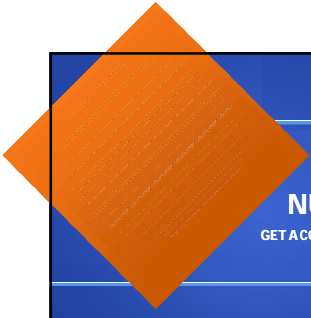


Bouer Law

Top Ten Ways to Obtain Reimbursement for Autism Therapies

Princeton, New Jersey
Bouerlaw.com

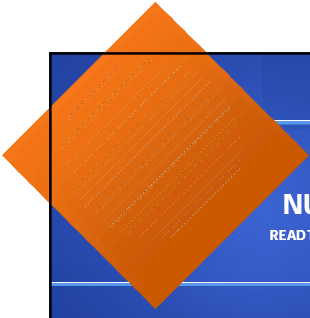
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NUMBER ONE

GET A COPY OF THE INSURANCE POLICY

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NUMBER TWO

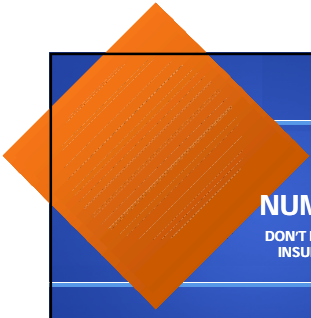
READ THE INSURANCE POLICY

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CRITICALLY!

<p>Remember:</p> <ul style="list-style-type: none"> • Insuring agreements are construed broadly in favor of coverage • Ambiguities in the policy construed in favor of coverage • Exclusionary language is construed narrowly, in favor of coverage 	<p>Argue:</p> <ul style="list-style-type: none"> • Ambiguities • Procedural anomalies • Non-compliance with state or federal law • Failure to comply with policy terms and limitations • Medical necessity and appropriate, not experimental treatment
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NUMBER THREE

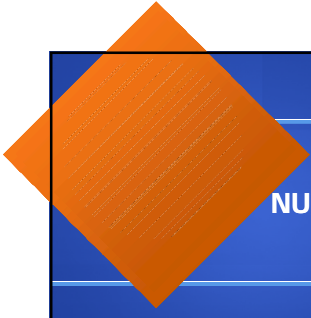
DON'T BELIEVE ANYTHING THE INSURANCE COMPANY SAYS!

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CONFIRM

- Annual and aggregate limits
- Deductibles
- Cost share
- Preauthorization requirements
- Provider qualifications
- Exclusionary language
- Out-of-network coverage
- Number of visits allowed
- Maximum days of coverage

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NUMBER FOUR

KNOW WHICH LAW APPLIES TO THE POLICY

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STATE LAW

- Mental Health Parity Act or Autism Insurance Bill?
- Statutorily Required therapies?
- Minimum or Maximum limits for all therapies or specified therapies?
- Diagnoses protected by the law?
- Provider qualifications?
- Case law and/or insurance regulations and bulletins?

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Self-Funded Plans/ ERISA:

- Employers can issue their own plans that generally do not have to comply with State insurance law
- Courts generally allow employers to make coverage determinations which are only overturned if the determination is arbitrary and capricious
- The arbitrary and capricious standard can be overcome, especially when there are procedural anomalies, a conflict of interest, or vague and ambiguous language in Plan documents which do not adequately inform employees of their right to coverage and the obligations of the parties
- Self-Funded (Large Group) Plans must comply with the Federal mental health parity law unless exempted

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The 2008 Wellstone Act Amends Federal Law To:

- REQUIRE PARITY IN MENTAL HEALTH AND SUBSTANCE ABUSE COVERAGE
- REQUIRE PARITY IN LIMITATION PROVISIONS AND TREATMENT PROVISIONS
- BUT STILL ONLY APPLIES IF AN INSURER CHOOSES TO PROVIDE COVERAGE FOR MENTAL HEALTH – IT DOES NOT REQUIRE SUCH COVERAGE

29 U.S.C.A. Sec. 1185a (a) (3)(A)(i)
29 U.S.C.A. Sec. 300gg-5

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MENTAL AND MEDICAL/SURGICAL COVERAGE MUST PROVIDE THE SAME:

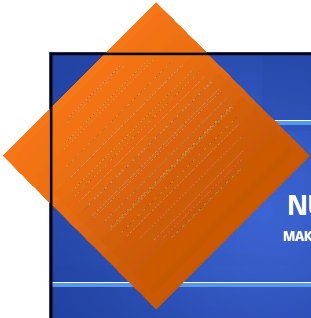
- Lifetime/Aggregate Limits
- Annual Limits
- Co-payment Amounts
- Out-of-Pocket Expenses
- Co-Insurance Requirements
- Deductibles
- Number of Outpatient Visits
- Number of Inpatient Stays
- Frequency of Treatments
- Allowance for Out-of-Network Providers
- Recertification Requirements

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“Tricks of the Trade”

- The Hooks:
 - Discretion
 - Ambiguities
 - Procedural Anomalies
- Boot Strapping
- The Great Push Back


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NUMBER FIVE

MAKE YOUR CLAIMS TIMELY!

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NUMBER SIX

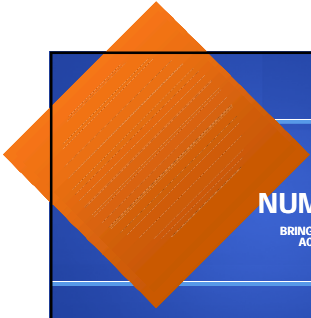
SUPPORT YOUR CLAIMS!

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Be prepared to produce:

- Letters of Medical Necessity
- Diagnosis documentation and therapy recommendations
- Prescriptions
- Notes and medical records indicating past and continuing expected progress
- Journal and other scholarly articles indicating medical necessity and acceptance of the therapy in the medical community
- HIPPA forms/authorizations

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NUMBER SEVEN

BRING YOUR APPEALS TIMELY AND ACCORDING TO THE CONTRACT DOCUMENTS!

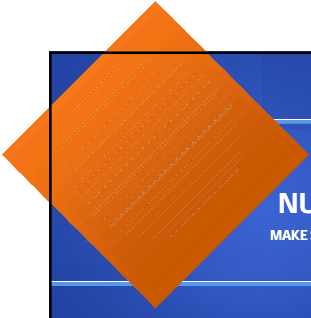
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NUMBER EIGHT

USE THE RIGHT CODES!

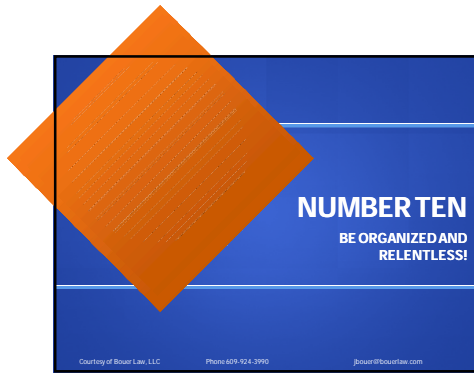
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NUMBER NINE

MAKE SURE YOUR PROVIDERS ARE QUALIFIED!

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When Does the Amendment Go into Effect?

- **Plan year:** For groups with plan year benefits (renewing on a date specific), the parity changes will take effect on the first renewal after 10/3/2009
- **Calendar year:** For groups with calendar year benefits (renewing every January), the parity benefits will take effect on a January 1, 2010 purchase or renewal
- **Union Plans:** For collective bargaining agreement plans, parity benefits will take effect the later of January 1, 2010, or the date the collective bargaining agreement expires, whichever is later

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