

AMENDED IN ASSEMBLY MAY 30, 2012
AMENDED IN SENATE JANUARY 12, 2012
AMENDED IN SENATE JANUARY 4, 2012
AMENDED IN SENATE APRIL 14, 2011

SENATE BILL

No. 764

Introduced by Senator Steinberg

February 18, 2011

An act to add *and repeal* Section 4686.21-~~to~~ of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 764, as amended, Steinberg. Developmental services: telehealth systems program.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities.

This bill would require the department as a demonstration pilot project to, authorize a provider who is vendorized with a regional center to provide intervention services or therapeutic services to provide these services through the use of telehealth, as defined, as part of a consumer's individual program plan, as specified. The bill would also require the department to authorize a regional center to purchase intervention services or therapeutic services provided through the use of telehealth as part of a consumer's individual program plan if the consumer or specified persons voluntarily approve this use and the provider demonstrates that the proposed services meet the needs of the

consumer and establishes that the services comply with specified requirements.

~~Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities.~~

~~This bill would require the department to, on a demonstration pilot project basis, authorize a provider who is currently vendorized with a regional center to provide applied behavioral analysis (ABA) services, intensive behavioral intervention (IBI) services, or both, to provide these services through the use of telehealth systems (THS), as defined, as part of a consumer’s individual program plan upon approval of a regional center and the voluntary approval of the consumer or specified persons.~~

~~The bill would also require the department, on this basis, to authorize a regional center to purchase ABA or IBI services provided through the use of THS as part of a consumer’s individual program plan if the consumer or specified persons voluntarily approve this use and the provider can demonstrate a potential benefit for the consumer or regional center, or both, through the use of THS and can establish that the services being provided comply with specified requirements.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 *SECTION 1. It is the intent of the Legislature to do all of the*
- 2 *following:*
- 3 *(a) Improve access to treatments and intervention services for*
- 4 *individuals with autism spectrum disorders (ASDs) and their*
- 5 *families in underserved populations.*
- 6 *(b) Provide more cost-effective treatments and intervention*
- 7 *services for individuals with ASDs and their families.*
- 8 *(c) Maximize the effectiveness of the interpersonal and*
- 9 *face-to-face interactions that are utilized for the treatment of*
- 10 *individuals with ASDs.*
- 11 *(d) Continue maintenance and support of the existing service*
- 12 *workforce for individuals with ASDs.*
- 13 *SEC. 2. Section 4686.21 is added to the Health and Safety*
- 14 *Code, to read:*

1 4686.21. (a) *To promote the use of telehealth to provide*
2 *services for individuals with autism spectrum disorders, the State*
3 *Department of Developmental Services, as a demonstration pilot*
4 *project, shall do the following:*

5 (1) *Authorize a provider who is vendorized with a regional*
6 *center to provide intervention services or therapeutic services to*
7 *provide these services through the use of telehealth. These services*
8 *shall be provided as part of a consumer's individual program plan*
9 *(IPP) upon approval of a regional center and the voluntary*
10 *approval of the consumer; or, when appropriate, the consumer's*
11 *parents, legal guardian, conservator, or authorized representative.*

12 (2) (A) *Authorize a regional center to purchase intervention*
13 *services or therapeutic services provided through the use of*
14 *telehealth as part of a consumer's IPP if both of the following*
15 *conditions are met:*

16 (i) *The consumer or, when appropriate, the consumer's parents,*
17 *legal guardian, conservator, or authorized representative*
18 *voluntarily approves this use of telehealth.*

19 (ii) *The provider demonstrates that the proposed intervention*
20 *service or therapeutic service provided through the use of*
21 *telehealth meets the needs of the consumer, as defined in the*
22 *consumer's IPP.*

23 (B) *The provider establishes that the services being provided*
24 *through the use of telehealth are, at a minimum, in compliance*
25 *with all of the following:*

26 (i) *All requirements related to consumer privacy and*
27 *confidentiality.*

28 (ii) *The requirements of this division.*

29 (iii) *State and federal requirements with regard to the purchase*
30 *of regional center services.*

31 (iv) *All federal funding participation guidelines and*
32 *requirements.*

33 (3) *Require regional centers to consider the use of telehealth*
34 *in the implementation of parent training for autism, as specified*
35 *in clause (i) of subparagraph (B) of paragraph (3) of subdivision*
36 *(c) of Section 4685, or any other situation when parent training*
37 *may be required.*

38 (b) *The department shall implement vendorization codes or*
39 *subcodes for all telehealth services and programs that apply*
40 *pursuant to this section.*

1 (c) *The provider shall be responsible for all expenses and costs*
 2 *related to the equipment, transmission, storage, infrastructure,*
 3 *and other expenses related to telehealth.*

4 (d) *For purposes of this section, “telehealth” has the same*
 5 *meaning as set forth in paragraph (6) of subdivision (a) of Section*
 6 *2290.5 of the Business and Professions Code.*

7 (e) *Consumers with developmental disabilities may receive*
 8 *intervention services or therapeutic services through the use of*
 9 *telehealth on a provisional basis, with parental consent if the*
 10 *consumer is a minor, with the consent of the consumer if the*
 11 *consumer is an adult, or with the consent of the guardian or*
 12 *conservator of the consumer, as set forth in the consumer’s IPP.*
 13 *The provisional period for receiving services through the use of*
 14 *telehealth shall not exceed 12 months. During the provisional*
 15 *period, any consumer who receives services through the use of*
 16 *telehealth pursuant to this section shall have an automatic right*
 17 *to return to his or her preexisting services, as defined by the*
 18 *consumer’s IPP, that were in place prior to the implementation*
 19 *of the telehealth service.*

20 (f) *This section shall remain in effect only until January 1,*
 21 *2018, and as of that date is repealed, unless a later enacted statute,*
 22 *that is enacted before January 1, 2018, deletes or extends that*
 23 *date.*

24 ~~SECTION 1. Section 4686.21 is added to the Welfare and~~
 25 ~~Institutions Code, to read:~~

26 ~~4686.21. (a) The State Department of Developmental Services~~
 27 ~~shall, on a demonstration pilot basis, do all of the following:~~

28 ~~(1) Authorize a provider who is currently vendorized with a~~
 29 ~~regional center to provide applied behavioral analysis (ABA)~~
 30 ~~services, intensive behavioral intervention (IBI) services, or both,~~
 31 ~~to provide these services through the use of telehealth systems~~
 32 ~~(THS) as part of a consumer’s individual program plan upon~~
 33 ~~approval of a regional center and the voluntary approval of the~~
 34 ~~consumer, or where appropriate, his or her parents, legal guardian,~~
 35 ~~conservator, or authorized representative.~~

36 ~~(2) Authorize a regional center to purchase ABA or IBI services~~
 37 ~~provided through the use of THS as part of a consumer’s individual~~
 38 ~~program plan if both the consumer, or where appropriate, his or~~
 39 ~~her parents, legal guardian, conservator, or authorized~~
 40 ~~representative voluntarily approves this use of THS and if the~~

1 provider can demonstrate a potential benefit for the consumer or
2 regional center, or both, through the use of THS and can establish
3 that the services being provided are in compliance with at least all
4 of the following:

5 (A) ABA and IBI program requirements in existence on the
6 effective date of this section.

7 (B) All requirements related to consumer privacy and
8 confidentiality.

9 (C) The requirements of this division.

10 (D) State and federal requirements with regards to the purchase
11 of regional center services.

12 (E) All federal funding participation guidelines and
13 requirements.

14 (F) The consumer's individual program plan.

15 (3) Require regional centers to consider the use of THS in the
16 implementation of parent training for autism ABA or behavior
17 intervention services as specified in clause (i) of subparagraph (B)
18 of paragraph (3) of subdivision (c) of Section 4685, or both.

19 (b) The department shall implement vendorization codes or
20 subcodes, or both, for all THS services and programs that apply
21 pursuant to this section.

22 (e) The provider shall be responsible for all expenses and costs
23 related to the equipment, transmission, storage, infrastructure, and
24 other expenses related to the THS.

25 (d) For purposes of this section, the following definitions shall
26 apply:

27 (1) "Applied behavioral analysis" and "intensive behavioral
28 intervention" have the same meanings as provided in Section
29 4686.2.

30 (2) "Telehealth systems" means a mode of delivering services
31 that utilizes information and communications technologies to
32 facilitate the diagnosis, evaluation, consultation, treatment,
33 education, care management, supports, and self-management of
34 consumers, regardless of the location of the providers or
35 consumers. Telehealth systems also includes synchronous
36 interactions and asynchronous store and forward transfers.

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