

By the Committees on Health Policy; Banking and Insurance; and Senators Geller, Ring, Bennett, Deutch, Villalobos, Rich, Fasano, Garcia, Wise, Atwater, Margolis, Crist, Joyner, Justice, (Additional Introducers on Last Printed Page)

587-06451-08

20082654c2

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 limitation; providing for annual adjustments of
15 the maximum benefit limitation; amending s. 1004.55, F.S.;
16 relocating the regional autism center at Florida State
17 University from the Department of Communication Disorders
18 to the College of Medicine; providing for application of
19 the act; providing an effective date.

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21 Be It Enacted by the Legislature of the State of Florida:

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

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

27 627.6686 Coverage for autism spectrum disorder required;
28 exception.--

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

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

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

41 1. Autistic disorder.

42 2. Asperger's syndrome.

43 3. Pervasive developmental disorder not otherwise
44 specified.

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

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

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

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59 autism spectrum disorder through speech therapy, occupational
60 therapy, physical therapy, applied behavior analysis, treatment
61 by a psychiatrist or psychologist, and any other necessary
62 medical care. Coverage provided under this section is limited to
63 treatment that is prescribed by the insured's treating medical
64 physician in accordance with a treatment plan. With regards to a
65 health insurance plan, an insurer may not deny or refuse to issue
66 coverage for, refuse to contract with, or refuse to renew or
67 reissue or otherwise terminate or restrict coverage for an
68 individual because the individual is diagnosed as having autism
69 spectrum disorder.

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

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87 (4) The treatment plan required pursuant to subsection (2)
88 must include all elements necessary for the health insurance plan
89 to appropriately pay claims. These elements include, but are not
90 limited to, a diagnosis, the proposed treatment by type, the
91 frequency and duration of treatment, the anticipated outcomes
92 stated as goals, the frequency by which the treatment plan will
93 be updated, and the treating medical doctor's signature. A health
94 insurance plan may request an updated treatment plan only once
95 every 6 months from the treating medical doctor for purposes of
96 reviewing medical necessity unless the health insurance plan and
97 the treating medical doctor agree that a more frequent review is
98 necessary due to emerging clinical circumstances.

99 (5) To be eligible for benefits and coverage under this
100 section, an individual must be diagnosed as having autistic
101 spectrum disorder at 8 years of age or younger. The benefits and
102 coverage provided pursuant to this section shall be provided to
103 any eligible person younger than 18 years of age or to any
104 eligible person 18 years of age or older who is in high school.
105 Coverage for therapy, as defined in subsection (2), is subject to
106 a maximum benefit of \$36,000 per year. Beginning January 1, 2010,
107 this maximum benefit shall be adjusted annually on January 1 of
108 each calendar year to reflect any change from the previous year
109 in the medical component of the then current Consumer Price
110 Index, All Urban Consumers, as published by the United States
111 Department of Labor's Bureau of Labor Statistics.

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

115 Section 3. Paragraph (a) of subsection (1) of section

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116 1004.55, Florida Statutes, is amended to read:

117 1004.55 Regional autism centers.--

118 (1) Seven regional autism centers are established to
 119 provide nonresidential resource and training services for persons
 120 of all ages and of all levels of intellectual functioning who
 121 have autism, as defined in s. 393.063; who have a pervasive
 122 developmental disorder that is not otherwise specified; who have
 123 an autistic-like disability; who have a dual sensory impairment;
 124 or who have a sensory impairment with other handicapping
 125 conditions. Each center shall be operationally and fiscally
 126 independent and shall provide services within its geographical
 127 region of the state. Service delivery shall be consistent for all
 128 centers. Each center shall coordinate services within and between
 129 state and local agencies and school districts but may not
 130 duplicate services provided by those agencies or school
 131 districts. The respective locations and service areas of the
 132 centers are:

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

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

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143 ADDITIONAL INTRODUCERS

144 Dockery, Dean and Dawson