.19 to 3901.26 of the Revised Code. 68
69
70

Section 2. That existing section 1739.05 of the Revised Code is hereby repealed. 71
72