

PENNSYLVANIA HEALTH LAW PROJECT

415 EAST OHIO ST., SUITE 325
PITTSBURGH, PA 15212
TELEPHONE: (412) 434 - 5779
FAX: (412) 434 - 0128

THE CORN EXCHANGE BUILDING
123 CHESTNUT ST., SUITE 400
PHILADELPHIA, PA 19106
215-625-3990 (ADMIN PHONE)
215-625-3879 (FAX)
HELP LINE: 1-800-274-3258
www.phlp.org

1414 N. CAMERON ST, SUITE B
HARRISBURG, PA 17103
TELEPHONE: (717) 236-6310
FAX: (717) 236-6311

Pennsylvania Court Protects Rights of Children with Autism

In a case of first impression, a Court of Common Pleas (Philadelphia County) ordered a health insurance carrier, Independence Blue Cross (IBC), to pay for services to treat children with autism spectrum disorder. The case, Burke v. IBC, was brought by the Pennsylvania Health Law Project to force the insurance industry to abide by Pennsylvania's Autism Coverage Law (also known as Act 62), which requires many private health insurance companies to cover diagnoses and treatment of autism for children and adolescents.

"Act 62 was designed to ensure that children with autism would receive proper insurance coverage," said Representative Dennis O'Brien, a former Speaker of the House, who was a driving force behind Act 62's passage. "As instances of autism continue to rise, and more and more Commonwealth families are affected, affordable medical coverage was a priority."

But implementation of that law has been challenging. Families who thought they would get relief from Act 62 have instead struggled against some insurers who, until this decision, believed they were not bound by the law and could deny services.

In Burke v. IBC, Pennsylvania Health Law Project represented the family of a six-year-old boy against Independence Blue Cross, which denied the family's request for services, known as applied behavioral analysis, at the boy's elementary school. These treatments are recognized within the medical community as invaluable to an autistic child's social acclimation, especially when diagnosed and prescribed at an early age. However, IBC not only claimed that the services were excluded but challenged the authority of the law.

"Today's decision confirms that insurers cannot disregard children and families who approach them for needed services. The court conclusively held that insurers must cover treatment or services for children with autism spectrum disorder in school as well as at home.," said David Gates, a senior attorney at PHLP, who represented the family. "The Burkes and other Pennsylvania families will now be able to fully benefit from Act 62 as the legislature intended."

The Pennsylvania Health Law Project is a nationally recognized expert and consultant on access to health care for low-income consumers, the elderly, and persons with disabilities. For more than two decades, PHLP has engaged in direct advocacy on behalf of individual consumers while working on the kinds of health policy changes that promise the most to the Pennsylvanians in greatest need. For more information visit www.phlp.org or contact David Gates (ext 120) or Laval Miller-Wilson (ext 106).