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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/04/2020	.	
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The Committee on Health Policy (Harrell) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 393.17, Florida Statutes, is amended to  
read:

393.17 Behavioral programs; certification of behavior  
analysts and registered behavior technicians.—

(1) The agency may establish a certification process for  
behavior analysts and registered behavior technicians in order



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11 to ensure that only qualified employees and service providers  
12 provide behavioral analysis services to clients. The procedures  
13 must be established by rule and, for behavior analysts, must  
14 include criteria for scope of practice, qualifications for  
15 certification, including training and testing requirements,  
16 continuing education requirements for ongoing certification, and  
17 standards of performance. The procedures must also include  
18 decertification procedures that may be used to determine whether  
19 an individual continues to meet the qualifications for  
20 certification or the professional performance standards and, if  
21 not, the procedures necessary to decertify an employee or  
22 service provider.

23 (2) The agency shall recognize the certification of  
24 behavior analysts and registered behavior technicians awarded by  
25 a nonprofit corporation that adheres to the national standards  
26 of boards that determine professional credentials and whose  
27 mission is to meet professional credentialing needs identified  
28 by behavior analysts, state governments, and consumers of  
29 behavior analysis services. The certification procedure  
30 recognized by the agency must undergo regular psychometric  
31 review and validation, pursuant to a job analysis survey of the  
32 profession and standards established by content experts in the  
33 field.

34 Section 2. Paragraph (o) is added to subsection (4) of  
35 section 400.9905, Florida Statutes, to read:

36 400.9905 Definitions.—

37 (4) "Clinic" means an entity where health care services are  
38 provided to individuals and which tenders charges for  
39 reimbursement for such services, including a mobile clinic and a



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40 portable equipment provider. As used in this part, the term does  
41 not include and the licensure requirements of this part do not  
42 apply to:

43 (o) A group of individuals certified as behavior analysts  
44 under s. 393.17, or licensed under chapter 490 or chapter 491,  
45 and who are employed by or under contract with a group practice,  
46 a billing provider, or an agency that provides applied behavior  
47 analysis services as defined in ss. 627.6686 and 641.31098.

48  
49 Notwithstanding this subsection, an entity shall be deemed a  
50 clinic and must be licensed under this part in order to receive  
51 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.  
52 627.730-627.7405, unless exempted under s. 627.736(5) (h).

53 Section 3. Present paragraphs (b) through (f) of subsection  
54 (1) of section 1003.572, Florida Statutes, are redesignated as  
55 paragraphs (c) through (g), respectively, a new paragraph (b) is  
56 added to that subsection, and paragraph (a) of that subsection  
57 is republished, to read:

58 1003.572 Collaboration of public and private instructional  
59 personnel.—

60 (1) As used in this section, the term "private  
61 instructional personnel" means:

62 (a) Individuals certified under s. 393.17 or licensed under  
63 chapter 490 or chapter 491 for applied behavior analysis  
64 services as defined in ss. 627.6686 and 641.31098.

65 (b) Registered behavior technicians certified under s.  
66 393.17 who practice under the supervision of a professional  
67 authorized under paragraph (a) and who assist and support such  
68 professional in providing applied behavior analysis services.



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69 Section 4. Paragraph (b) of subsection (1) of section  
70 456.47, Florida Statutes, is amended to read:

71 456.47 Use of telehealth to provide services.—

72 (1) DEFINITIONS.—As used in this section, the term:

73 (b) "Telehealth provider" means any individual who provides  
74 health care and related services using telehealth and who is  
75 licensed or certified under s. 393.17 as a behavior analyst;  
76 part III of chapter 401; chapter 457; chapter 458; chapter 459;  
77 chapter 460; chapter 461; chapter 463; chapter 464; chapter 465;  
78 chapter 466; chapter 467; part I, part III, part IV, part V,  
79 part X, part XIII, or part XIV of chapter 468; chapter 478;  
80 chapter 480; part II or part III of chapter 483; chapter 484;  
81 chapter 486; chapter 490; or chapter 491; who is licensed under  
82 a multistate health care licensure compact of which Florida is a  
83 member state; or who is registered under and complies with  
84 subsection (4).

85 Section 5. Paragraph (b) of subsection (3) of section  
86 627.6686, Florida Statutes, is amended to read:

87 627.6686 Coverage for individuals with autism spectrum  
88 disorder required; exception.—

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

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



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98 Section 6. Paragraph (b) of subsection (3) of section  
99 641.31098, Florida Statutes, is amended to read:

100 641.31098 Coverage for individuals with developmental  
101 disabilities.-

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

105 (b) Treatment of autism spectrum disorder and Down  
106 syndrome, through speech therapy, occupational therapy, physical  
107 therapy, and applied behavior analysis services. Applied  
108 behavior analysis services shall be provided by an individual  
109 certified as a behavior analyst pursuant to s. 393.17 or an  
110 individual licensed under chapter 490 or chapter 491.

111 Section 7. This act shall take effect July 1, 2020.

112  
113 ===== T I T L E A M E N D M E N T =====

114 And the title is amended as follows:

115 Delete everything before the enacting clause  
116 and insert:

117 A bill to be entitled  
118 An act relating to applied behavior analysis services;  
119 amending s. 393.17, F.S.; authorizing the Agency for  
120 Persons with Disabilities to establish a certification  
121 process for registered behavior technicians; requiring  
122 the agency to recognize the certification of  
123 registered behavior technicians awarded by a nonprofit  
124 corporation that meets specified requirements;  
125 amending s. 400.9905, F.S.; providing an exemption  
126 from licensure requirements for certain individuals



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127       who are employed or under contract with certain  
128       entities providing applied behavior analysis services;  
129       amending s. 1003.572, F.S.; revising the definition of  
130       the term "private instructional personnel" to include  
131       certain registered behavior technicians; amending ss.  
132       456.47, 627.6686, and 641.31098, F.S.; conforming  
133       provisions to changes made by the act; providing an  
134       effective date.