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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 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.

20  
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 "Steven A.  
24 Geller Autism Coverage 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 as defined in s. 627.6699(3).

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