

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1559 Session of 2015

INTRODUCED BY MURT, DRISCOLL, KINSEY, McNEILL, ROZZI,  
SCHLOSSBERG, SCHWEYER, THOMAS AND COHEN, SEPTEMBER 30, 2015

REFERRED TO COMMITTEE ON INSURANCE, SEPTEMBER 30, 2015

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  
23 spectrum disorders, pursuant to a treatment plan, that is

1 licensed or certified in this Commonwealth, including an  
2 individual holding a valid temporary graduate behavior  
3 specialist license.

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

8 \* \* \*

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

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

24 (i) Is of good moral character.

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

30 (iii) Has at least one year of experience involving

functional behavior assessments, including the development and implementation of behavioral supports or treatment plans.

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

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

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

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

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

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

As used in this paragraph, the term "convicted" shall include a judgment, an admission of guilt or a plea of nolo contendere.

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

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

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

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

22        \* \* \*

23        Section 2. This act shall take effect immediately.