MEMORANDUM Agenda Item No. 11(A)(18)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: February 17, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution commending the Florida Legislature for requiring insurance companies to provide coverage for autism behavioral therapy

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RESO\2078

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: February 17, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(18)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(18)
2-17-09

RESOLUTION NO. _____

RESOLUTION COMMENDING THE FLORIDA LEGISLATURE FOR REQUIRING INSURANCE COMPANIES TO PROVIDE COVERAGE FOR AUTISM BEHAVIORAL THERAPY; URGING THE LEGISLATURE TO REQUIRE INSURANCE COMPANIES TO EXTEND COVERAGE TO OTHER DEVELOPMENTAL DISABILITIES; FURTHER URGING THE LEGISLATURE TO PASS LEGISLATION REQUIRING A PHYSICIAN TO REFER A CHILD TO AN APPROPRIATE SPECIALIST FOR AUTISM SCREENING WHEN A PARENT OR GUARDIAN REPORTS THAT A MINOR EXHIBITS SYMPTOMS OF AUTISM

WHEREAS, in the closing minutes of the 2008 legislative session, the Florida Legislature passed Senate Bill 2654, which required insurance companies to provide coverage for evidence-based, medically necessary autism therapies; and

WHEREAS, SB 2654 requires that insurance companies cover up to $36,000 a year for applied behavior analysis and other therapies for children under age eighteen, with a lifetime limit for treatments of $200,000; and

WHEREAS, the legislation gives insurance companies until April, 2009 to negotiate a compact with the State Office of Insurance Regulation to develop autism coverage plans before the mandate takes effect; and

WHEREAS, Florida families who have children with autism can now get insurers to cover most of the costs for diagnosis and treatment of autism, but SB 2654 did only part of what the developmentally disabled community wanted; and

WHEREAS, this community wanted to require insurance coverage guarantees not only for children with autism, but also many other developmental disabilities, including spina bifida, mental retardation, cerebral palsy, Prader-Willi syndrome and Down syndrome; and

WHEREAS, requiring insurance coverage for autism therapies is a great help to families who have children with autism, but covers only about 15 percent of children with developmental disabilities; and

WHEREAS, families who have children with other developmental disabilities should also have insurance coverage; and

WHEREAS, in the case of autism, Florida law currently does not require a physician to refer a child to a psychiatrist, neurologist, pediatrician who specializes in child neurology or other appropriate specialist for autism screening when a parent or guardian reports that a minor exhibits symptoms of autism; and

WHEREAS, ensuring that a child whose parent or guardian suspects of having autism is evaluated by a specialist with training in autism spectrum disorder is critical to getting the child the help he or she may need; and

WHEREAS, bills have been filed for consideration during the 2009 session that would require physicians to make such a referral, SB 242 by Senator Jeremy Ring (D – Margate) and HB 89 by Representative Stephen Precourt (R – Winter Garden),

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Commends the Florida Legislature for requiring insurance companies to provide coverage for autism behavioral therapy.

Section 2. Urges the Legislature to require insurance companies to extend coverage to other developmental disabilities, including spina bifida mental retardation, cerebral palsy, Prader-Willi syndrome and Down syndrome.

Section 3. Urges the Legislature to pass SB 242, HB 89 or similar legislation requiring a physician to refer a child to an appropriate specialist for autism screening when a parent or guardian reports that a minor exhibits symptoms of autism.

Section 4. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, Senator Jeremy Ring and Representative Stephen Precourt.

Section 5. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Sections 2 and 3 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2009 State Legislative Package to include these items.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of February, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty