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New Jersey Autism Mandate – Recent Amendments

New Jersey has recently expanded coverage of Applied Behavior Analysis (ABA) to include adults with autism and removed visit limitations for occupational, physical and speech therapies to treat autism.

Background. Under the 2009 [New Jersey Autism and Other Developmental Disabilities insurance mandate](#), individual and small employer health benefits carriers are required to cover medically ABA for the treatment of autism. As originally passed, the coverage included an age cap of 21 years. In addition, coverage of medically necessary occupational, physical and speech therapies was also subject to a 30-visit limit for the treatment of autism.

Recent Amendments. The New Jersey Individual Health Coverage Program Board and the New Jersey Small Employer Health Coverage Program Board (IHC and SEH Boards) have [adopted amendments](#) to the individual and small employer health benefits. These amendments:

- Expand coverage of ABA to adults with autism (from previous age cap of 21 years); and
- Remove visit limitations for occupational, physical and speech therapies to treat autism (from previous 30-visit maximum).

The amendments were adopted in November 2014 and are effective as of January 2015. The summaries of both rule proposals explained that the amendments addressed the requirements of the federal [Mental Health Parity Equity and Addiction Act](#) of 2008.

Affected Plans. Not all insurance plans are required to provide this coverage. Only the following are required to comply with the autism mandate:

- all insurance companies regulated by the State of NJ;
- the NJ State Health Benefits and the School Employees' Health Benefits Programs; and
- all fully-insured plans purchased in the New Jersey Marketplace and offered by small employers or purchased by individual consumers.

Health plans that are self-funded are not required to provide this coverage, although some self-funded plans voluntarily provide coverage for autism therapies.

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