

**MEMORANDUM**

Agenda Item No. 11(A)(5)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** December 19, 2011

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

**SUBJECT:** Resolution supporting SB 162,  
HB 951 or similar legislation  
that would require a physician  
to refer a child who exhibits  
symptoms of autism spectrum  
disorder to a specialist for  
autism screening when  
medically necessary and that  
further would require health  
insurers to provide direct  
patient access to an  
appropriate specialist for  
autism screening without a  
referral; urging the Florida  
Legislature to pass such  
legislation

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

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County Attorney

**SUBJECT:** Agenda Item No. 11(A)(5)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_\_, 3/5's \_\_\_\_\_, unanimous \_\_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(5)  
12-19-11

RESOLUTION NO. \_\_\_\_\_

RESOLUTION SUPPORTING SB 162, HB 951 OR SIMILAR LEGISLATION THAT WOULD REQUIRE A PHYSICIAN TO REFER A CHILD WHO EXHIBITS SYMPTOMS OF AUTISM SPECTRUM DISORDER TO A SPECIALIST FOR AUTISM SCREENING WHEN MEDICALLY NECESSARY AND THAT FURTHER WOULD REQUIRE HEALTH INSURERS TO PROVIDE DIRECT PATIENT ACCESS TO AN APPROPRIATE SPECIALIST FOR AUTISM SCREENING WITHOUT A REFERRAL; URGING THE FLORIDA LEGISLATURE TO PASS SUCH LEGISLATION

**WHEREAS**, autism is a term that describes a group of complex developmental disabilities that many researchers believe are the result of a neurological disorder that affects the functioning of the brain; and

**WHEREAS**, autistics children often have problems communicating with others through spoken language and non-verbal communication; and

**WHEREAS**, autism is classified as a developmental disability because it interferes with the typical rate and pattern of childhood development; and

**WHEREAS**, the signs of autism usually appear in the form of developmental delays before a child turns three years old; and

**WHEREAS**, during the 2008 legislative session, the Florida Legislature enacted Chapter 2008-30, Laws of Florida (Senate Bill 2654), which required health insurance companies to provide coverage for evidence-based, medically necessary autism therapies; and

**WHEREAS**, Chapter 2008-30 required 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**, while Chapter 2008-30 represented a major step forward for Florida families who have children with autism, it did not address all of the issues that the developmental disability community had wanted; and

**WHEREAS**, two such issues relate to referral to a specialist for autism screening and health insurance coverage; and

**WHEREAS**, Florida law currently does not require a physician to refer a child to a psychologist, psychiatrist, neurologist or developmental or behavioral pediatrician for autism screening when a parent or guardian reports that a minor exhibits symptoms of autism; and

**WHEREAS**, Florida law also currently does not require health insurance companies and health maintenance organizations to provide direct patient access without a referral to an appropriate specialist for screening, evaluation and diagnosis of autism spectrum disorder; and

**WHEREAS**, ensuring that a child suspected 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 as soon as possible; and

**WHEREAS**, identical House and Senate companion bills have been filed for consideration during the 2012 session of the Florida Legislature that would require a physician to refer a child to a psychologist, psychiatrist, neurologist, developmental or behavioral pediatrician or other specialist for screening for autism spectrum disorder when the physician determines that the referral is medically necessary, SB 162 by Senator Jeremy Ring (D – Margate) and HB 951 by Representative Luis Garcia (D – Miami); and

**WHEREAS**, if the physician determines that the screening is not medically necessary, then these bills would require the physician to inform the parent or guardian of the option to refer the child to an autism specialist; and

**WHEREAS**, these bills further require health insurance companies and health maintenance organizations to provide direct patient access without a referral to an appropriate specialist for screening, evaluation and diagnosis of autism spectrum disorder for up to three visits per year; and

**WHEREAS**, this Board supports passage of SB 162, HB 951 or similar legislation,

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

**Section 1.** Supports SB 162, HB 951 or similar legislation that would require a physician to refer a child to a psychologist, psychiatrist or other specialist for screening for autism spectrum disorder when the physician determines that the referral is medically necessary; further requiring health insurance companies and health maintenance organizations to provide direct patient access without a referral to an appropriate specialist for screening, evaluation and diagnosis of autism spectrum disorder for up to three visits per year.

**Section 2.** Urges the Florida Legislature to pass such legislation.

**Section 3.** Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, Senator Jeremy Ring, Representative Luis Garcia and the Chair and remaining members of the Miami-Dade State Legislative Delegation.

**Section 4.** Directs the County's state lobbyists to support the legislation set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 state legislative package passed by this Board to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. 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:

- |                      |                                     |
|----------------------|-------------------------------------|
|                      | Joe A. Martinez, Chairman           |
|                      | Audrey M. Edmonson, Vice Chairwoman |
| Bruno A. Barreiro    | Lynda Bell                          |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz                    |
| Sally A. Heyman      | Barbara J. Jordan                   |
| Jean Monestime       | Dennis C. Moss                      |
| Rebeca Sosa          | Sen. Javier D. Souto                |
| Xavier L. Suarez     |                                     |

The Chairperson thereupon declared the resolution duly passed and adopted this 19<sup>th</sup> day of December, 2011. 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