

Insurer ordered to pay for autism care

Friday, September 14, 2007

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The state Supreme Court has ordered the insurance program for state employees to pay for intensive therapies for a child with autism -- therapies that go beyond what a school district must provide for his education.

The court's decision came with breathtaking speed, less than 24 hours after it heard oral arguments on Tuesday.

Jake Micheletti, a 5-year-old who was diagnosed at age 3 with autism, will receive insurance coverage for behavioral and other therapies he needs, as well as reimbursement for the care his family already had paid for.

Arguing on behalf of his son before the high court was his father, Joseph Micheletti, a deputy attorney general who handles employment discrimination matters. He was opposed by another deputy attorney general defending the state's position.

"It makes a huge difference to us," Micheletti said. The family had taken a second mortgage on its Hunterdon County house to pay for additional behavioral, speech and occupational therapy beyond what its school district provided for Jake. The Michelettis had nearly exhausted their financial resources and were preparing to stop Jake's therapy.

The case applies specifically to the State Health Benefits Program, but it highlights the legal requirements of all insurance carriers in New Jersey. Under the Mental Health Parity Act of 1999, insurance carriers must provide the same coverage for mental illness that they do for any other sickness. The law specifically includes autism as a disorder that must be covered equally.

"We would like to see all insurance companies play by these rules," said Art Ball, a spokesman for the New Jersey Center for Outreach and Services for Autism (COSAC). "Our hope is that this makes it easier for us to work with insurance companies and the State Health Benefits Program so that other families don't have to go through this problem in getting benefits for autism."

"This will be a tool that people can use" when insurance companies deny coverage for autism treatments, Micheletti said.

Under federal law, school districts must provide an appropriate education to all children. But families that want to give their children more therapy than the school system deems necessary have had to pay for it themselves or through private health insurance.

"We're still in the process of evaluating the potential implications of the order and what it could mean to the overall program," said Tom Vincz, a spokesman for the state Treasury Department, which oversees the state benefits program. The program insures more than 800,000 state, county, municipal and school employees and their families.

Horizon Blue Cross and Blue Shield of New Jersey is the administrator of the self-funded state insurance plan to which Jake



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By the numbers

- One of every 94 children in New Jersey has autism.

- Boys: 1 in 60

Micheletti belongs, though the state determines what is covered and what is not. "I'm not sure it [the ruling] applies beyond this individual case," said Thomas Rubino, a Horizon vice president.

Horizon and Aetna say they already comply with the mental-health parity law and provide required benefits for their commercial policyholders, depending on what package customers have purchased.

The state had argued before the appellate court that Jake's therapy was not eligible for coverage because it didn't "restore" him to a previous level of functioning, as speech therapy would restore a stroke victim's previous ability to speak. The state's attorneys also said the state could exclude coverage for autism to hold down taxpayer costs.

"We were facing the end of Jake's chances at a life, literally," said Elizabeth Micheletti, the boy's mother. The family had chosen to pay for Jake's additional therapy privately when he was diagnosed, while pursuing appeals to their benefits plan and then legal remedies.

"We couldn't wait, because therapy delayed would be of no use to him," Elizabeth Micheletti said. The younger an autistic child is when he begins therapy, the better the chances of improvement. New neural pathways can be created to allow him to interact socially and behave more like a typical child.

Although the appellate court found last January that the state should pay for Jake's therapy, the state did not abide by the decision. The appellate court then refused to enforce its own action. That led to the appeal before the state Supreme Court.

As a new kindergartner, Jake now gets nine to 10 hours of therapy each week, in addition to his daily time with an aide in class and his school-based therapies. The additional therapy costs the family \$650 to \$700 weekly, Joseph Micheletti said.

"He is doing exceptionally well," said Elizabeth Micheletti. "There are indications that he will 'recover' from autism." His math and reading skills are advanced for his age, she said. The couple have two other sons.

After listening to the oral arguments before the Supreme Court, Elizabeth Micheletti said, "I cannot describe what it felt like to be in that room, having Joe talk about what we have gone through for Jake. It was almost therapeutic just to have someone listen and say, 'This is wrong.' "

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