



198444

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 1/AD/2R

.

04/28/2009 04:15 PM

.

.

Senator Gardiner moved the following:

Senate Amendment (with title amendment)

Delete lines 85 - 230

and insert:

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

1. "Cerebral palsy" has the same meaning as in s. 393.063.

2. "Down syndrome" means a disorder caused by the presence of an extra chromosome 21.



198444

13 (d)~~(e)~~ "Eligible individual" means an individual under 18
14 years of age or an individual 18 years of age or older who is in
15 high school and who has been diagnosed as having a developmental
16 disability at 8 years of age or younger.

17 (e)~~(d)~~ "Health insurance plan" means a group health
18 insurance policy or group health benefit plan offered by an
19 insurer which includes the state group insurance program
20 provided under s. 110.123. The term does not include a ~~any~~
21 health insurance plan offered in the individual market, a ~~any~~
22 health insurance plan that is individually underwritten, or a
23 ~~any~~ health insurance plan provided to a small employer.

24 (f)~~(e)~~ "Insurer" means an insurer providing health
25 insurance coverage, which is licensed to engage in the business
26 of insurance in this state and is subject to insurance
27 regulation.

28 (3) A health insurance plan issued or renewed on or after
29 April 1, 2009, shall provide coverage to an eligible individual
30 for:

31 (a) Well-baby and well-child screening for diagnosing the
32 presence of autism spectrum disorder or other developmental
33 disability.

34 (b) Treatment of autism spectrum disorder or other
35 developmental disability through speech therapy, occupational
36 therapy, physical therapy, and applied behavior analysis.
37 Applied behavior analysis services shall be provided by an
38 individual certified pursuant to s. 393.17 or an individual
39 licensed under chapter 490 or chapter 491.

40 (11) Notwithstanding any provision of this section, an
41 insurer shall provide direct patient access for screening,



198444

42 evaluation of, or diagnosis for autism spectrum disorder or
43 other developmental disability to an appropriate specialist, as
44 defined in s. 381.986. As used in this subsection, the term
45 "direct patient access" means the ability of a subscriber or
46 insured to obtain services from an in-network provider without a
47 referral or other authorization before receiving services.
48 Pursuant to this subsection, the insurer's policy must provide a
49 minimum of three visits per policy year for the screening,
50 evaluation, or diagnosis for autism spectrum disorder or other
51 developmental disability.

52 Section 3. Subsections (2) and (3) of section 641.31098,
53 Florida Statutes, are amended, and subsection (10) is added to
54 that section, to read:

55 641.31098 Coverage for individuals with developmental
56 disabilities.—

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

58 (a) "Applied behavior analysis" means the design,
59 implementation, and evaluation of environmental modifications,
60 using behavioral stimuli and consequences, to produce socially
61 significant improvement in human behavior, including, but not
62 limited to, the use of direct observation, measurement, and
63 functional analysis of the relations between environment and
64 behavior.

65 (b) "Autism spectrum disorder" means any of the following
66 disorders as defined in the most recent edition of the
67 Diagnostic and Statistical Manual of Mental Disorders of the
68 American Psychiatric Association:

- 69 1. Autistic disorder.
- 70 2. Asperger's syndrome.



198444

71 3. Pervasive developmental disorder not otherwise
72 specified.

73 (c) "Developmental disability" means a disorder or syndrome
74 attributable to cerebral palsy or Down syndrome, which manifests
75 before the age of 18 years old and constitutes a substantial
76 handicap that can reasonably be expected to continue
77 indefinitely. As used in this section:

78 1. "Cerebral palsy" has the same meaning as in s. 393.063.

79 2. "Down syndrome" means a disorder caused by the presence
80 of an extra chromosome 21.

81
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete line 11

85 and insert:

86 disability" to include cerebral palsy and Down
87 syndrome; providing health insurance coverage for