In 2000, 1,684 or 1.42% of children ages 3-21 who received special education services in Washington have autism. In 2012-2013, 10,180 or 7.78% of children with disabilities ages 3-21 who received special education services have autism.

Table 1-1: IDEA Part B - Children with Autism in Washington for 1999-2000 and 2012-2013

<table>
<thead>
<tr>
<th>Age</th>
<th>1999-2000</th>
<th>2012-2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-5</td>
<td>64</td>
<td>909</td>
</tr>
<tr>
<td>6-11</td>
<td>1,094</td>
<td>4,528</td>
</tr>
<tr>
<td>12-17</td>
<td>453</td>
<td>3,958</td>
</tr>
<tr>
<td>18-21</td>
<td>73</td>
<td>785</td>
</tr>
<tr>
<td>6-21</td>
<td>1,620</td>
<td>9,271</td>
</tr>
<tr>
<td>3-21</td>
<td>1,684</td>
<td>10,180</td>
</tr>
</tbody>
</table>

Source: Reported by the State of Washington in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs

Table 1-2: IDEA Part B - Children with Disabilities in Washington for 1999-2000 and 2012-2013

<table>
<thead>
<tr>
<th>Age</th>
<th>1999-2000</th>
<th>2012-2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-5</td>
<td>11,760</td>
<td>14,763</td>
</tr>
<tr>
<td>6-11</td>
<td>54,426</td>
<td>56,660</td>
</tr>
<tr>
<td>12-17</td>
<td>47,725</td>
<td>52,680</td>
</tr>
<tr>
<td>18-21</td>
<td>4,940</td>
<td>6,675</td>
</tr>
<tr>
<td>6-21</td>
<td>107,091</td>
<td>116,015</td>
</tr>
<tr>
<td>3-21</td>
<td>118,851</td>
<td>130,778</td>
</tr>
</tbody>
</table>

Source: Reported by the State of Washington in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs

STATE TASK FORCE

The Caring for Washington Individuals with Autism Task Force
In 2005, S.B. 5311 was signed into law and established “The Caring for Washington Individuals with Autism Task Force.” An initial report was submitted in 2006 proposing 31 changes to autism services in Washington. The task force was commissioned to submit a second report and did so the following year. In the December 2007 report focused on six major priorities for improving services provided to individuals with autism. In 2007, the task force received funding to continue its work through June 30, 2008 so that the task force could create the Washington State Autism Guidebook, prioritize recommendations form the 2006 report, develop implementation plans and cost estimates for the highest priority recommendations, and monitor federal legislation and funding opportunities. Other priorities included establishing regional autism centers throughout the state; developing a proposal to ensure all individuals with autism receive comprehensive health care and coverage; recommending all children in Washington be screened for autism before the age of 3; outlining services and strategies to help families of individuals with ASDs stay together; and requiring each Education Service District to employ at least one trained autism technical assistance specialist. The Task Force held their final meeting on June 23, 2008.
http://www.doh.wa.gov/YouandYourFamily/IllnessandDisease/Autism/AutismTaskForce.aspx

STATE INSURANCE COVERAGE

Washington does not have a specific health insurance mandate for autism spectrum disorders at this time. However, during the 2011 session, S.B. 5059, known as “Shayan’s Law”, was introduced to require health insurance coverage for the screening, diagnosis, and treatment of autism spectrum disorders. Similar bills had been offered since at least 2009, though none had passed. The bill has no cap on age or number of visits and has no annual dollar limits. Coverage would not be subject to lifetime maximums, deductibles, copayments, coinsurance, or other terms and conditions that are less favorable than those that
apply to physical illness generally under the health plan. Coverage of treatments will be provided when prescribed, provided, or ordered for an individual diagnosed with autism by a licensed physician or a licensed psychologist who determines the care to be medically necessary. Under this bill, health insurance companies would be required to provide coverage of behavioral health treatments, pharmacy, psychiatric, psychological, therapeutic and any care for individuals with autism spectrum disorders that is demonstrated, based upon practices or evidence-based research, to be medically necessary. S.B. 5059 was referred to the Committee on Health and Long Term Care. Shayan’s Law received a public hearing. No further action was taken.

Limited coverage may be available under the mental health parity law, which states that effective January 1, 2008, it is illegal to discriminate against individuals with autism or mental illnesses. Health insurance coverage and benefits for mental health conditions are required at the same level as with medical conditions. (RCW §48.41.200)

**ESSENTIAL HEALTH BENEFITS**

Washington’s benchmark plan does not include autism services or applied behavior analysis (ABA) in its Essential Health Benefits package. Washington runs its own exchange.

(Regence BlueShield; Regence Innova)

**EDUCATION**

The Department of Health applied for and was awarded one of only nine competitive state grants under the National Combating Autism Act of 2006 to fight autism through research, surveillance, awareness, and early identification. *Autism Awareness: Partnership for Change* is a three-year, $900,000 grant focused on bringing awareness to the importance of early identification and treatment; educating service providers and other professionals on diagnosis and treatment; and improving service systems in Washington State for individuals with autism spectrum disorders and other developmental delays. To guide the efforts of the Autism Awareness Grant, the Combating Autism Advisory Council was formed to carry out the state’s strategic plan to explore and improve needed changes and connect autism-related information, services, and research to the public.

http://www.doh.wa.gov/Portals/1/Documents/Pubs/970-NonDOH_AutismGrantSummary.pdf

**EDUCATION PROGRAMS AND ACTIVITIES**

*Autism Outreach Project*

The Autism Outreach Project (AOP) is a statewide system that helps school districts, parents, and agencies identify, place, and serve students with autism spectrum disorders. The services provided by the AOP are designed to enrich the lives of individuals with autism and include information, referrals, special events, training, needs assessment, and technical training.

https://www.nwesd.org/autism

**ADMINISTRATIVE AGENCIES AND COURTS**

In June 2012, a federal court ruled that the Washington State Health Care Authority (HCA) violated the Mental Health Parity Act by refusing to cover Applied Behavior Analysis (ABA), occupational, speech, physical, and other therapies after age six. The class action case, *Z.D. v. Group Health Cooperative*, was heard by U.S. District Court Judge Robert Lasnik. Judge Lasnik issued an immediate injunction.

In a separate case in June 2011 in Washington State Superior Court, in the case of *D.F. et. al v. Washington State Health Care Authority*, No. 10-2-294007 SEA, Judge Susan Craigshead found that the Washington State Health Care Authority violated the state’s Mental Health Parity Act when it excluded all coverage of applied behavior analysis therapy (ABA), a mental health treatment for individuals with autism. *D.F. et. al v. Washington State Health Care Authority* is a class action lawsuit filed by two families whose children with autism were denied behavioral and neurodevelopmental therapies by the Health Care Authority’s self-funded insurance plans.

In July 2013, the plaintiffs and the Health Care Authority announced a settlement including the creation of a special fund to reimburse families for their out-of-pocket ABA expenses. A $3.5 million common fund would be created for current and former state workers enrolled in the Uniform Medical Plan to seek reimbursement for their out-of-pocket expenses for ABA from January 1, 2006 through December 31, 2012.

In May 2014, the plaintiffs and Premera Blue Cross announced a settlement removing restrictions on neurodevelopmental therapy for autism including the creation of a $3.5 million fund to reimburse policyholders who paid for the service out of pocket. Premera will also remove any age and treatment limitations from any medically necessary occupational, physical or speech therapy.

In October 2014, the Washington State Supreme Court ruled in *O.S.T. v. Regence Blueshield*, no. 88940-6, Supreme Court of Washington, En Banc., Filed October 9, 2014, that health insurers must cover certain developmental therapies, such as those used to treat autism, if they are medically necessary. The Justices rejected an appeal by Regence BlueShield which claimed that the state mental health parity law did not require coverage of neurodevelopmental therapies. Regence subsequently settled the two class action lawsuits for $6 million.

http://scholar.google.com/scholar_case?case=12433842744219122888&hl=en&as_sdt=6&as_vis=1&oi=scholarr

**STATE LEGISLATIVE CALENDAR**

The Washington State Legislature meets annually beginning the second Monday in January for 105 days in odd-numbered years and for 60 days in even-numbered years. The 2014 Session convened on January 13, 2014 and adjourned on March 13, 2014. The 2015 Session will convene on January 12, 2015 and anticipated adjournment 105 days following the start of the 2015 Session.

http://www.leg.wa.gov/pages/home.aspx

**Sponsors of Autism Legislation**

- Sen. Rosemary McAuliffe (D-Bothell) District 1
- Sen. Jeannie Darneille (D-Tacoma) District 27
- Sen. Pam Roach (R-Auburn) District 31
- Sen. Adam Kline (D-Seattle) District 37
- Sen. Steve Hobbs (D-Everett) District 44
- Sen. Rodney Tom (D-Bellevue) District 48
- Rep. Timm Ormsby (D-Spokane) District 3
- Rep. Maureen Walsh (R-Walla Walla) District 16
- Rep. Christopher Hurst (D-Summer) District 31
- Rep. Ruth Kagi (D-Shoreline) District 32