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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2009	.	
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The Committee on Banking and Insurance (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete lines 49 - 79

and insert:

Section 2. Subsections (2) and (3) of section 627.6686, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

627.6686 Coverage for individuals with autism spectrum disorder required; exception.—

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

(a) "Applied behavior analysis" means the design,



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12 implementation, and evaluation of environmental modifications,
13 using behavioral stimuli and consequences, to produce socially
14 significant improvement in human behavior, including, but not
15 limited to, the use of direct observation, measurement, and
16 functional analysis of the relations between environment and
17 behavior.

18 (b) "Autism spectrum disorder" means any of the following
19 disorders as defined in the most recent edition of the
20 Diagnostic and Statistical Manual of Mental Disorders of the
21 American Psychiatric Association:

- 22 1. Autistic disorder.
- 23 2. Asperger's syndrome.
- 24 3. Pervasive developmental disorder not otherwise
25 specified.

26 (c) "Developmental disability" means a disorder or syndrome
27 attributable to retardation, cerebral palsy, autism, spina
28 bifida, Down syndrome, or Prader-Willi syndrome which manifests
29 before the age of 18 years old and constitutes a substantial
30 handicap that can reasonably be expected to continue
31 indefinitely. The term:

- 32 1. "Retardation" means significantly subaverage general
33 intellectual functioning existing concurrently with deficits in
34 adaptive behavior which manifests before the age of 18 years old
35 and can reasonably be expected to continue indefinitely. As used
36 in this subparagraph, the term "significantly subaverage general
37 intellectual functioning" means performance that is two or more
38 standard deviations from the mean score on a standardized
39 intelligence test specified in the rules of the agency. As used
40 in this subparagraph, the term "adaptive behavior" means the



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41 effectiveness or degree with which an individual meets the
42 standards of personal independence and social responsibility
43 expected of his or her age, cultural group, and community.

44 2. "Cerebral palsy" means a group of disabling symptoms of
45 extended duration which results from damage to the developing
46 brain that may occur before, during, or after birth and that
47 results in the loss or impairment of control over voluntary
48 muscles. As used in this subparagraph, cerebral palsy does not
49 include those symptoms or impairments resulting solely from a
50 stroke.

51 3. "Autism" means a pervasive, neurologically based
52 developmental disability of extended duration which causes
53 severe learning, communication, and behavior disorders that
54 occur during infancy or childhood. Individuals with autism
55 exhibit impairment in reciprocal social interaction, impairment
56 in verbal and nonverbal communication and imaginative ability,
57 and a markedly restricted repertoire of activities and
58 interests.

59 4. "Spina bifida" means, as used in this chapter, a person
60 with a medical diagnosis of spina bifida cystica or
61 myelomeningocele.

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

64 6. "Prader-Willi syndrome" means an inherited condition
65 typified by neonatal hypotonia with failure to thrive,
66 hyperphagia or an excessive drive to eat which leads to obesity
67 usually at 18 to 36 months of age, mild to moderate mental
68 retardation, hypogonadism, short stature, mild facial
69 dysmorphism, and a characteristic neurobehavior.



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

74 ~~(e)~~ (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 any health
78 insurance plan offered in the individual market, any health
79 insurance plan that is individually underwritten, or any health
80 insurance plan provided to a small employer.

81 ~~(f)~~ (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 issued or renewed on or after
86 April 1, 2009, shall provide coverage to an eligible individual
87 for:

88 (a) Well-baby and well-child screening for diagnosing the
89 presence of autism spectrum disorder or other developmental
90 disabilities.

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

97 (11) Notwithstanding any provision of this section to the
98 contrary, an insurer shall provide direct patient access for



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99 screening, evaluation of, or diagnosis for autism spectrum
100 disorder or other developmental delays to an appropriate
101 specialist, as defined in s. 381.986. As used in this
102 subsection, the term "direct patient access" means the ability
103 of a subscriber or insured to obtain services from an in-network
104 provider without a referral or other authorization before
105 receiving services. The insurer's policy shall, pursuant to this
106 subsection, provide a minimum of three visits per policy year
107 for the screening, evaluation of, or diagnosis for autism
108 spectrum disorder or other developmental delays.

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

112 641.31098 Coverage for individuals with developmental
113 disabilities.—

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

115 (a) "Applied behavior analysis" means the design,
116 implementation, and evaluation of environmental modifications,
117 using behavioral stimuli and consequences, to produce socially
118 significant improvement in human behavior, including, but not
119 limited to, the use of direct observation, measurement, and
120 functional analysis of the relations between environment and
121 behavior.

122 (b) "Autism spectrum disorder" means any of the following
123 disorders as defined in the most recent edition of the
124 Diagnostic and Statistical Manual of Mental Disorders of the
125 American Psychiatric Association:

- 126 1. Autistic disorder.
- 127 2. Asperger's syndrome.



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128 3. Pervasive developmental disorder not otherwise
129 specified.

130 (c) "Developmental disability" means a disorder or syndrome
131 attributable to retardation, cerebral palsy, autism, spina
132 bifida, Down syndrome, or Prader-Willi syndrome which manifests
133 before the age of 18 years old and constitutes a substantial
134 handicap that can reasonably be expected to continue
135 indefinitely. The term:

136 1. "Retardation" means significantly subaverage general
137 intellectual functioning existing concurrently with deficits in
138 adaptive behavior which manifests before the age of 18 years old
139 and can reasonably be expected to continue indefinitely. As used
140 in this subparagraph, the term "significantly subaverage general
141 intellectual functioning" means performance that is two or more
142 standard deviations from the mean score on a standardized
143 intelligence test specified in the rules of the agency. As used
144 in this subparagraph, the term "adaptive behavior" means the
145 effectiveness or degree with which an individual meets the
146 standards of personal independence and social responsibility
147 expected of his or her age, cultural group, and community.

148 2. "Cerebral palsy" means a group of disabling symptoms of
149 extended duration which results from damage to the developing
150 brain that may occur before, during, or after birth and that
151 results in the loss or impairment of control over voluntary
152 muscles. As used in this subparagraph, cerebral palsy does not
153 include those symptoms or impairments resulting solely from a
154 stroke.

155 3. "Autism" means a pervasive, neurologically based
156 developmental disability of extended duration which causes



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157 severe learning, communication, and behavior disorders that
158 occur during infancy or childhood. Individuals with autism
159 exhibit impairment in reciprocal social interaction, impairment
160 in verbal and nonverbal communication and imaginative ability,
161 and a markedly restricted repertoire of activities and
162 interests.

163 4. "Spina bifida," as used in this chapter, means a person
164 with a medical diagnosis of spina bifida cystica or
165 myelomeningocele.

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

168 6. "Prader-Willi syndrome" means an inherited condition
169 typified by neonatal hypotonia with failure to thrive,
170 hyperphagia or an excessive drive to eat which leads to obesity
171 usually at 18 to 36 months of age, mild to moderate mental
172 retardation, hypogonadism, short stature, mild facial
173 dysmorphism, and a characteristic neurobehavior.

174 (d)~~(e)~~ "Eligible individual" means an individual under 18
175 years of age or an individual 18 years of age or older who is in
176 high school who has been diagnosed as having a developmental
177 disability at 8 years of age or younger.

178 (e)~~(d)~~ "Health maintenance contract" means a group health
179 maintenance contract offered by a health maintenance
180 organization. This term does not include a health maintenance
181 contract offered in the individual market, a health maintenance
182 contract that is individually underwritten, or a health
183 maintenance contract provided to a small employer.

184 (3) A health maintenance contract issued or renewed on or
185 after April 1, 2009, shall provide coverage to an eligible



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186 individual for:

187 (a) Well-baby and well-child screening for diagnosing the
188 presence of autism spectrum disorder or other developmental
189 disability.

190 (b) Treatment of autism spectrum disorder or other
191 developmental disability through speech therapy, occupational
192 therapy, physical therapy, and applied behavior analysis
193 services. Applied behavior analysis services shall be provided
194 by an individual certified pursuant to s. 393.17 or an
195 individual licensed under chapter 490 or chapter 491.

196 (10) Notwithstanding any provision of this section to the
197 contrary, a health maintenance organization shall provide direct
198 patient access for screening, evaluation of, or diagnosis for
199 autism spectrum disorder or other developmental delays to an
200 appropriate specialist, as defined in s. 381.986. As used in
201 this subsection, the term "direct patient access" means the
202 ability of a subscriber or insured to obtain services from an
203 in-network provider without a referral or other authorization
204 before receiving services. The health maintenance organization's
205 contract shall, pursuant to this subsection, provide a minimum
206 of three visits per policy year for the screening, evaluation
207 of, or diagnosis for autism spectrum disorder or other
208 developmental delays.

209
210 ===== T I T L E A M E N D M E N T =====

211 And the title is amended as follows:

212 Delete lines 2 - 17

213 and insert:

214 An act relating to developmental disabilities;



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215 creating s. 381.986, F.S.; requiring that a physician
216 refer a minor to an appropriate specialist for
217 screening for autism spectrum disorder under certain
218 circumstances; defining the term "appropriate
219 specialist"; amending ss. 627.6686 and 641.31098,
220 F.S.; defining the term "developmental disability";
221 providing health insurance coverage for individuals
222 with developmental disabilities; requiring certain
223 insurers and health maintenance organizations to
224 provide direct patient access to an appropriate
225 specialist for screening, evaluation of, or diagnosis
226 for autism spectrum disorder or other developmental
227 delays; defining the term "direct patient access";
228 requiring the insurer's policy or the health
229 maintenance organization's contract to provide a
230 minimum number of visits per year for the screening,
231 evaluation of, or diagnosis for autism spectrum
232 disorder or other developmental delays; providing an
233 effective date.