

At 11:12 PM 3/16/2010,

My name is _____ and I suffer from Asperger Disorder (high functioning autism).

<http://www.webmd.com/brain/autism/mental-health-aspergers-syndrome>

<http://www.webmd.com/brain/autism/development-disorder>

Pervasive Development Disorders (PDDs)

The term "pervasive development disorders," also called PDDs, refers to a group of conditions that involve delays in the development of many basic skills, most notably the ability to socialize with others, to communicate, and to use imagination. Children with these conditions often are confused in their thinking and generally have problems understanding the world around them.

Because these conditions typically are identified in children around 3 years of age -- a critical period in a child's development -- they are called development disorders. Although the condition begins far earlier than 3 years of age, parents often do not notice a problem until the child is a toddler who is not walking, talking, or developing as well as other children of the same age.

I am having a lot of problem getting insurance to cover my condition, i.e. for speech therapy.

More importantly, could you recommend some policy that i can buy which I can get the right benefit?

*** I doubt it.

<http://www.steveshorr.com/mr.mip.htm>

http://www.steveshorr.com/pre_underwriting_forms.htm

<http://www.insurance.ca.gov/0100-consumers/0070-health-issues/ind-health-insurance-underwriting-ab-356.cfm>

Are you working?

Eligible for Medicare?

Would you mind let me know your opinion on the below questions?

1) My insurance company said the AB 88 law only protects people who have comprehensive GROUP medical insurance policy...but they claim my policy is only a blanket policy. Am I being cover even having a blanket policy?

***Yes

<http://www.steveshorr.com/mhp.htm>

(a) Every policy of disability (*health*) insurance that covers hospital, medical, or surgical expenses in this state* ... shall provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses of a person of any age, and of serious emotional disturbances of a child, ... under the same terms and conditions applied to other medical conditions,

2) They said the AB 88 only applies to people up to the age of 21. Is that true?

***Yes and No.

(d) For the purposes of this section, "**severe mental illnesses**" shall include:

- (1) Schizophrenia schizophrenia.com/ WebMD
- (2) Schizoaffective disorder. WebMD
- (3) Bipolar disorder (manic-depressive illness). bipolar.com/ WebMD
- (4) Major depressive disorders. WebMD
- (5) Panic disorder. WebMD
- (6) Obsessive-compulsive disorder. WebMD
- (7) Pervasive developmental disorder WebMD or autism. Web MD

*****OK, so you are covered under this one!

(8) Anorexia nervosa. WebMD

(9) Bulimia nervosa. WebMD

(e) For the purposes of this section, a child suffering from, "**serious emotional disturbances of a child**"

****This is probably what the Insurance Company is thinking of.

shall be defined as a child who

(1) has one or more mental disorders as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, that result in behavior inappropriate to the child's age according to expected developmental norms, and ... (g) This section shall not apply to accident-only, specified disease, hospital indemnity, Medicare supplement, dental-only, or vision-only insurance policies.

View the entire code §10144.5.

3) They also claim that my policy has a listed EXCLUSION for treatment for autism or other developmental disorder. So am I still being protected by the law?

Benefits For Habilitative Services For The Treatment of Congenital or Genetic Birth Defects

Benefits will be paid the same as any other Sickness for Habilitative Services for the treatment of Congenital or Genetic Birth Defects to age 21 years.

For the purposes of this benefit:

Congenital or Genetic Birth Defect means: a defect existing at or from birth including a hereditary defect. Including autism or an autism spectrum disorder and cerebral palsy.

Habilitative Services means: services, including occupational therapy, physical therapy, and speech therapy, for the treatment of a child with a Congenital or Genetic Birth Defect to enhance the Insured Person's ability to function.

Benefits shall be subject to all Deductible, copayment, coinsurance, limitations, or any other provisions of the policy.

Benefits for Mental and Nervous Disorder, Alcoholism and Drug Dependency .11

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Benefits for Mental and Nervous Disorder, Alcoholism and Drug Dependency

Benefits will be paid the same as any other Sickness for Mental and Nervous Disorder, Alcoholism and Drug Dependency subject to all terms and conditions of the policy and the following limitations.

Covered Medical Expenses will be limited to inpatient, residential, and outpatient services provided by a Hospital, nonhospital residential facility, outpatient treatment facility, Physician, psychologist or independent clinical social worker. Before an Insured may qualify to receive benefits under this benefit, a Physician, psychologist or independent clinical social worker must: 1) certify that the individual is suffering from drug abuse, alcohol abuse or a Mental and Nervous Disorder; 2) certify that the treatment is medically or psychologically necessary; and 3) prescribe appropriate treatment which may include referral to other treatment providers.

Covered Medical Expenses will be limited to coverage of treatment of clinically significant substance use disorders or mental illness identified in the most recent edition of the International Classification of Diseases of the Diagnostic and Statistical Manual of the American Psychiatric Association.

Exclusions and Limitations

No benefits will be paid for: a) loss or expense caused by, contributed to, or resulting from; or b) treatment, services or supplies for, at, or related to:

1. Acne; acupuncture; allergy, including allergy testing;
 2. Addiction, such as: nicotine addiction and caffeine addiction; non-chemical addiction, such as: gambling, sexual, spending, shopping, working and religious; codependency;
 3. Assistant Surgeon Fees;
 4. Autistic disease of childhood, hyperkinetic syndromes, milieu therapy, learning disabilities, behavioral problems, parent-child problems, attention deficit disorder, conceptual handicap, developmental delay or disorder or mental retardation, except as specifically provided under Benefits for Mental and Nervous Disorder, Alcoholism and Drug Dependency; and under Benefits for Habilitative Services For The Treatment of Congenital or Genetic Birth Defects;
7. Congenital conditions, except as specifically provided for Newborn or adopted Infants; and under Benefits For Habilitative Services For The Treatment of Congenital or Genetic Birth Defects;

4) My insurance company locates in Washington DC and they said the AB 88 doesn't apply to them.

a) **Every** policy of disability (*health*) insurance that covers hospital, medical, or surgical expenses in this state* ... shall provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses of a person of any age, and of serious emotional disturbances of a child, ... under the same terms and conditions applied to other medical conditions,

California mental health care parity law, requiring health insurance policies to cover treatment for mental illness on same terms and conditions applied to other medical conditions, applied to health plan beneficiary who did not live in or seek medical care in California, even assuming that **parity law applied to policies written to cover expenses incurred in California, inasmuch as plan was written to provide benefits to California beneficiaries**, and did not limit its application on basis of where individual beneficiaries lived or sought medical care. *Thompkins v. BC Life and Health Ins. Co.*, C.D.Cal.2006, 414 F.Supp.2d 953

I think they have misinterpreted this code.

10112.5. (a) Notwithstanding any other provision of law, every

policy or certificate of disability insurance covering hospital, medical, or surgical expenses marketed, issued, or delivered to a resident of this state, regardless of the situs of the contract or master group policyholder, shall be subject to all provisions of this code.

(b) Subdivision (a) shall not apply to a policy of disability insurance that covers hospital, medical, or surgical expenses and that is issued outside of California to an employer whose principle place of business and majority of employees are located outside of California.

(c) Nothing in subdivision (b) shall be construed to limit the applicability of any other provision of this code to any policy of disability insurance that covers hospital, medical, or surgical expenses and that is issued outside of California to an employer whose principle place of business and majority of employees are located outside of California.

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=ins&group=10001-11000&file=10110-10127.18>

5) More importantly, I have enclosed my policy brochure. Treatment for Autistic disease of childhood is one of the exclusion and limitation in my policy, so am I still being protected by the AB 88 law?

***I believe so.

I would like to thank you in advance for your effort in help autistic person like myself.

You are great!.

Thank you,

P.S.

Enclosed please find my insurance policy.

hi,
thks for your email.
i did read your page...but i don't understand what this mean, "The law doesn't require that an Individual Plan take someone with these underwriting issues. "

***That's why I said above, I really do not know where to tell you to purchase a different policy.

also, what does this mean?

2008 Federal Mental Health Parity Act and the Paul Wellstone-Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

How do they affect the AB 88?

<http://www.calhealthplans.org/documents/MentalHealthParityFactSheetUpdate122008.pdf>

***Good question. I have not read all this material yet. I understand the Federal Law applies to only to employer's of more than 50. It's my understanding that you are a student, not an employee.

Here's where you might try to get further assistance <http://www.insurance.ca.gov/contact-us/0200-file-complaint/>

thank you,