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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 488  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Keller

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### SUMMARY

- Requires health insurers to cover treatments and services related to Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections (PANDAS) and Pediatric Acute Onset Neuropsychiatric Syndrome (PANS).
- Designates October 9<sup>h</sup> of each year as “PANDAS and PANS Awareness Day.”

### DETAILED ANALYSIS

#### PANDAS or PANS coverage

H.B. 488 requires health plan issuers to cover the screening, diagnosis, and treatment of Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections (PANDAS) as well as Pediatric Acute Onset Neuropsychiatric Syndrome (PANS).<sup>1</sup>

The required coverage must include, at a minimum, all of the following:

- Comprehensive diagnostic evaluation, symptomatic relief, and related services, including laboratory, radiology, psychiatric, or behavioral services;
- Immunomodulatory therapies, including immunoglobulin therapy, corticosteroids, plasmapheresis, or rituximab or similar products;
- Antimicrobial treatment, including antibiotics and antivirals;
- Therapeutic care, which may include services provided by a licensed speech therapist, speech-language pathologist, occupational therapist, or physical therapist.<sup>2</sup>

<sup>1</sup> R.C. 3902.51(A).

<sup>2</sup> R.C. 3902.51(C).

## **Cost-sharing**

The bill prohibits a health plan issuer from imposing on PANDAS and PANS coverage a cost-sharing requirement that is less favorable than the cost-sharing requirement applicable to all other medical and surgical benefits the health insurer provides.<sup>3</sup>

## **Step therapy, prior authorization, and patient medical status**

H.B. 488 specifies that the PANDAS and PANS coverage it requires is not subject to either step therapy protocols or prior authorization requirements. It also provides that the coverage is not contingent on a patient's symptoms meeting a specified severity threshold or a patient having a specified immunodeficiency status.<sup>4</sup>

## **Billing and diagnosis codes**

Under the bill, if the American Medical Association (AMA) and the federal Centers for Medicare and Medicaid Services (CMS) have not created and assigned a specific international classification of diseases code for PANDAS and PANS, then they must be coded as autoimmune encephalitis for billing and diagnosis purposes. But, if the AMA and CMS have created and assigned such a code for PANDAS and PANS, then they may be coded as either autoimmune encephalitis, PANDAS, or PANS.<sup>5</sup>

The bill also prohibits a health plan issuer from rejecting a claim or denying coverage related to PANDAS and PANS due to coding required or authorized by the bill's provisions.<sup>6</sup>

## **Review of mandated benefits legislation**

The bill specifies that its coverage requirements are not subject to an existing law that could prevent them from being applied until a review by the Superintendent of Insurance has been conducted with respect to mandated health benefits.<sup>7</sup> Under current law, legislation mandating health benefits cannot be applied to any health benefits arrangement after the legislation is enacted unless the Superintendent holds a public hearing and determines that it can be applied fully and equally in all respects to (1) employee benefits plans that are subject to

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<sup>3</sup> R.C. 3902.51(B).

<sup>4</sup> R.C. 3902.51(D).

<sup>5</sup> R.C. 3902.51(E).

<sup>6</sup> R.C. 3902.51(E)(3).

<sup>7</sup> R.C. 3902.51(A).

ERISA<sup>8</sup> and (2) employee benefit plans established or modified by the state or its political subdivisions.<sup>9</sup>

### **Affected plans**

The bill's requirements apply to health benefit plans delivered, issued for delivery, modified, or renewed on or after the bill's effective date.<sup>10</sup>

### **Affordable Care Act**

The bill specifies that its coverage requirement becomes inoperative if, at any time, the state is required by the following to defray the costs of that coverage:

1. Provisions of the federal Patient Protection and Affordable Care Act; or
2. Rules promulgated or guidance issued by the Secretary of the U.S. Department of Health and Human Services.<sup>11</sup>

### **PANDAS and PANS Awareness Day**

H.B. 488 designates October 9 of each year as "PANDAS and PANS Awareness Day."<sup>12</sup>

### **Background on PANDAS and PANS**

PANS is a clinical diagnosis given to children who have a dramatic – sometimes overnight – onset of neuropsychiatric symptoms including obsessions or compulsions or food restriction. These children are often diagnosed with obsessive-compulsive disorder (OCD) or an eating disorder, but the sudden onset of symptoms separates PANS from these other disorders. Children also may experience depression, irritability, anxiety, and have difficulty with schoolwork. In most cases, the cause of PANS is unknown, but is thought to be triggered by infections, metabolic disturbances, and other inflammatory reactions.<sup>13</sup>

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<sup>8</sup> 29 United States Code (U.S.C.) 1001 *et seq.*, not in the bill. ERISA is a comprehensive federal statute governing the administration of employee benefit plans. ERISA generally precludes state regulation of benefits offered by private employers that self-insure their benefit programs. Larger employers frequently choose to establish their own health insurance plans for their employees in lieu of purchasing coverage from a sickness and accident insurer or health insuring corporation.

<sup>9</sup> R.C. 3901.71, not in the bill.

<sup>10</sup> R.C. 3902.51(A).

<sup>11</sup> R.C. 3902.51(F).

<sup>12</sup> R.C. 5.22108.

<sup>13</sup> Stanford Medicine, Department of Pediatrics, Division of Allergy, Immunology, and Rheumatology, *PANS: Pediatric Acute-onset Neuropsychiatric Syndrome*, available [here](#).

Like PANS, children diagnosed with PANDAS have an acute onset – within a few days – of neuropsychiatric symptoms, specifically OCD or tics (involuntary, purposeless movements).<sup>14</sup> However, PANDAS patients test positive for a recent streptococcal infection, such as strep throat, peri-anal strep, or scarlet fever. Like PANS patients, they also may suffer from uncontrollable emotions, irritability, anxiety, and loss of academic ability and handwriting skills.<sup>15</sup> Although PANDAS was identified as a medical syndrome more than a decade before PANS, it has been classified as a subset of PANS. To date, PANDAS is the only known subset of PANS, but more causes may be discovered in the future.

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## HISTORY

Action	Date
Introduced	01-30-20

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<sup>14</sup> Stanford Medicine, Department of Pediatrics, Division of Allergy, Immunology, and Rheumatology, *PANS: Pediatric Acute-onset Neuropsychiatric Syndrome*, available [here](#).

<sup>15</sup> See also National Institutes of Health, National Institute of Mental Health, Mental Health Information, Brochures and Fact Sheets, *PANDAS – Questions and Answers*, available [here](#).