

Effective 5/13/2014

Superseded 5/10/2016

26-52-201 Autism Treatment Account -- Medical loss ratio calculation -- Use of account.

- (1) There is created within the General Fund a restricted account known as the Autism Treatment Account.
- (2) The account shall consist of:
 - (a) gifts, grants, devises, donations, and bequests of real property, personal property, or services, from any source, or any other conveyance that may be made to the account from private sources;
 - (b) interest and other earnings derived from the account money; and
 - (c) any additional amounts as appropriated by the Legislature.
- (3) If an insurer contributes to the account, for purposes of calculating an insurer's medical loss ratio under the PPACA, as defined in Section 31A-1-301, the insurance commissioner shall consider the contribution to the account to be a claims payment by the insurer.
- (4) Except as provided in Subsection (5), the executive director of the department shall be responsible for administering the account.
- (5) The committee shall, consistent with the requirements of this title:
 - (a) prioritize spending of account funds, as permitted under Subsection (6);
 - (b) determine which treatment providers qualify for disbursements from the account for services rendered; and
 - (c) authorize all other distributions from the account, except that disbursements for expenses authorized under Subsections (6)(b) and (c) shall also require the approval of the executive director.
- (6) Account money may be used to:
 - (a) evaluate and treat a qualified child by utilizing applied behavior analysis or other proven effective treatments as determined by the committee under Subsection 26-52-202(4)(b);
 - (b) pay all actual and necessary operating expenses for the committee and staff; and
 - (c) pay administrative or other expenses of the Department of Health related to the program, except where those expenses are greater than 9% of the total account funds.
- (7) All interest and other earnings derived from the account money shall be deposited into the account.
- (8) The state treasurer shall invest the money in the account under Title 51, Chapter 7, State Money Management Act.