

## AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An  
2 act relating to insurance; amending, revising, and  
3 consolidating the law providing for the incorporation of  
4 insurance companies, and the regulation, supervision, and  
5 protection of home and foreign insurance companies, Lloyds  
6 associations, reciprocal and inter-insurance exchanges, and  
7 fire insurance rating bureaus, and the regulation and  
8 supervision of insurance carried by such companies,  
9 associations, and exchanges, including insurance carried by  
10 the State Workmen's Insurance Fund; providing penalties; and  
11 repealing existing laws," in health and accident insurance,  
12 further providing for autism spectrum disorders coverage.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 635.2(f)(2) and (g) of the act of May 17,  
16 1921 (P.L.682, No.284), known as The Insurance Company Law of  
17 1921, added July 9, 2008 (P.L.885, No.62), are amended to read:

18 Section 635.2. Autism Spectrum Disorders Coverage.--\* \* \*

19 (f) As used in this section:

20 \* \* \*

21 (2) "Autism service provider" means any of the following:

22 (i) A person, entity or group providing treatment of autism

1 spectrum disorders, pursuant to a treatment plan, that is  
2 licensed or certified in this Commonwealth, including an  
3 individual holding a valid temporary graduate behavior  
4 specialist license.

5 (ii) Any person, entity or group providing treatment of  
6 autism spectrum disorders, pursuant to a treatment plan, that is  
7 enrolled in the Commonwealth's medical assistance program on or  
8 before the effective date of this section.

9 \* \* \*

10 (g) (1) The State Board of Medicine, in consultation with  
11 the Department of Public Welfare, shall promulgate regulations  
12 providing for the licensure or certification of behavior  
13 specialists. Behavior specialists licensed or certified by the  
14 State Board of Medicine shall be subject to all disciplinary  
15 provisions applicable to medical doctors as set forth in the act  
16 of December 20, 1985 (P.L.457, No.112), known as the "Medical  
17 Practice Act of 1985." The State Board of Medicine may charge  
18 reasonable fees as set by board regulation for licensure or  
19 certificates or applications permitted by the "Medical Practice  
20 Act of 1985."

21 (2) An applicant applying for a license or certificate as a  
22 behavior specialist shall submit a written application on forms  
23 provided by the State Board of Medicine evidencing and insuring  
24 to the satisfaction of the board that the applicant:

25 (i) Is of good moral character.

26 (ii) Has received a master's or higher degree from a board-  
27 approved, accredited college or university, including a major  
28 course of study in school, clinical or counseling psychology,  
29 special education, social work, speech therapy, occupational  
30 therapy or another related field.

1 (iii) Has at least one year of experience involving  
2 functional behavior assessments, including the development and  
3 implementation of behavioral supports or treatment plans.

4 (iv) Has completed at least one thousand (1,000) hours in  
5 direct clinical experience with individuals with behavioral  
6 challenges or at least one thousand (1,000) hours' experience in  
7 a related field with individuals with autism spectrum disorders.

8 (v) Has completed relevant training programs, including  
9 professional ethics, autism-specific training, assessments  
10 training, instructional strategies and best practices, crisis  
11 intervention, comorbidity and medications, family collaboration  
12 and addressing specific skill deficits training.

13 (3) The board shall not issue a license or certificate to an  
14 applicant who has been convicted of a felony under the act of  
15 April 14, 1972 (P.L.233, No.64), known as "The Controlled  
16 Substance, Drug, Device and Cosmetic Act," or if an offense  
17 under the laws of another jurisdiction which, if committed in  
18 this Commonwealth, would be a felony under "The Controlled  
19 Substance, Drug, Device and Cosmetic Act," unless:

20 (i) At least ten (10) years have elapsed from the date of  
21 conviction.

22 (ii) The applicant satisfactorily demonstrates to the board  
23 that he has made significant progress in personal rehabilitation  
24 since the conviction such that licensure of the applicant should  
25 not be expected to create a substantial risk of harm to the  
26 health and safety of his patients or the public or a substantial  
27 risk of further criminal violations.

28 (iii) The applicant otherwise satisfies the qualifications  
29 contained in or authorized by this section.

30 As used in this paragraph, the term "convicted" shall include a

1 judgment, an admission of guilt or a plea of nolo contendere.

2 (4) Beginning on the effective date of this paragraph, the  
3 State Board of Medicine shall issue a temporary graduate  
4 behavior specialist license, valid for one year only, to an  
5 applicant who meets all of the qualifications for licensure  
6 under paragraph (2) except for the experience and training  
7 requirements of subparagraphs (iii), (iv) and (v). The following  
8 apply:

9 (i) A temporary graduate behavior specialist license shall  
10 allow the licensee to practice as a behavior specialist only  
11 while under the supervision of a licensed physician, licensed  
12 physician assistant, licensed psychologist, licensed clinical  
13 social worker, certified registered nurse practitioner or  
14 licensed behavior specialist. The physical presence of the  
15 supervisor is not required provided the supervisor is readily  
16 available for consultation.

17 (ii) An applicant for a temporary graduate behavior  
18 specialist license shall submit an application on a form  
19 provided by the State Board of Medicine and remit the required  
20 fee.

21 (iii) A temporary graduate behavior specialist license shall  
22 only be valid for up to one year from the date of issuance.

23 \* \* \*

24 Section 2. This act shall take effect immediately.