

RESOLUTION NO. 2019 - 2581

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING THE STATE OF FLORIDA GOVERNOR AND THE LEGISLATURE TO REJECT CERTAIN PROPOSALS PROVIDING FOR A REDUCTION IN APPLIED BEHAVIORAL ANALYSIS (“ABA”) SERVICES FOR AUTISTIC PERSONS BY THE AGENCY FOR HEALTH CARE ADMINISTRATION (“AHCA”); RECOGNIZING APRIL AS AUTISM AWARENESS MONTH IN THE TOWN OF SURFSIDE; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Autism Legislation (Senate Bill Number 2654) and the Steven A. Geller Autism Coverage Act created an Autism Mandate that authorizes the Agency for Health Care Administration (“AHCA”) to seek federal approval for Medicaid coverage of applied behavior analysis and other therapies for children with autism and other developmental disabilities; and

**WHEREAS**, Applied Behavior Analysis (“ABA”) therapy is the only form of therapy that is endorsed by the Surgeon General to treat individuals diagnosed with autism; and

**WHEREAS**, the month of April is National Autism Awareness Month, aimed at making the public more aware of this widespread disability and the impacts and issues affecting families and communities; and

**WHEREAS**, one in 59 children born in the United States has an autism spectrum disorder; and

**WHEREAS**, on May 15, 2018, AHCA announced a 6-month moratorium on the enrollment of new therapists who provide ABA treatment, which created a backlog of autistic children who have not been receiving ABA services; and

**WHEREAS**, AHCA extended the moratorium for another 6 months in November, 2018; and

**WHEREAS**, on March 29, 2019, AHCA announced a series of sweeping changes to the provision of ABA services through Medicaid, that include: (a) a process of reevaluating ABA treatment plans that are being conducted by medical and other staff who may not hold a BCBA certificate, and who will not have completed a behavioral assessment on the child, and are therefore unqualified to render an opinion concerning medical necessity; and (b) significant reductions in the level of reimbursements that will be made to ABA service providers by Medicaid; and

**WHEREAS**, drastically lowering reimbursement rates will cause a decrease in service providers accepting Medicaid, and thereby limit the access and ability for children diagnosed with autism to receive medically necessary ABA treatment; and

**WHEREAS**, the long-term social and economic impacts of significantly reducing ABA treatment for children with autism will be an exponential increase in the costs associated with providing full time assistance, supervision and care for adults with autism in the future; and

**WHEREAS**, the Town Commission urges Governor Ron DeSantis and the Florida Legislature to reject any proposal that reduces ABA treatment for persons with autism that negatively impact the ability of individuals with autism to obtain ABA therapy, and to maintain adequate levels of services for all autistic persons; and

**WHEREAS**, the Town Commission wishes to recognize the month of April as Autism Awareness Month in the Town of Surfside in order to promote public awareness and education of the needs of autistic persons, and the impact on their families and communities.

**NOW THERE FORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

**Section 2. Request for Urging Action.** The Town hereby urges Governor Ron DeSantis and all honorable members of the Florida Legislature to reject any proposal to reduce ABA or other state or federally funded treatment services to autistic persons, and to carefully consider the Administration's policy of cutting costs attributable to the provision of ABA services, including rejecting any and all implementing budget legislation that includes the cost-cutting measures recommended by AHCA that will have a negative impact on the ability of individuals with autism to obtain ABA therapy.

**Section 3. Recognizing the Month of April as Autism Awareness Month in the Town of Surfside.** The Town Commission recognizes the month of April as Autism Awareness Month in the Town of Surfside in order to promote public awareness and education of the needs of autistic persons, and the impact on their families and communities.

**Section 4. Transmittal of Resolution.** The Town Clerk is directed to forward a copy of this Resolution to Governor Ron DeSantis, Senate President, House Speaker, the Chair, all State Senators, and members of the Miami-Dade County State Legislative Delegation.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 9th day of April, 2019.

Motion By: Vice Mayor Gielchinsky

Second By: Commissioner Karukin

**FINAL VOTE ON ADOPTION**

Commissioner Barry Cohen	<u>yes</u>
Commissioner Michael Karukin	<u>yes</u>
Commissioner Tina Paul	<u>ABSENT</u>
Vice Mayor Daniel Gielchinsky	<u>yes</u>
Mayor Daniel Dietch	<u>yes</u>



Daniel Dietch, Mayor

Attest:

  

---

Sandra Novoa, MMC  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**

  

---

Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney