

By the Committees on Banking and Insurance; and Health Regulation; and Senator Ring

597-05047-09

2009308c2

1 A bill to be entitled
2 An act relating to developmental disabilities;
3 creating s. 381.986, F.S.; requiring that a physician
4 refer a minor to an appropriate specialist for
5 screening for autism spectrum disorder or other
6 developmental disability and inform the parent or
7 legal guardian of the right to direct access to that
8 specialist under certain circumstances; defining the
9 term "appropriate specialist"; amending ss. 627.6686
10 and 641.31098, F.S.; defining the term "developmental
11 disability"; providing health insurance coverage for
12 individuals with developmental disabilities; requiring
13 certain insurers and health maintenance organizations
14 to provide direct patient access to an appropriate
15 specialist for screening, evaluation of, or diagnosis
16 for autism spectrum disorder or other developmental
17 disabilities; defining the term "direct patient
18 access"; requiring the insurer's policy or the health
19 maintenance organization's contract to provide a
20 minimum number of visits per year for the screening,
21 evaluation, or diagnosis for autism spectrum disorder
22 or other developmental disabilities; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 381.986, Florida Statutes, is created to
28 read:

29 381.986 Screening for autism spectrum disorder and other

597-05047-09

2009308c2

30 developmental disabilities.-

31 (1) If the parent or legal guardian of a minor who is an
32 eligible individual, as defined in s. 627.6686 or s. 641.31098,
33 believes that the minor exhibits symptoms of autism spectrum
34 disorder or other developmental disability, the parent or legal
35 guardian may report his or her observation to a state-licensed
36 primary care physician, other than an obstetrician or
37 gynecologist. The physician shall immediately refer the minor to
38 an appropriate specialist for further screening if, after
39 examination and initial screening, the referral is clinically
40 indicated. The physician shall also inform the parent or legal
41 guardian of the right to direct access to an appropriate
42 specialist for screening, evaluation, or diagnosis for autism
43 spectrum disorder or other developmental disability. This
44 section does not apply to a physician providing care under s.
45 395.1041.

46 (2) As used in this section, the term "appropriate
47 specialist" means a qualified professional who is experienced in
48 the evaluation of autism spectrum disorder or other
49 developmental disabilities, who has training in validated
50 diagnostic tools, and includes, but is not limited to, a person
51 who is licensed in this state as:

52 (a) A psychologist.

53 (b) A psychiatrist.

54 (c) A neurologist.

55 (d) A developmental or behavioral pediatrician who
56 specializes in child neurology.

57 (e) A speech language pathologist.

58 (f) An occupational therapist.

597-05047-09

2009308c2

59 (g) A mental health professional licensed under chapter
60 491.

61 (h) A professional whose licensure is deemed appropriate by
62 the Children's Medical Services Early Steps Program in the
63 Department of Health.

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

67 627.6686 Coverage for individuals with autism spectrum
68 disorder required; exception.—

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

70 (a) "Applied behavior analysis" means the design,
71 implementation, and evaluation of environmental modifications,
72 using behavioral stimuli and consequences, to produce socially
73 significant improvement in human behavior, including, but not
74 limited to, the use of direct observation, measurement, and
75 functional analysis of the relations between environment and
76 behavior.

77 (b) "Autism spectrum disorder" means any of the following
78 disorders as defined in the most recent edition of the
79 Diagnostic and Statistical Manual of Mental Disorders of the
80 American Psychiatric Association:

- 81 1. Autistic disorder.
- 82 2. Asperger's syndrome.
- 83 3. Pervasive developmental disorder not otherwise
84 specified.

85 (c) "Developmental disability" means a disorder or syndrome
86 attributable to retardation, cerebral palsy, autism, spina
87 bifida, Down syndrome, or Prader-Willi syndrome that manifests

597-05047-09

2009308c2

88 before the age of 18 years old and constitutes a substantial
89 handicap that can reasonably be expected to continue
90 indefinitely. The term:

91 1. "Retardation" means significantly subaverage general
92 intellectual functioning existing concurrently with deficits in
93 adaptive behavior which manifests before the age of 18 years old
94 and can reasonably be expected to continue indefinitely. As used
95 in this subparagraph, the term "significantly subaverage general
96 intellectual functioning" means performance that is two or more
97 standard deviations from the mean score on a standardized
98 intelligence test specified in the rules of the agency. As used
99 in this subparagraph, the term "adaptive behavior" means the
100 effectiveness or degree with which an individual meets the
101 standards of personal independence and social responsibility
102 expected of his or her age, cultural group, and community.

103 2. "Cerebral palsy" means a group of disabling symptoms of
104 extended duration which results from damage to the developing
105 brain that may occur before, during, or after birth and that
106 results in the loss or impairment of control over voluntary
107 muscles. As used in this subparagraph, cerebral palsy does not
108 include those symptoms or impairments resulting solely from a
109 stroke.

110 3. "Autism" means a pervasive, neurologically based
111 developmental disability of extended duration which causes
112 severe learning, communication, and behavior disorders that
113 occur during infancy or childhood. Individuals with autism
114 exhibit impairment in reciprocal social interaction, impairment
115 in verbal and nonverbal communication and imaginative ability,
116 and a markedly restricted repertoire of activities and

597-05047-09

2009308c2

117 interests.

118 4. "Spina bifida" means a medical diagnosis of spina bifida
119 cystica or myelomeningocele.

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

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

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

132 (e)~~(d)~~ "Health insurance plan" means a group health
133 insurance policy or group health benefit plan offered by an
134 insurer which includes the state group insurance program
135 provided under s. 110.123. The term does not include a ~~any~~
136 health insurance plan offered in the individual market, a ~~any~~
137 health insurance plan that is individually underwritten, or a
138 ~~any~~ health insurance plan provided to a small employer.

139 (f)~~(e)~~ "Insurer" means an insurer providing health
140 insurance coverage, which is licensed to engage in the business
141 of insurance in this state and is subject to insurance
142 regulation.

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

597-05047-09

2009308c2

146 (a) Well-baby and well-child screening for diagnosing the
147 presence of autism spectrum disorder or other developmental
148 disability.

149 (b) Treatment of autism spectrum disorder or other
150 developmental disability through speech therapy, occupational
151 therapy, physical therapy, and applied behavior analysis.
152 Applied behavior analysis services shall be provided by an
153 individual certified pursuant to s. 393.17 or an individual
154 licensed under chapter 490 or chapter 491.

155 (11) Notwithstanding any provision of this section, an
156 insurer shall provide direct patient access for screening,
157 evaluation of, or diagnosis for autism spectrum disorder or
158 other developmental disability to an appropriate specialist, as
159 defined in s. 381.986. As used in this subsection, the term
160 "direct patient access" means the ability of a subscriber or
161 insured to obtain services from an in-network provider without a
162 referral or other authorization before receiving services.
163 Pursuant to this subsection, the insurer's policy must provide a
164 minimum of three visits per policy year for the screening,
165 evaluation, or diagnosis for autism spectrum disorder or other
166 developmental disability.

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

170 641.31098 Coverage for individuals with developmental
171 disabilities.—

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

173 (a) "Applied behavior analysis" means the design,
174 implementation, and evaluation of environmental modifications,

597-05047-09

2009308c2

175 using behavioral stimuli and consequences, to produce socially
176 significant improvement in human behavior, including, but not
177 limited to, the use of direct observation, measurement, and
178 functional analysis of the relations between environment and
179 behavior.

180 (b) "Autism spectrum disorder" means any of the following
181 disorders as defined in the most recent edition of the
182 Diagnostic and Statistical Manual of Mental Disorders of the
183 American Psychiatric Association:

- 184 1. Autistic disorder.
- 185 2. Asperger's syndrome.
- 186 3. Pervasive developmental disorder not otherwise
187 specified.

188 (c) "Developmental disability" means a disorder or syndrome
189 attributable to retardation, cerebral palsy, autism, spina
190 bifida, Down syndrome, or Prader-Willi syndrome that manifests
191 before the age of 18 years old and constitutes a substantial
192 handicap that can reasonably be expected to continue
193 indefinitely. The term:

- 194 1. "Retardation" means significantly subaverage general
195 intellectual functioning existing concurrently with deficits in
196 adaptive behavior which manifests before the age of 18 years old
197 and can reasonably be expected to continue indefinitely. As used
198 in this subparagraph, the term "significantly subaverage general
199 intellectual functioning" means performance that is two or more
200 standard deviations from the mean score on a standardized
201 intelligence test specified in the rules of the agency. As used
202 in this subparagraph, the term "adaptive behavior" means the
203 effectiveness or degree with which an individual meets the

597-05047-09

2009308c2

204 standards of personal independence and social responsibility
205 expected of his or her age, cultural group, and community.

206 2. "Cerebral palsy" means a group of disabling symptoms of
207 extended duration which results from damage to the developing
208 brain that may occur before, during, or after birth and that
209 results in the loss or impairment of control over voluntary
210 muscles. As used in this subparagraph, cerebral palsy does not
211 include those symptoms or impairments resulting solely from a
212 stroke.

213 3. "Autism" means a pervasive, neurologically based
214 developmental disability of extended duration which causes
215 severe learning, communication, and behavior disorders that
216 occur during infancy or childhood. Individuals with autism
217 exhibit impairment in reciprocal social interaction, impairment
218 in verbal and nonverbal communication and imaginative ability,
219 and a markedly restricted repertoire of activities and
220 interests.

221 4. "Spina bifida" means a medical diagnosis of spina bifida
222 cystica or myelomeningocele.

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

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

231 (d) ~~(e)~~ "Eligible individual" means an individual under 18
232 years of age or an individual 18 years of age or older who is in

597-05047-09

2009308c2

233 high school and who has been diagnosed as having a developmental
234 disability at 8 years of age or younger.

235 ~~(e)-(d)~~ "Health maintenance contract" means a group health
236 maintenance contract offered by a health maintenance
237 organization. The ~~This~~ term does not include a health
238 maintenance contract offered in the individual market, a health
239 maintenance contract that is individually underwritten, or a
240 health maintenance contract provided to a small employer.

241 (3) A health maintenance contract issued or renewed on or
242 after April 1, 2009, shall provide coverage to an eligible
243 individual for:

244 (a) Well-baby and well-child screening for diagnosing the
245 presence of autism spectrum disorder or other developmental
246 disability.

247 (b) Treatment of autism spectrum disorder or other
248 developmental disability through speech therapy, occupational
249 therapy, physical therapy, and applied behavior analysis
250 services. Applied behavior analysis services shall be provided
251 by an individual certified pursuant to s. 393.17 or an
252 individual licensed under chapter 490 or chapter 491.

253 (10) Notwithstanding any provision of this section, a
254 health maintenance organization shall provide direct patient
255 access for screening, evaluation of, or diagnosis for autism
256 spectrum disorder or other developmental disability to an
257 appropriate specialist, as defined in s. 381.986. As used in
258 this subsection, the term "direct patient access" means the
259 ability of a subscriber or insured to obtain services from an
260 in-network provider without a referral or other authorization
261 before receiving services. Pursuant to this subsection, the

597-05047-09

2009308c2

262 health maintenance organization's contract must provide a
263 minimum of three visits per policy year for the screening,
264 evaluation, or diagnosis for autism spectrum disorder or other
265 developmental disability.

266 Section 4. This act shall take effect July 1, 2009.