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LEGISLATIVE ACTION

Senate	.	House
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Senators Ring and Gardiner moved the following:

**Senate Amendment (with title amendment)**

Between lines 1835 and 1836  
insert:

Section 37. Section 381.986, Florida Statutes, is created  
to read:

381.986 Screening for autism spectrum disorder.-

(1) If the parent or legal guardian of a minor believes  
that the minor exhibits symptoms of autism spectrum disorder as  
defined in ss. 627.6686 and 641.31098, the parent or legal  
guardian may report his or her observation to a physician  
licensed in this state. The physician shall perform screening in  
accordance with American Academy of Pediatrics' guidelines. If



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14 the physician determines that referral to a specialist is  
15 medically necessary, he or she shall refer the minor to an  
16 appropriate specialist to determine whether the minor meets  
17 diagnostic criteria for autism spectrum disorder as defined in  
18 ss. 627.6686 and 641.31098. If the physician determines that  
19 referral to a specialist is not medically necessary, the  
20 physician shall inform the parent or legal guardian that they  
21 can self-refer to the Early Steps intervention program or other  
22 specialist in autism. This section does not apply to a physician  
23 providing care under s. 395.1041.

24 (2) As used in this section, the term "appropriate  
25 specialist" means a qualified professional who is experienced in  
26 the evaluation of autism spectrum disorder as defined in ss.  
27 627.6686 and 641.31098, is licensed in this state, and has  
28 training in validated diagnostic tools. The term includes, but  
29 is not limited to:

- 30 (a) A psychologist;  
31 (b) A psychiatrist;  
32 (c) A neurologist;  
33 (d) A developmental or behavioral pediatrician; or  
34 (e) A professional whose licensure, by rule, is deemed  
35 appropriate by the Children's Medical Services Early Steps  
36 Program within the Department of Health.

37 Section 38. Section 627.6686, Florida Statutes, is amended  
38 to read:

39 627.6686 Coverage for individuals with developmental  
40 disabilities ~~autism spectrum disorder required; exception.-~~

41 (1) This section and s. 641.31098 may be cited as the  
42 "Steven A. Geller Autism Coverage Act."



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43 (2) As used in this section, the term:

44 (a) "Applied behavior analysis" means the design,  
45 implementation, and evaluation of environmental modifications,  
46 using behavioral stimuli and consequences, to produce socially  
47 significant improvement in human behavior, including, but not  
48 limited to, the use of direct observation, measurement, and  
49 functional analysis of the relations between environment and  
50 behavior.

51 (b) "Autism spectrum disorder" means any of the following  
52 disorders as defined in the most recent edition of the  
53 Diagnostic and Statistical Manual of Mental Disorders of the  
54 American Psychiatric Association:

- 55 1. Autistic disorder.
- 56 2. Asperger's syndrome.
- 57 3. Pervasive developmental disorder not otherwise  
58 specified.

59 (c) "Developmental disability" means a disorder or syndrome  
60 attributable to cerebral palsy or Down syndrome, which manifests  
61 before the age of 18 years and constitutes a substantial  
62 handicap that can reasonably be expected to continue  
63 indefinitely. As used in this section:

- 64 1. "Cerebral palsy" has the same meaning as in s. 393.063.
- 65 2. "Down syndrome" means a disorder caused by the presence  
66 of an extra chromosome 21.

67 (d) "Direct patient access" means the ability of an insured  
68 to obtain services from an in-network provider without a  
69 referral or other authorization before receiving services.

70 (e) ~~(e)~~ "Eligible individual" means an individual under 18  
71 years of age or an individual 18 years of age or older who is in



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72 high school and who has been diagnosed as having a developmental  
73 disability at 8 years of age or younger.

74 (f)~~(d)~~ "Health insurance plan" means a group health  
75 insurance policy or group health benefit plan offered by an  
76 insurer which includes the state group insurance program  
77 provided under s. 110.123. The term does not include a ~~any~~  
78 health insurance plan offered in the individual market, a ~~any~~  
79 health insurance plan that is individually underwritten, or a  
80 ~~any~~ health insurance plan provided to a small employer.

81 (g)~~(e)~~ "Insurer" means an insurer providing health  
82 insurance coverage, which is licensed to engage in the business  
83 of insurance in this state and is subject to insurance  
84 regulation.

85 (3) A health insurance plan must ~~issued or renewed on or~~  
86 ~~after April 1, 2009, shall~~ provide coverage to an eligible  
87 individual for:

88 (a) Direct patient access to one appropriate specialist, as  
89 defined in s. 381.986, for a minimum of three visits per policy  
90 year for the screening for, evaluation of, or diagnosis of  
91 autism spectrum disorder or other developmental disability.

92 (b)~~(a)~~ Well-baby and well-child screening for diagnosing  
93 the presence of autism spectrum disorder.

94 (c)~~(b)~~ Treatment of autism spectrum disorder or other  
95 developmental disability through speech therapy, occupational  
96 therapy, physical therapy, and applied behavior analysis.  
97 Applied behavior analysis services shall be provided by an  
98 individual certified pursuant to s. 393.17 or an individual  
99 licensed under chapter 490 or chapter 491.

100 (4) The coverage required pursuant to subsection (3) is



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101 subject to the following requirements:

102 (a) Coverage shall be limited to treatment that is  
103 prescribed by the insured's treating physician in accordance  
104 with a treatment plan.

105 (b) Coverage for the services described in subsection (3)  
106 shall be limited to \$36,000 annually and may not exceed \$200,000  
107 in total lifetime benefits.

108 (c) Coverage may not be denied on the basis that provided  
109 services are habilitative in nature.

110 (d) Coverage may be subject to other general exclusions and  
111 limitations of the insurer's policy or plan, including, but not  
112 limited to, coordination of benefits, participating provider  
113 requirements, restrictions on services provided by family or  
114 household members, and utilization review of health care  
115 services, including the review of medical necessity, case  
116 management, and other managed care provisions.

117 (5) The coverage required pursuant to subsection (3) may  
118 not be subject to dollar limits, deductibles, or coinsurance  
119 provisions that are less favorable to an insured than the dollar  
120 limits, deductibles, or coinsurance provisions that apply to  
121 physical illnesses that are generally covered under the health  
122 insurance plan, except as otherwise provided in subsection (4).

123 (6) An insurer may not deny or refuse to issue coverage for  
124 medically necessary services, refuse to contract with, or refuse  
125 to renew or reissue or otherwise terminate or restrict coverage  
126 for an individual because the individual is diagnosed as having  
127 a developmental disability.

128 (7) The treatment plan required pursuant to subsection (4)  
129 shall include all elements necessary for the health insurance



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130 plan to appropriately pay claims. These elements include, but  
131 are not limited to, a diagnosis, the proposed treatment by type,  
132 the frequency and duration of treatment, the anticipated  
133 outcomes stated as goals, the frequency with which the treatment  
134 plan will be updated, and the signature of the treating  
135 physician.

136 (8) Beginning January 1, 2011, the maximum benefit under  
137 paragraph (4) (b) shall be adjusted annually on January 1 of each  
138 calendar year to reflect any change from the previous year in  
139 the medical component of the then current Consumer Price Index  
140 for all urban consumers, published by the Bureau of Labor  
141 Statistics of the United States Department of Labor.

142 (9) This section may not be construed as limiting benefits  
143 and coverage otherwise available to an insured under a health  
144 insurance plan.

145 (10) The Office of Insurance Regulation may not enforce  
146 this section against an insurer that becomes ~~is~~ a signatory ~~no~~  
147 ~~later than April 1, 2009,~~ to the developmental disabilities  
148 compact established under s. 624.916 by July 1, 2010. The Office  
149 of Insurance Regulation shall enforce this section against an  
150 insurer that is a signatory to the compact established under s.  
151 624.916 if the insurer has not complied with the terms of the  
152 compact for all health insurance plans by April 1, 2010.  
153 However, any provisions of this section which are amended  
154 effective July 1, 2010, may not be enforced retroactively.

155 Section 39. Subsections (2) and (3) of section 641.31098,  
156 Florida Statutes, are amended to read:

157 641.31098 Coverage for individuals with developmental  
158 disabilities.-



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159 (2) As used in this section, the term:

160 (a) "Applied behavior analysis" means the design,  
161 implementation, and evaluation of environmental modifications,  
162 using behavioral stimuli and consequences, to produce socially  
163 significant improvement in human behavior, including, but not  
164 limited to, the use of direct observation, measurement, and  
165 functional analysis of the relations between environment and  
166 behavior.

167 (b) "Autism spectrum disorder" means any of the following  
168 disorders as defined in the most recent edition of the  
169 Diagnostic and Statistical Manual of Mental Disorders of the  
170 American Psychiatric Association:

- 171 1. Autistic disorder.
- 172 2. Asperger's syndrome.
- 173 3. Pervasive developmental disorder not otherwise  
174 specified.

175 (c) "Developmental disability" means a disorder or syndrome  
176 attributable to cerebral palsy or Down syndrome, which manifests  
177 before the age of 18 years and constitutes a substantial  
178 handicap that can reasonably be expected to continue  
179 indefinitely. As used in this section:

- 180 1. "Cerebral palsy" has the same meaning as in s. 393.063.
- 181 2. "Down syndrome" means a disorder caused by the presence  
182 of an extra chromosome 21.

183 (d) "Direct patient access" means the ability of an insured  
184 to obtain services from an in-network provider without a  
185 referral or other authorization before receiving services.

186 (e) ~~(e)~~ "Eligible individual" means an individual under 18  
187 years of age or an individual 18 years of age or older who is in



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188 high school and who has been diagnosed as having a developmental  
189 disability at 8 years of age or younger.

190 (f)~~(d)~~ "Health maintenance contract" means a group health  
191 maintenance contract offered by a health maintenance  
192 organization. The ~~This~~ term does not include a health  
193 maintenance contract offered in the individual market, a health  
194 maintenance contract that is individually underwritten, or a  
195 health maintenance contract provided to a small employer.

196 (3) A health maintenance contract must ~~issued or renewed on~~  
197 ~~or after April 1, 2009,~~ shall provide coverage to an eligible  
198 individual for:

199 (a) Direct patient access to one appropriate specialist, as  
200 defined in s. 381.986, for a minimum of three visits per policy  
201 year for the screening for, evaluation of, or diagnosis of  
202 autism spectrum disorder or other developmental disability.

203 (b)~~(a)~~ Well-baby and well-child screening for diagnosing  
204 the presence of autism spectrum disorder.

205 (c)~~(b)~~ Treatment of autism spectrum disorder or other  
206 developmental disability through speech therapy, occupational  
207 therapy, physical therapy, and applied behavior analysis  
208 services. Applied behavior analysis services shall be provided  
209 by an individual certified pursuant to s. 393.17 or an  
210 individual licensed under chapter 490 or chapter 491.

211 Section 40. The Legislature finds that the provision of  
212 accessible and affordable quality health care permits all people  
213 to lead productive and meaningful lives, and, to this end, it  
214 further finds that this act fulfills an important state  
215 interest.

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217 ===== T I T L E A M E N D M E N T =====

218 And the title is amended as follows:

219 Delete line 228

220 and insert:

221 emergency; creating s. 381.986, F.S.; requiring that a  
222 physician refer a minor to an appropriate specialist  
223 for screening for autism spectrum disorder under  
224 certain circumstances; defining the term "appropriate  
225 specialist"; amending ss. 627.6686 and 641.31098,  
226 F.S.; defining the terms "developmental disability"  
227 and "direct patient access"; providing health  
228 insurance coverage for individuals with certain  
229 developmental disabilities; requiring certain insurers  
230 and health maintenance organizations to provide direct  
231 patient access to an appropriate specialist for the  
232 screening, evaluation, or diagnosis of autism spectrum  
233 disorder or other developmental disabilities;  
234 requiring the insurer's policy or the health  
235 maintenance organization's contract to provide a  
236 minimum number of visits per year for the screening,  
237 evaluation, or diagnosis of autism spectrum disorder  
238 or other developmental disabilities; revising the  
239 effective dates of certain enforcement provisions;  
240 providing a declaration of important state interest;  
241 providing applicability; providing an effective date.