

By the Committee on Health Policy; and Senator Harrell

588-03101-20

20201206c1

1                   A bill to be entitled  
2           An act relating to applied behavior analysis services;  
3           amending s. 393.17, F.S.; authorizing the Agency for  
4           Persons with Disabilities to establish a certification  
5           process for registered behavior technicians; requiring  
6           the agency to recognize the certification of  
7           registered behavior technicians awarded by a nonprofit  
8           corporation that meets specified requirements;  
9           amending s. 400.9905, F.S.; providing an exemption  
10          from licensure requirements for certain individuals  
11          who are employed or under contract with certain  
12          entities providing applied behavior analysis services;  
13          amending s. 1003.572, F.S.; revising the definition of  
14          the term "private instructional personnel" to include  
15          certain registered behavior technicians; amending ss.  
16          456.47, 627.6686, and 641.31098, F.S.; conforming  
17          provisions to changes made by the act; providing an  
18          effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22           Section 1. Section 393.17, Florida Statutes, is amended to  
23           read:

24           393.17 Behavioral programs; certification of behavior  
25           analysts and registered behavior technicians.—

26           (1) The agency may establish a certification process for  
27           behavior analysts and registered behavior technicians in order  
28           to ensure that only qualified employees and service providers  
29           provide behavioral analysis services to clients. The procedures

588-03101-20

20201206c1

30 must be established by rule and, for behavior analysts, must  
31 include criteria for scope of practice, qualifications for  
32 certification, including training and testing requirements,  
33 continuing education requirements for ongoing certification, and  
34 standards of performance. The procedures must also include  
35 decertification procedures that may be used to determine whether  
36 an individual continues to meet the qualifications for  
37 certification or the professional performance standards and, if  
38 not, the procedures necessary to decertify an employee or  
39 service provider.

40 (2) The agency shall recognize the certification of  
41 behavior analysts and registered behavior technicians awarded by  
42 a nonprofit corporation that adheres to the national standards  
43 of boards that determine professional credentials and whose  
44 mission is to meet professional credentialing needs identified  
45 by behavior analysts, state governments, and consumers of  
46 behavior analysis services. The certification procedure  
47 recognized by the agency must undergo regular psychometric  
48 review and validation, pursuant to a job analysis survey of the  
49 profession and standards established by content experts in the  
50 field.

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

53 400.9905 Definitions.—

54 (4) "Clinic" means an entity where health care services are  
55 provided to individuals and which tenders charges for  
56 reimbursement for such services, including a mobile clinic and a  
57 portable equipment provider. As used in this part, the term does  
58 not include and the licensure requirements of this part do not

588-03101-20

20201206c1

59 apply to:

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

65

66 Notwithstanding this subsection, an entity shall be deemed a  
67 clinic and must be licensed under this part in order to receive  
68 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.  
69 627.730-627.7405, unless exempted under s. 627.736(5) (h).

70 Section 3. Present paragraphs (b) through (f) of subsection  
71 (1) of section 1003.572, Florida Statutes, are redesignated as  
72 paragraphs (c) through (g), respectively, a new paragraph (b) is  
73 added to that subsection, and paragraph (a) of that subsection  
74 is republished, to read:

75 1003.572 Collaboration of public and private instructional  
76 personnel.—

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

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

82 (b) Registered behavior technicians certified under s.  
83 393.17 who practice under the supervision of a professional  
84 authorized under paragraph (a) and who assist and support such  
85 professional in providing applied behavior analysis services.

86 Section 4. Paragraph (b) of subsection (1) of section  
87 456.47, Florida Statutes, is amended to read:

588-03101-20

20201206c1

88 456.47 Use of telehealth to provide services.—

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

90 (b) "Telehealth provider" means any individual who provides  
91 health care and related services using telehealth and who is  
92 licensed or certified under s. 393.17 as a behavior analyst;  
93 part III of chapter 401; chapter 457; chapter 458; chapter 459;  
94 chapter 460; chapter 461; chapter 463; chapter 464; chapter 465;  
95 chapter 466; chapter 467; part I, part III, part IV, part V,  
96 part X, part XIII, or part XIV of chapter 468; chapter 478;  
97 chapter 480; part II or part III of chapter 483; chapter 484;  
98 chapter 486; chapter 490; or chapter 491; who is licensed under  
99 a multistate health care licensure compact of which Florida is a  
100 member state; or who is registered under and complies with  
101 subsection (4).

102 Section 5. Paragraph (b) of subsection (3) of section  
103 627.6686, Florida Statutes, is amended to read:

104 627.6686 Coverage for individuals with autism spectrum  
105 disorder required; exception.—

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

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

115 Section 6. Paragraph (b) of subsection (3) of section  
116 641.31098, Florida Statutes, is amended to read:

588-03101-20

20201206c1

117           641.31098 Coverage for individuals with developmental  
118 disabilities.-

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

122           (b) Treatment of autism spectrum disorder and Down  
123 syndrome, through speech therapy, occupational therapy, physical  
124 therapy, and applied behavior analysis services. Applied  
125 behavior analysis services shall be provided by an individual  
126 certified as a behavior analyst pursuant to s. 393.17 or an  
127 individual licensed under chapter 490 or chapter 491.

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