
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2010 Session of
2015

INTRODUCED BY QUINN, D. MILLER, CALTAGIRONE, CARROLL, COHEN,
D. COSTA, DAVIS, DEAN, DEASY, DeLUCA, IRVIN, JAMES, KAUFER,
KORTZ, MAHONEY, MILLARD, MURT, D. PARKER, ROZZI, STURLA,
THOMAS, WARD, WATSON AND YOUNGBLOOD, APRIL 21, 2016

REFERRED TO COMMITTEE ON INSURANCE, APRIL 21, 2016

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 casualty insurance, further
12 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.

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

7 (iii) An individual who:

8 (A) is enrolled in or has completed a master's or higher
9 degree program;

10 (B) provides treatment of autism spectrum disorders,
11 pursuant to a treatment plan, in satisfaction of the experience
12 requirement of subsection (g) (2) (iv); and

13 (C) provides the treatment under the supervision of a
14 licensed behavior specialist, licensed physician or licensed
15 psychologist, except that the physical presence of the
16 supervisor is not required if the supervisor is readily
17 available for consultation.

18 * * *

19 (g) (1) The State Board of Medicine, in consultation with
20 the Department of [Public Welfare] Human Services, shall
21 promulgate regulations providing for the licensure or
22 certification of behavior specialists. Behavior specialists
23 licensed or certified by the State Board of Medicine shall be
24 subject to all disciplinary provisions applicable to medical
25 doctors as set forth in the act of December 20, 1985 (P.L.457,
26 No.112), known as the "Medical Practice Act of 1985." The State
27 Board of Medicine may charge reasonable fees as set by board
28 regulation for licensure or certificates or applications
29 permitted by the "Medical Practice Act of 1985."

30 (2) An applicant applying for a license or certificate as a

1 behavior specialist shall submit a written application on forms
2 provided by the State Board of Medicine evidencing and insuring
3 to the satisfaction of the board that the applicant:

4 (i) Is of good moral character.

5 (ii) Has received a master's or higher degree from a board-
6 approved, accredited college or university, including a major
7 course of study in school, clinical or counseling psychology,
8 special education, social work, speech therapy, occupational
9 therapy or another related field, or is a board-certified
10 behavior analyst.

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

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

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

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

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

1 conviction.

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

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

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

12 (4) The State Board of Medicine shall issue a temporary
13 license to an applicant who meets all of the qualifications for
14 licensure, except for the requirements of paragraph (2)(iii),
15 (iv) and (v), subject to the following:

16 (i) A temporary license shall be granted to a graduate who
17 has received a master's or higher degree from a board-approved,
18 accredited college or university, including a major course of
19 study in school, clinical or counseling psychology, special
20 education, social work, speech therapy, occupational therapy or
21 another related field, or who is a board-certified behavior
22 analyst. The individual may only practice professional
23 behavioral specialist care under supervision and if the
24 individual holds a current temporary practice permit.

25 (ii) The physical presence of the supervising behavior
26 specialist, licensed physician or licensed psychologist is not
27 required if the supervisor is readily available for
28 consultation.

29 (iii) An individual who wishes to practice as a graduate
30 behavioral specialist during the period from the date of

1 completion of the educational program to the notification of
2 licensure must submit an application for a temporary practice
3 permit for a graduate behavioral specialist on a form provided
4 by the board and remit the required fees. A temporary practice
5 permit granted under this section is valid for up to five (5)
6 years from the date of issuance, unless extended by the board,
7 and shall immediately expire if the applicant fails to secure
8 licensure.

9 (iv) At least ninety (90) days prior to the expiration date
10 of the temporary practice permit, the graduate behavioral
11 specialist shall:

12 (A) Submit an application for licensure as a behavioral
13 specialist.

14 (B) Remit the board-specified fee.

15 (C) Submit the licensure registration form and fee.

16 (v) At least sixty (60) days prior to the expiration date of
17 the temporary practice permit, the graduate behavioral
18 specialist who wishes to extend the expiration date of the
19 temporary practice permit because of illness or extreme hardship
20 shall:

21 (A) Submit an application for temporary practice permit
22 extension on a form provided by the board.

23 (B) Remit the board-specified fee.

24 (C) Provide a detailed, written explanation of the reason
25 the extension is requested. If requesting an extension due to
26 illness, the applicant must provide certification of the illness
27 from the applicant's treating physician.

28 (vi) The board may not grant an extension to an individual
29 who fails to meet the requirements of subparagraph (v).

30 * * *

1 Section 2. The amendment of section 635.2(f)(2) and (g) of
2 the act shall be retroactive to July 9, 2011.

3 Section 3. This act shall take effect immediately.