

By Senator Bracy

11-01497A-21

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1                   A bill to be entitled  
2           An act relating to applied behavior analysis services;  
3           amending s. 400.9905, F.S.; revising the definition of  
4           the term "clinic" to exempt certain groups of  
5           individuals providing applied behavior analysis  
6           services from health care clinic licensure  
7           requirements; amending s. 1003.572, F.S.; revising the  
8           definition of the term "private instructional  
9           personnel" to include certain registered behavior  
10          technicians; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Present paragraphs (o), (p), and (q) of  
15           subsection (4) of section 400.9905, Florida Statutes, are  
16           redesignated as paragraphs (p), (q), and (r), respectively, and  
17           a new paragraph (o) is added to that subsection, to read:

18           400.9905 Definitions.—

19           (4) "Clinic" means an entity where health care services are  
20           provided to individuals and which tenders charges for  
21           reimbursement for such services, including a mobile clinic and a  
22           portable equipment provider. As used in this part, the term does  
23           not include and the licensure requirements of this part do not  
24           apply to:

25           (o) A group of individuals who are certified under s.  
26           393.17 or licensed under chapter 490 or chapter 491 and are  
27           employed by or under contract with a group practice, a billing  
28           provider, or an agency that provides applied behavior analysis  
29           services as defined in ss. 627.6686 and 641.31098.

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

Section 2. Present paragraphs (b) through (f) of subsection (1) of section 1003.572, Florida Statutes, are redesignated as paragraphs (c) through (g), respectively, and a new paragraph (b) is added to that subsection, to read:

1003.572 Collaboration of public and private instructional personnel.—

(1) As used in this section, the term “private instructional personnel” means:

(b) Registered behavior technicians who have a nationally recognized paraprofessional certification in behavior analysis and who practice under the supervision of an individual described in paragraph (a), assisting and supporting such individual in the provision of applied behavior analysis services.

Section 3. This act shall take effect July 1, 2021.