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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" to include cerebral palsy and Down
12 syndrome; providing health insurance coverage for
13 individuals with developmental disabilities; requiring
14 certain insurers and health maintenance organizations
15 to provide direct patient access to an appropriate
16 specialist for screening, evaluation of, or diagnosis
17 for autism spectrum disorder or other developmental
18 disabilities; defining the term "direct patient
19 access"; requiring the insurer's policy or the health
20 maintenance organization's contract to provide a
21 minimum number of visits per year for the screening,
22 evaluation, or diagnosis for autism spectrum disorder
23 or other developmental disabilities; providing an
24 effective date.

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

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

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30 381.986 Screening for autism spectrum disorder and other
31 developmental disabilities.-

32 (1) If the parent or legal guardian of a minor believes
33 that the minor exhibits symptoms of autism spectrum disorder or
34 other developmental disability, the parent or legal guardian may
35 report his or her observation to a primary care physician
36 licensed in this state, 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 licensed in
48 this state and experienced in the evaluation of autism spectrum
49 disorder or other developmental disabilities, who has training
50 in validated diagnostic tools, and includes, but is not limited
51 to:

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.

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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 cerebral palsy or Down syndrome, which manifests
87 before the age of 18 years old and constitutes a substantial

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88 handicap that can reasonably be expected to continue
89 indefinitely. As used in this section:

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

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

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

97 (e)~~(d)~~ "Health insurance plan" means a group health
98 insurance policy or group health benefit plan offered by an
99 insurer which includes the state group insurance program
100 provided under s. 110.123. The term does not include a ~~any~~
101 health insurance plan offered in the individual market, a ~~any~~
102 health insurance plan that is individually underwritten, or a
103 ~~any~~ health insurance plan provided to a small employer.

104 (f)~~(e)~~ "Insurer" means an insurer providing health
105 insurance coverage, which is licensed to engage in the business
106 of insurance in this state and is subject to insurance
107 regulation.

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

111 (a) Well-baby and well-child screening for diagnosing the
112 presence of autism spectrum disorder or other developmental
113 disability.

114 (b) Treatment of autism spectrum disorder or other
115 developmental disability through speech therapy, occupational
116 therapy, physical therapy, and applied behavior analysis.

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117 Applied behavior analysis services shall be provided by an
118 individual certified pursuant to s. 393.17 or an individual
119 licensed under chapter 490 or chapter 491.

120 (11) Notwithstanding any provision of this section, an
121 insurer shall provide direct patient access for screening,
122 evaluation of, or diagnosis for autism spectrum disorder or
123 other developmental disability to an appropriate specialist, as
124 defined in s. 381.986. As used in this subsection, the term
125 "direct patient access" means the ability of a subscriber or
126 insured to obtain services from an in-network provider without a
127 referral or other authorization before receiving services.
128 Pursuant to this subsection, the insurer's policy must provide a
129 minimum of three visits per policy year for the screening,
130 evaluation, or diagnosis for autism spectrum disorder or other
131 developmental disability.

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

135 641.31098 Coverage for individuals with developmental
136 disabilities.—

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

138 (a) "Applied behavior analysis" means the design,
139 implementation, and evaluation of environmental modifications,
140 using behavioral stimuli and consequences, to produce socially
141 significant improvement in human behavior, including, but not
142 limited to, the use of direct observation, measurement, and
143 functional analysis of the relations between environment and
144 behavior.

145 (b) "Autism spectrum disorder" means any of the following

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146 disorders as defined in the most recent edition of the
147 Diagnostic and Statistical Manual of Mental Disorders of the
148 American Psychiatric Association:

- 149 1. Autistic disorder.
- 150 2. Asperger's syndrome.
- 151 3. Pervasive developmental disorder not otherwise
152 specified.

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

- 158 1. "Cerebral palsy" has the same meaning as in s. 393.063.
- 159 2. "Down syndrome" means a disorder caused by the presence
160 of an extra chromosome 21.

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

165 (e)~~(d)~~ "Health maintenance contract" means a group health
166 maintenance contract offered by a health maintenance
167 organization. The ~~This~~ term does not include a health
168 maintenance contract offered in the individual market, a health
169 maintenance contract that is individually underwritten, or a
170 health maintenance contract provided to a small employer.

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

- 174 (a) Well-baby and well-child screening for diagnosing the

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175 presence of autism spectrum disorder or other developmental
176 disability.

177 (b) Treatment of autism spectrum disorder or other
178 developmental disability through speech therapy, occupational
179 therapy, physical therapy, and applied behavior analysis
180 services. Applied behavior analysis services shall be provided
181 by an individual certified pursuant to s. 393.17 or an
182 individual licensed under chapter 490 or chapter 491.

183 (10) Notwithstanding any provision of this section, a
184 health maintenance organization shall provide direct patient
185 access for screening, evaluation of, or diagnosis for autism
186 spectrum disorder or other developmental disability to an
187 appropriate specialist, as defined in s. 381.986. As used in
188 this subsection, the term "direct patient access" means the
189 ability of a subscriber or insured to obtain services from an
190 in-network provider without a referral or other authorization
191 before receiving services. Pursuant to this subsection, the
192 health maintenance organization's contract must provide a
193 minimum of three visits per policy year for the screening,
194 evaluation, or diagnosis for autism spectrum disorder or other
195 developmental disability.

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