

CS/HB 107

2010

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

21 Be It Enacted by the Legislature of the State of Florida:
22

23 Section 1. Section 381.986, Florida Statutes, is created
24 to read:

25 381.986 Screening for autism spectrum disorder.-

26 (1) If the parent or legal guardian of a minor believes
27 that the minor exhibits symptoms of autism spectrum disorder,
28 the parent or legal guardian may report his or her observation

29 to a physician licensed in this state. The physician shall
 30 perform screening in accordance with American Academy of
 31 Pediatrics' guidelines. If the physician determines that
 32 referral to a specialist is medically necessary, he or she shall
 33 refer the minor to an appropriate specialist to determine
 34 whether the minor meets diagnostic criteria for autism spectrum
 35 disorder. If the physician determines that referral to a
 36 specialist is not medically necessary, the physician shall
 37 inform the parent or legal guardian that the parent or legal
 38 guardian may self-refer to the Early Steps program or another
 39 appropriate specialist in autism. This section does not apply to
 40 a physician providing care under s. 395.1041.

41 (2) As used in this section, the term "appropriate
 42 specialist" means a qualified professional who is experienced in
 43 the evaluation of autism spectrum disorder, is licensed in this
 44 state, and has training in validated diagnostic tools. The term
 45 includes, but is not limited to:

- 46 (a) A psychologist;
- 47 (b) A psychiatrist;
- 48 (c) A neurologist;
- 49 (d) A developmental or behavioral pediatrician; or
- 50 (e) A professional whose licensure is deemed appropriate
 51 by the Children's Medical Services Early Steps program within
 52 the Department of Health.

53 Section 2. Section 627.6686, Florida Statutes, is amended
 54 to read:

55 627.6686 Coverage for individuals with developmental
 56 disabilities ~~autism spectrum disorder required; exception.-~~

57 (1) This section and s. 641.31098 may be cited as the
 58 "Steven A. Geller Autism Coverage Act."

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

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

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

- 71 1. Autistic disorder.
- 72 2. Asperger's syndrome.
- 73 3. Pervasive developmental disorder not otherwise
 74 specified.

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

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

83 (d) "Direct patient access" means the ability of an
 84 insured to obtain services from an in-network provider without a

85 referral or other authorization before receiving services.

86 (e)~~(e)~~ "Eligible individual" means an individual under 18
 87 years of age or an individual 18 years of age or older who is in
 88 high school and who has been diagnosed as having a developmental
 89 disability at 8 years of age or younger.

90 (f)~~(d)~~ "Health insurance plan" means a group health
 91 insurance policy or group health benefit plan offered by an
 92 insurer which includes the state group insurance program
 93 provided under s. 110.123. The term does not include a ~~any~~
 94 health insurance plan offered in the individual market, a ~~any~~
 95 health insurance plan that is individually underwritten, or a
 96 ~~any~~ health insurance plan provided to a small employer.

97 (g)~~(e)~~ "Insurer" means an insurer providing health
 98 insurance coverage, which is licensed to engage in the business
 99 of insurance in this state and is subject to insurance
 100 regulation.

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

104 (a) Direct patient access to an appropriate specialist, as
 105 defined in s. 381.986, for a minimum of three visits per policy
 106 year for the screening for, evaluation of, or diagnosis of
 107 autism spectrum disorder or other developmental disability.

108 (b)~~(a)~~ Well-baby and well-child screening for diagnosing
 109 the presence of autism spectrum disorder.

110 (c)~~(b)~~ Treatment of autism spectrum disorder or other
 111 developmental disability through speech therapy, occupational
 112 therapy, physical therapy, and applied behavior analysis.

113 Applied behavior analysis services shall be provided by an
 114 individual certified pursuant to s. 393.17 or an individual
 115 licensed under chapter 490 or chapter 491.

116 (4) The coverage required pursuant to subsection (3) is
 117 subject to the following requirements:

118 (a) Coverage shall be limited to treatment that is
 119 prescribed by the insured's treating physician in accordance
 120 with a treatment plan.

121 (b) Coverage for the services described in subsection (3)
 122 shall be limited to \$36,000 annually and may not exceed \$200,000
 123 in total lifetime benefits.

124 (c) Coverage may not be denied on the basis that provided
 125 services are habilitative in nature.

126 (d) Coverage may be subject to other general exclusions
 127 and limitations of the insurer's policy or plan, including, but
 128 not limited to, coordination of benefits, participating provider
 129 requirements, restrictions on services provided by family or
 130 household members, and utilization review of health care
 131 services, including the review of medical necessity, case
 132 management, and other managed care provisions.

133 (5) The coverage required pursuant to subsection (3) may
 134 not be subject to dollar limits, deductibles, or coinsurance
 135 provisions that are less favorable to an insured than the dollar
 136 limits, deductibles, or coinsurance provisions that apply to
 137 physical illnesses that are generally covered under the health
 138 insurance plan, except as otherwise provided in subsection (4).

139 (6) An insurer may not deny or refuse to issue coverage
 140 for medically necessary services, refuse to contract with, or

141 | refuse to renew or reissue or otherwise terminate or restrict
142 | coverage for an individual because the individual is diagnosed
143 | as having a developmental disability.

144 | (7) The treatment plan required pursuant to subsection (4)
145 | shall include all elements necessary for the health insurance
146 | plan to appropriately pay claims. These elements include, but
147 | are not limited to, a diagnosis, the proposed treatment by type,
148 | the frequency and duration of treatment, the anticipated
149 | outcomes stated as goals, the frequency with which the treatment
150 | plan will be updated, and the signature of the treating
151 | physician.

152 | (8) Beginning January 1, 2011, the maximum benefit under
153 | paragraph (4) (b) shall be adjusted annually on January 1 of each
154 | calendar year to reflect any change from the previous year in
155 | the medical component of the then current Consumer Price Index
156 | for all urban consumers, published by the Bureau of Labor
157 | Statistics of the United States Department of Labor.

158 | (9) This section may not be construed as limiting benefits
159 | and coverage otherwise available to an insured under a health
160 | insurance plan.

161 | (10) The Office of Insurance Regulation may not enforce
162 | this section against an insurer that is a signatory no later
163 | than April 1, 2009, to the developmental disabilities compact
164 | established under s. 624.916. The Office of Insurance Regulation
165 | shall enforce this section against an insurer that is a
166 | signatory to the compact established under s. 624.916 if the
167 | insurer has not complied with the terms of the compact for all
168 | health insurance plans by April 1, 2010.

169 Section 3. Subsections (2) and (3) of section 641.31098,
 170 Florida Statutes, are amended to read:

171 641.31098 Coverage for individuals with developmental
 172 disabilities.—

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

174 (a) "Applied behavior analysis" means the design,
 175 implementation, and evaluation of environmental modifications,
 176 using behavioral stimuli and consequences, to produce socially
 177 significant improvement in human behavior, including, but not
 178 limited to, the use of direct observation, measurement, and
 179 functional analysis of the relations between environment and
 180 behavior.

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

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

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

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

197 (d) "Direct patient access" means the ability of an
 198 insured to obtain services from an in-network provider without a
 199 referral or other authorization before receiving services.

200 (e)~~(e)~~ "Eligible individual" means an individual under 18
 201 years of age or an individual 18 years of age or older who is in
 202 high school and who has been diagnosed as having a developmental
 203 disability at 8 years of age or younger.

204 (f)~~(d)~~ "Health maintenance contract" means a group health
 205 maintenance contract offered by a health maintenance
 206 organization. The ~~This~~ term does not include a health
 207 maintenance contract offered in the individual market, a health
 208 maintenance contract that is individually underwritten, or a
 209 health maintenance contract provided to a small employer.

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

213 (a) Direct patient access to an appropriate specialist, as
 214 defined in s. 381.986, for a minimum of three visits per policy
 215 year for the screening for, evaluation of, or diagnosis of
 216 autism spectrum disorder or other developmental disability.

217 (b)~~(a)~~ Well-baby and well-child screening for diagnosing
 218 the presence of autism spectrum disorder.

219 (c)~~(b)~~ Treatment of autism spectrum disorder or other
 220 developmental disability through speech therapy, occupational
 221 therapy, physical therapy, and applied behavior analysis
 222 services. Applied behavior analysis services shall be provided
 223 by an individual certified pursuant to s. 393.17 or an
 224 individual licensed under chapter 490 or chapter 491.

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Section 4. This act shall take effect July 1, 2010.