



OFFICE OF INSURANCE REGULATION

KEVIN M. McCARTY
COMMISSIONER

**FINANCIAL SERVICES
COMMISSION**

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GOVERNOR

JEFF ATWATER
CHIEF FINANCIAL OFFICER

PAM BONDI
ATTORNEY GENERAL

ADAM PUTNAM
COMMISSIONER OF
AGRICULTURE

February 14, 2011

The Honorable Mike Haridopolos, President
Florida Senate
409 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

Re: 2011 Developmental Disabilities Compact Annual Report

Dear President Haridopolos:

Pursuant to Section 624.916(6), Florida Statutes, the Office of Insurance Regulation (Office) is submitting this annual report to the Governor and the Legislature to provide information regarding the implementation of the agreement negotiated between the Developmental Disabilities Compact Workgroup (DDWC) and signatories of the Developmental Disabilities Compact (Compact). The law specifically mandates the report include the following: (a) the signatories to the agreement; (b) an analysis of the coverage provided under the agreement in comparison to the coverage required under Sections 627.6686 and 641.31098, Florida Statutes; and (c) an analysis of the compliance with the agreement by the signatories, including documented cases of claims denied in violation of the agreement.

Background

The Office's 2009 report (attached), dated February 16, 2009, detailed the formation of the working groups mandated by the bill and a summary of the activities the working groups engaged in to complete their statutory responsibilities. A compact was approved on December 17, 2008.

Signatories to the agreement

Total Health Choice, Inc., an in-state health maintenance organization (HMO) operating in Broward and Dade counties, was the only signatory to the compact, signing it on March 24,

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KEVIN M. McCARTY • COMMISSIONER
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2009. However, effective April 30, 2010, Total Health Choice, Inc.'s certificate of authority was suspended, and it is winding down its commercial operation.

An analysis of the coverage provided under the agreement in comparison to the coverage required under Sections 627.6686 and 641.31098, Florida Statutes.

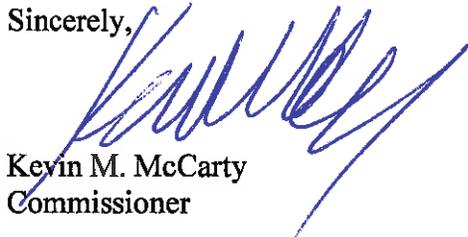
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The only signatory to the agreement, Total Health Choice, Inc.'s certificate of authority is under suspension. As detailed in the 2009 report, there are no claims.

If you would like any further information on this issue, please do not hesitate to contact me or Deputy Commissioner Mary Beth Senkewicz at 850-413-5104 or MaryBeth.Senkewicz@flor.com.

Sincerely,



Kevin M. McCarty
Commissioner



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KEVIN M. MCCARTY
COMMISSIONER

February 16, 2009

The Honorable Jeff Atwater
The Florida Senate
The Capitol, Suite 409
404 South Monroe Street
Tallahassee, FL 32399

Dear President Atwater:

Pursuant to the requirements of 624.916(6), Florida Statutes, the Office of Insurance Regulation (Office) convened a Developmental Disabilities Compact Workgroup (DDCW) to consider the adoption of a compact that would provide coverage through medical policies and plans to persons with developmental disabilities. This report summarizes the activities of this legislatively-created Workgroup.

Creation

In line with the provisions of the Window of Opportunity Act, the Office appointed members of the DDCW to represent the private insurance market as well as solicit the appointments from the Office of the Governor, President of the Senate, and Speaker of the House. Throughout the process, no appointee resigned his or her seat, although on occasion there were stand-ins for a particular appointee. Here is the roster of individuals and affiliations who were present as appointed members or representing appointed members at DDCW deliberations:

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James Bracher, Florida Association of Health Plans, Tallahassee
William Delaney, Psychcare, LLC, Miami
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The Window of Opportunity Act also created a Developmental Disability Compact Advisory Workgroup to act as a forum to comment on the activities of the main Workgroup. Presuming this group was to represent a broad constituency affected by the activities of the DDCW, the Office requested and received numerous expressions of interest to participate from ordinary citizens whose families were impacted by developmental disabilities, as well as groups representing these families, and made the following appointments:

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Deliberations

The Window of Opportunity Act required the first gathering of the DDCW to convene in August 2008 and this meeting (as were all subsequent meetings) was noticed in the Florida Administrative Weekly, as well as posted on a special website created to inform the public concerning the Workgroup's proceedings. Email alerts were also regularly sent to all interested parties expressing interest in receiving such notices. Five monthly meetings were scheduled, with all meetings taking place in Tallahassee at locales suitable for public attendance in Tallahassee. Live streaming video and audio of the meetings were made available whenever possible via the Office's website and appropriate links were provided after meetings for the public to watch or listen to an archive of the proceedings.

Unfortunately, the first meeting of the DDCW did not take place as scheduled. The serious threat of Tropical Storm Fay to the Florida Panhandle disrupted travel plans and created unsafe conditions in late August, necessitating the postponement of the first meeting until the next scheduled meeting in September.

Both the DDCW and the Consumer Advisory Workgroup were formally convened and introduced at the September meeting. The agenda provided lengthy testimony from governmental administrators, researchers, academics, therapists, and the public on the matter of the latest science regarding treatment of developmental disabilities and gaps in public services and private coverage for affected families caring for such individuals. There was healthy debate among the Workgroup concerning the implications of this testimony, as well as abundant comment by the Consumer Advisory Workgroup.

The Honorable Jeff Atwater
February 16, 2009
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At the October meeting, members were presented with information concerning coverage that persons with developmental disabilities were receiving from many large corporate self-insured plans, as well as some governmental plans, such as Tri-Care, which covers the nation's military families. Estimated costs to provide such coverage were discussed as well.

More information was also provided concerning behavior analysis, which was among the therapies the legislature included coverage for in the "Steven A. Geller Autism Act" which mandated services to persons with autism spectrum disorders. Behavior analysis represents an emerging therapy, along with more traditional physical, speech, and occupational therapies, desired by families with children affected by other developmental disabilities.

At the conclusion of the October meeting, requests for concrete compact proposals were solicited by the Chair for debate at the November meeting. However, in the interim between meetings, seeing no proposals forthcoming, the Chair cancelled the November meeting, pushed back the December meeting by one week, and once again challenged members to develop proposals.

At the December meeting, a compact proposal did emerge, was debated, amended, and passed by the Workgroup. Essentially, the compact adopted by the Workgroup requires insurance or HMO signatories to provide the same benefits to persons with developmental disabilities (as defined in the "Window of Opportunity Act") as were provided by the legislature to persons with autism in the "Steven A. Geller Autism Act." The compact is attached. (Attachment One)

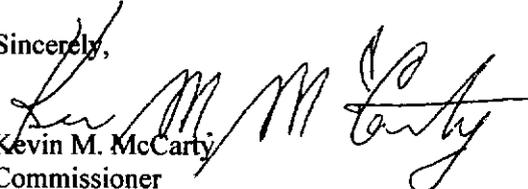
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The Office is currently surveying the insurers and HMOs subject to the "Steven A. Geller Autism Act" provisions to determine which, if any, have decided to become signatories to the compact adopted by the Developmental Disabilities Compact Workgroup authorized by the Window of Opportunity Act. If an insurer or HMO chooses not to be a signatory, it is subject to the requirements of the "Steven A. Geller Autism Act" provisions starting April 1, 2009 for all coverage issued or renewed after that date.

However, should any insurer or HMO choose to sign the compact and extend coverage to persons with developmental disabilities, such coverage would begin for medical plans issued or renewed after January 1, 2010.

If you would like any further information on this issue, please do not hesitate to contact me or Deputy Commissioner Mary Beth Senkewicz at 850-413-5104 or MaryBeth.Senkewicz@flor.com.

Sincerely,


Kevin M. McCarty
Commissioner

Attachment



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February 14, 2011

The Honorable Dean Cannon, Speaker
Florida House of Representatives
420 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Re: 2011 Developmental Disabilities Compact Annual Report

Dear Speaker Cannon:

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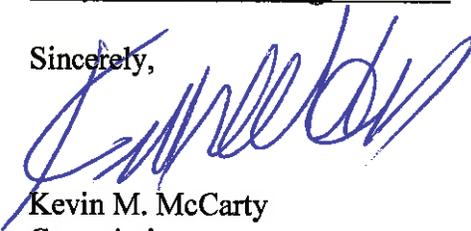
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February 16, 2009

The Honorable Larry Cretul
Florida House of Representatives
418 The Capitol
402 South Monroe Street
Tallahassee, FL 32399

Dear Speaker pro tempore Cretul:

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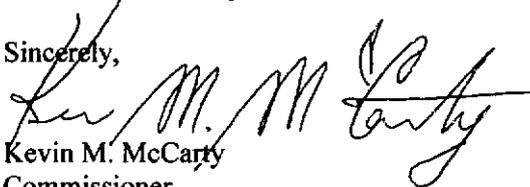
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The Honorable Rick Scott
Governor, State of Florida
The Capitol, PL 05
400 South Monroe Street
Tallahassee, Florida 32399-0001

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February 16, 2009

The Honorable Charlie Crist
Governor, State of Florida
The Capitol, PL 05
Tallahassee, Florida 32399

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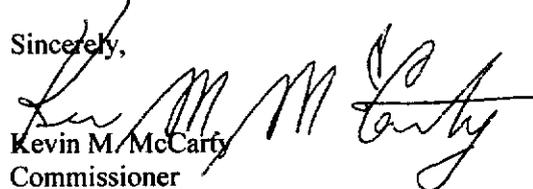
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