

Autistic Children Win ABA Medicaid Coverage in FL

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Miami, FL (Press Release): In a precedent-setting victory for the rights of all children with autism who are insured by Medicaid, Judge Joan Lenard of the U.S. District Court Southern District of Florida held that Applied Behavioral Analysis (ABA), a proven and highly effective treatment of children with autism, be covered by Medicaid.



The Court ruled in favor of the three plaintiffs in the case. K.G., a five-year-old Florida Medicaid recipient suffering with autism and two other plaintiffs ages two and five, were denied ABA treatment by the State of Florida, on the grounds that it was an 'unproven treatment.' K.G. was diagnosed with Autism Spectrum Disorder (ASD) at approximately 19 months of age, after his mother, Iliana Garrido began noticing signs of significant regression in K.G.'s development. These signs included: the inability to verbally communicate, avoiding eye contact, the inability to eat solid foods, extreme irritability, hyperactivity, incessant screaming, aggression, and frequent tantrums.

"Today's victory is not only a win for the more than 8,000 autistic children in Florida who will now be able to receive the treatment they so desperately need to help them develop and reach their fullest potential, but it is a major first step for the hundreds of thousands of autistic children in other states with policies similar to that of Florida, as it will provide those other children with the legal precedent they need to start winning their battles and their efforts to get this treatment," said pro bono counsel, Neil Kodsi of Alderman & Kodsi, P.A.

Miami Shores attorney, Neil Kodsi took this case on a pro bono basis, fighting tirelessly to dismantle the State's position in this case, traveling to Oregon and Alabama to cross examine the defense's witnesses. Testimony was presented from several national experts that specialize in the treatment of autism, as well as experts who have studied the effectiveness of ABA on autistic children, and testimony from the Director of the Autism Clinic at Miami Children's Hospital, who was the primary physician for one of the three plaintiffs. All of these medical professionals were in consensus that, 'ABA treatment is highly effective in a high percentage of cases and significantly increases the practical functioning of children with autism.'

Applied behavior analysis (ABA) is the use of techniques and principles to address socially important problems, and to bring about meaningful behavior change. Many published studies have shown that specific ABA techniques can help individuals with autism learn specific skills, such as how to communicate, develop relationships, play, care for themselves, learn in school, succeed at work, and participate fully and productively in family and community activities, regardless of their age.

Attorneys Neil Kodsi, Miriam Harmatz and Betsy Havens of Florida Legal Services, and Monica Vignes-Pitan of Legal Services of Greater Miami, were able to prove that the federal Medicaid Act requires the defendant to provide the plaintiffs, with ABA therapy as prescribed by their physician.

This is not the first time Neil Kodsi has proven that the State of Florida's actions have violated federal Medicaid law. Back in 2007, the state was attempting to keep Medicaid from covering legitimate use of the drug Neurontin, which is prescribed for a number of ailments from pain management to bipolar disorder. Neil Kodsi, one of the lead plaintiff's attorneys took the case on a pro bono basis and was able to prove that Florida's restriction on Medicaid payments for Neurontin and its generic version violated federal law.

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