

By the Committee on Banking and Insurance; and Senators Geller, Ring, Bennett, Deutch, Villalobos, Rich, Fasano, Garcia and Wise

597-05230-08

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1 A bill to be entitled

2 An act relating to autism spectrum disorder; providing a
3 short title; creating s. 627.6686, F.S.; providing
4 definitions; requiring health insurance plans to provide
5 coverage for screening, diagnosis, intervention, and
6 treatment of autism spectrum disorder in certain children;
7 requiring a treatment plan; prohibiting an insurer from
8 denying or refusing coverage or refusing to renew or
9 reissue or terminate coverage based on a diagnosis of
10 autism spectrum disorder; providing coverage limitations;
11 providing treatment plan requirements; limiting the
12 frequency of requests for updating a treatment plan;
13 providing eligibility requirements; providing a maximum
14 benefit that is adjusted annually; providing for
15 application; amending s. 1004.55, F.S.; relocating the
16 regional autism center at Florida State University from
17 the Department of Communication Disorders to the College
18 of Medicine; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. This act may be cited as the "Window of
23 Opportunity Act."

24 Section 2. Section 627.6686, Florida Statutes, is created
25 to read:

26 627.6686 Optional coverage for autism spectrum disorder
27 required; exception.--

28 (1) As used in this section, the term:

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29 (a) "Applied behavior analysis" means the design,
30 implementation, and evaluation of environmental modifications,
31 using behavioral stimuli and consequences, to produce socially
32 significant improvement in human behavior, including, but not
33 limited to, the use of direct observation, measurement, and
34 functional analysis of the relations between environment and
35 behavior.

36 (b) "Autism spectrum disorder" means any of the following
37 disorders as defined in the most recent edition of the Diagnostic
38 and Statistical Manual of Mental Disorders of the American
39 Psychiatric Association:

40 1. Autistic disorder.

41 2. Asperger's syndrome.

42 3. Pervasive developmental disorder not otherwise
43 specified.

44 (c) "Health insurance plan" means a group health insurance
45 policy or group health benefit plan offered by an insurer which
46 includes the state group insurance program provided under s.
47 110.123. The term does not include any health insurance plan
48 offered in the individual market, any health insurance plan that
49 is individually underwritten, or any health insurance plan
50 provided to a small employer.

51 (d) "Insurer" means an insurer, health maintenance
52 organization, or any other entity providing health insurance
53 coverage which is licensed to engage in the business of insurance
54 in this state and is subject to insurance regulation.

55 (2) A health insurance plan shall provide coverage for
56 well-baby and well-child screening for diagnosing the presence of
57 autism spectrum disorder and the intervention and treatment of

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58 autism spectrum disorder. Coverage provided under this section is
59 limited to treatment that is prescribed by the insured's treating
60 medical physician in accordance with a treatment plan. With
61 regard to a health insurance plan, an insurer may not deny or
62 refuse to issue coverage for, refuse to contract with, or refuse
63 to renew or reissue or otherwise terminate or restrict coverage
64 for an individual because the individual is diagnosed as having
65 autism spectrum disorder.

66 (3) The coverage required pursuant to subsection (2) may
67 not be subject to dollar limits, deductibles, or coinsurance
68 provisions that are less favorable to an insured than the dollar
69 limits, deductibles, or coinsurance provisions that apply to
70 physical illnesses that are generally covered under the health
71 insurance plan, except as otherwise provided for in subsection
72 (5). However, the coverage required pursuant to subsection (2)
73 may be subject to other general exclusions and limitations of the
74 insurer's policy or plan, including, but not limited to,
75 coordination of benefits, participating provider requirements,
76 restrictions on services provided by family or household members,
77 and utilization review of health care services, including the
78 review of medical necessity, case management, and other managed
79 care provisions.

80 (4) The treatment plan required pursuant to subsection (2)
81 must include all elements necessary for the health insurance plan
82 to appropriately pay claims. These elements include, but are not
83 limited to, a diagnosis, the proposed treatment by type, the
84 frequency and duration of treatment, the anticipated outcomes
85 stated as goals, the frequency by which the treatment plan will
86 be updated, and the treating medical doctor's signature. A health

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87 insurance plan may request an updated treatment plan only once
88 every 6 months from the treating medical doctor for purposes of
89 reviewing medical necessity unless the health insurance plan and
90 the treating medical doctor agree that a more frequent review is
91 necessary due to emerging clinical circumstances.

92 (5) To be eligible for benefits and coverage under this
93 section, an individual must be diagnosed as having autistic
94 spectrum disorder at 8 years of age or younger. The benefits and
95 coverage provided pursuant to this section shall be provided to
96 any eligible person younger than 18 years of age or to any
97 eligible person 18 years of age or older who is in high school.
98 Coverage for behavioral therapy is subject to a maximum benefit
99 of \$36,000 per year. Beginning January 1, 2010, this maximum
100 benefit shall be adjusted annually on January 1 of each calendar
101 year to reflect any change from the previous year in the medical
102 component of the then-current Consumer Price Index, All Urban
103 Consumers, as published by the United States Department of
104 Labor's Bureau of Labor Statistics.

105 Section 3. Paragraph (a) of subsection (1) of section
106 1004.55, Florida Statutes, is amended to read:

107 1004.55 Regional autism centers.--

108 (1) Seven regional autism centers are established to
109 provide nonresidential resource and training services for persons
110 of all ages and of all levels of intellectual functioning who
111 have autism, as defined in s. 393.063; who have a pervasive
112 developmental disorder that is not otherwise specified; who have
113 an autistic-like disability; who have a dual sensory impairment;
114 or who have a sensory impairment with other handicapping
115 conditions. Each center shall be operationally and fiscally

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116 independent and shall provide services within its geographical
117 region of the state. Service delivery shall be consistent for all
118 centers. Each center shall coordinate services within and between
119 state and local agencies and school districts but may not
120 duplicate services provided by those agencies or school
121 districts. The respective locations and service areas of the
122 centers are:

123 (a) The College of Medicine ~~Department of Communication~~
124 ~~Disorders~~ at Florida State University, which serves Bay, Calhoun,
125 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,
126 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
127 Walton, and Washington Counties.

128 Section 4. This act shall take effect January 1, 2009, and
129 applies to health insurance policies or plans issued, renewed,
130 entered into, or delivered on or after that date.