

RESOLUTION NO.

WHEREAS, Autism spectrum disorder (ASD) is a range of complex neurodevelopment disorders, characterized by social impairments, communication difficulties, and restricted, repetitive and stereotyped patterns of behavior; and

WHEREAS, ASD can cause significant impairment in social, occupational and other areas of functioning; and

WHEREAS, Applied Behavior Analysis (ABA) is a behavior intervention proven effective in addressing the core symptoms of autism as well as developing skills and improving and enhancing functioning in numerous areas that affect the health & wellbeing of people with ASD; and

WHEREAS, ABA has been endorsed as an effective treatment for autism by the American Academy of Pediatrics, the National Institute of Mental Health, the Centers for Disease Control and Prevention, the United States Surgeon General, the American Psychological Association Practice Organization, and the Centers for Medicare and Medicaid; and

WHEREAS, Children who receive early intensive behavioral treatment have been known to show substantial gains in cognition, language, academic performance, and adaptive behavior as well as some measures of social behavior, and their outcomes have been significantly better than those of children in control groups who did not receive ABA therapy; and

WHEREAS, Autism Speaks is considered to be one of the world's leading autism science and advocacy organizations, dedicated to funding research into the causes, prevention, treatments and a cure for autism; increasing awareness of autism spectrum disorders; and advocating for the needs of individuals with autism and their families; and

WHEREAS, Autism Speaks has found that 41 states, the District of Columbia, and the U.S. Virgin Islands have enacted autism insurance reform laws to improve access to care; and

WHEREAS, the City of Austin (City) has a self-funded health benefit plan (self-funded plan), and the federal Employee Retirement Income Security Act of 1974 preempts most state insurance regulation, including benefit reform from being applied to self-funded plans; and

WHEREAS, Texas reformed its insurance laws in 2007 requiring health benefit plans, other than self-funded plans, to provide ABA benefits to children and in 2013 enacted legislation to remove age limits for ABA coverage; and

WHEREAS, Texas law requires health benefit plans, other than self-funded plans, to, at a minimum, provide coverage for generally recognized treatments for autism spectrum disorder, including ABA, for plan enrollees who are diagnosed with ASD before the enrollee's 10th birthday, until the treatment is no longer needed; and

WHEREAS, under Texas law, health benefit plans are not required to provide coverage for generally recognized treatments for ASD, including ABA, for an enrollee 10 years of age or older in an amount that exceeds \$36,000 per year; and

WHEREAS, some policy structures that provide ABA benefits incorporate caps for benefit levels including New York which allows 680 hours of ABA treatment per policy or calendar year per covered individual diagnosed with ASD with no age limit; and

WHEREAS, Travis County and the Austin Independent School District (AISD) both have self-funded plans and currently provide coverage for ABA treatment; and

WHEREAS, the City does not currently provide coverage for ABA treatment; and

WHEREAS, the City of Austin Human Resources Department projects that 13 children would utilize ABA if benefits were made available, with projections based on the current enrollees in the City of Austin health plan; and

WHEREAS, the Council Health and Human Service Committee passed a recommendation at their meeting on May 4, 2015 for the City Manager to include ABA benefits as part of the benefits package in the Fiscal Year 2015-16 proposed budget, and to provide a separate menu of coverage level options for Council to consider on May 14th; and

WHEREAS, providing ABA benefits in the City's benefits package would dramatically improve the quality of life for City employees with children with autism, and would be consistent with the practices of other local governmental bodies including AISD and Travis County; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council hereby adopts the policy that Applied Behavior Analysis should be provided for City employees and their families, and the City Manager is directed to incorporate Applied Behavioral Analysis benefits as part of the City employee benefits package in the Fiscal Year 2015-2016 proposed budget at a level that is similar to the coverage required of "health benefit plans" that are

regulated by Section 1355 of the Texas Insurance Code, and could consider a cap of 680 hours of ABA therapy annually.

ADOPTED: _____, 2015

ATTEST: _____

Jannette S. Goodall
City Clerk

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