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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/1/2008	.	
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1 The Committee on Health Policy (Joyner) recommended the following  
2 **amendment:**

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4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

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8 Section 1. This act may be cited as the "Window of  
9 Opportunity Act."

10 Section 2. Section 627.6686, Florida Statutes, is created  
11 to read:

12 627.6686 Coverage for autism spectrum disorder required;  
13 exception.--

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

15 (a) "Applied behavior analysis" means the design,  
16 implementation, and evaluation of environmental modifications,  
17 using behavioral stimuli and consequences, to produce socially



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18 significant improvement in human behavior, including, but not  
19 limited to, the use of direct observation, measurement, and  
20 functional analysis of the relations between environment and  
21 behavior.

22 (b) "Autism spectrum disorder" means any of the following  
23 disorders as defined in the most recent edition of the Diagnostic  
24 and Statistical Manual of Mental Disorders of the American  
25 Psychiatric Association:

26 1. Autistic disorder.

27 2. Asperger's syndrome.

28 3. Pervasive developmental disorder not otherwise  
29 specified.

30 (c) "Health insurance plan" means a group health insurance  
31 policy or group health benefit plan offered by an insurer which  
32 includes the state group insurance program provided under s.  
33 110.123. The term does not include any health insurance plan  
34 offered in the individual market, any health insurance plan that  
35 is individually underwritten, or any health insurance plan  
36 provided to a small employer.

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

41 (2) A health insurance plan shall provide coverage for  
42 well-baby and well-child screening for diagnosing the presence of  
43 autism spectrum disorder and the intervention and treatment of  
44 autism spectrum disorder through speech therapy, occupational  
45 therapy, physical therapy, applied behavior analysis, treatment  
46 by a psychiatrist or psychologist, and any other necessary  
47 medical care. Coverage provided under this section is limited to



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48 treatment that is prescribed by the insured's treating medical  
49 physician in accordance with a treatment plan. With regards to a  
50 health insurance plan, an insurer may not deny or refuse to issue  
51 coverage for, refuse to contract with, or refuse to renew or  
52 reissue or otherwise terminate or restrict coverage for an  
53 individual because the individual is diagnosed as having autism  
54 spectrum disorder.

55 (3) The coverage required pursuant to subsection (2) may  
56 not be subject to dollar limits, deductibles, or coinsurance  
57 provisions that are less favorable to an insured than the dollar  
58 limits, deductibles, or coinsurance provisions that apply to  
59 physical illnesses that are generally covered under the health  
60 insurance plan, except as otherwise provided for in subsection  
61 (5). The coverage required in subsection (2) may not be denied on  
62 the basis that provided services are habilitative in nature. The  
63 coverage may not be subject to any limits on the number of visits  
64 an insured may make to a service provider. However, the coverage  
65 required pursuant to subsection (2) may be subject to other  
66 general exclusions and limitations of the insurer's policy or  
67 plan, including, but not limited to, coordination of benefits,  
68 participating provider requirements, restrictions on services  
69 provided by family or household members, and utilization review  
70 of health care services, including the review of medical  
71 necessity, case management, and other managed care provisions.

72 (4) The treatment plan required pursuant to subsection (2)  
73 must include all elements necessary for the health insurance plan  
74 to appropriately pay claims. These elements include, but are not  
75 limited to, a diagnosis, the proposed treatment by type, the  
76 frequency and duration of treatment, the anticipated outcomes  
77 stated as goals, the frequency by which the treatment plan will



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78 be updated, and the treating medical doctor's signature. A health  
79 insurance plan may request an updated treatment plan only once  
80 every 6 months from the treating medical doctor for purposes of  
81 reviewing medical necessity unless the health insurance plan and  
82 the treating medical doctor agree that a more frequent review is  
83 necessary due to emerging clinical circumstances.

84 (5) To be eligible for benefits and coverage under this  
85 section, an individual must be diagnosed as having autistic  
86 spectrum disorder at 8 years of age or younger. The benefits and  
87 coverage provided pursuant to this section shall be provided to  
88 any eligible person younger than 18 years of age or to any  
89 eligible person 18 years of age or older who is in high school.  
90 Coverage for therapy, as defined in subsection (2), is subject to  
91 a maximum benefit of \$36,000 per year. Beginning January 1, 2010,  
92 this maximum benefit shall be adjusted annually on January 1 of  
93 each calendar year to reflect any change from the previous year  
94 in the medical component of the then current Consumer Price  
95 Index, All Urban Consumers, as published by the United States  
96 Department of Labor's Bureau of Labor Statistics.

97 (6) This section may not be construed as limiting benefits  
98 and coverage otherwise available to an insured under a health  
99 insurance plan.

100 Section 3. Paragraph (a) of subsection (1) of section  
101 1004.55, Florida Statutes, is amended to read:

102 1004.55 Regional autism centers.--

103 (1) Seven regional autism centers are established to  
104 provide nonresidential resource and training services for persons  
105 of all ages and of all levels of intellectual functioning who  
106 have autism, as defined in s. 393.063; who have a pervasive  
107 developmental disorder that is not otherwise specified; who have



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108 | an autistic-like disability; who have a dual sensory impairment;  
109 | or who have a sensory impairment with other handicapping  
110 | conditions. Each center shall be operationally and fiscally  
111 | independent and shall provide services within its geographical  
112 | region of the state. Service delivery shall be consistent for all  
113 | centers. Each center shall coordinate services within and between  
114 | state and local agencies and school districts but may not  
115 | duplicate services provided by those agencies or school  
116 | districts. The respective locations and service areas of the  
117 | centers are:

118 |       (a) The College of Medicine ~~Department of Communication~~  
119 | ~~Disorders~~ at Florida State University, which serves Bay, Calhoun,  
120 | Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,  
121 | Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,  
122 | Walton, and Washington Counties.

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

127 | ===== T I T L E   A M E N D M E N T =====

128 | And the title is amended as follows:

129 |       Delete everything before the enacting clause  
130 | and insert:

131 |                               A bill to be entitled  
132 |       An act relating to autism spectrum disorder; providing a  
133 |       short title; creating s. 627.6686, F.S.; providing  
134 |       definitions; requiring health insurance plans to provide  
135 |       coverage for screening, diagnosis, intervention, and  
136 |       treatment of autism spectrum disorder in certain children;  
137 |       requiring a treatment plan; prohibiting an insurer from



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138 | denying or refusing coverage or refusing to renew or  
139 | reissue or terminate coverage based on a diagnosis of  
140 | autism spectrum disorder; providing coverage limitations;  
141 | providing treatment plan requirements; limiting the  
142 | frequency of requests for updating a treatment plan;  
143 | providing eligibility requirements; providing a maximum  
144 | benefit limitation; providing for annual adjustments of  
145 | the maximum benefit limitation; amending s. 1004.55, F.S.;  
146 | relocating the regional autism center at Florida State  
147 | University from the Department of Communication Disorders  
148 | to the College of Medicine; providing an effective date.