

AMENDED IN ASSEMBLY JULY 3, 2012
AMENDED IN ASSEMBLY JUNE 20, 2012
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 ~~of to~~ 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 supports 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~~ *each regional center individual program planning team to consider the use of telehealth, as defined, whenever applicable, for the purpose of improving access to intervention and therapeutic services for consumers and family members and for purposes of facilitating better and cost-effective services, as provided.*

This bill would require the department *to evaluate the efficacy and cost-effectiveness of providing services to consumers using telehealth, and, by December 31, 2017, to provide information to specified committees of the Legislature in order to evaluate the effectiveness and appropriateness of telehealth for providing services to regional center consumers through the individual program plan process. This bill would authorize regional centers to agree to participate in the evaluation of telehealth services by the department, and if a regional center agrees to participate in this evaluation, would require the regional center to provide to the department specified information, as requested by the department.*

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) *or other*
- 5 *developmental disabilities* and their families in underserved
- 6 populations.
- 7 (b) Provide more cost-effective treatments and intervention
- 8 services for individuals with ASDs *or other developmental*
- 9 *disabilities* and their families.
- 10 (c) Maximize the effectiveness of the interpersonal and
- 11 face-to-face interactions that are utilized for the treatment of
- 12 individuals with ASDs *or other developmental disabilities*.
- 13 (d) Continue maintenance and support of the existing service
- 14 workforce for individuals with ASDs *or other developmental*
- 15 *disabilities*.

1 ~~SEC. 2. Section 4686.21 is added to the Welfare and~~
2 ~~Institutions Code, to read:~~

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

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

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

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

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

25 ~~(B) The provider shall establish that the services being provided~~
26 ~~through the use of telehealth are, at a minimum, in compliance~~
27 ~~with all of the following:~~

28 ~~(i) All requirements related to consumer privacy and~~
29 ~~confidentiality.~~

30 ~~(ii) The requirements of this division.~~

31 ~~(iii) State and federal requirements with regard to the purchase~~
32 ~~of regional center services.~~

33 ~~(iv) All federal funding participation guidelines and~~
34 ~~requirements.~~

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

1 ~~(b) The department shall implement vendorization codes or~~
2 ~~subcodes for all telehealth services and programs that apply~~
3 ~~pursuant to this section.~~

4 ~~(c) The provider shall be responsible for all expenses and costs~~
5 ~~related to the equipment, transmission, storage, infrastructure, and~~
6 ~~other expenses related to telehealth.~~

7 ~~(d) For purposes of this section, “telehealth” has the same~~
8 ~~meaning as set forth in paragraph (6) of subdivision (a) of Section~~
9 ~~2290.5 of the Business and Professions Code.~~

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

23 ~~(f) By December 1, 2017, based on information provided by~~
24 ~~regional centers, the department shall provide information to the~~
25 ~~fiscal and appropriate policy committees of the Legislature related~~
26 ~~to the frequency, applications, cost-effectiveness, and other~~
27 ~~appropriate information that may be deemed necessary by the~~
28 ~~department in order to evaluate the effectiveness and~~
29 ~~appropriateness of telehealth for providing services to regional~~
30 ~~center consumers through the IPP process.~~

31 ~~(g) Nothing in this section shall prevent or preclude the use of~~
32 ~~telehealth by regional centers for services to their consumers who~~
33 ~~are diagnosed with developmental disabilities other than autism~~
34 ~~spectrum disorders.~~

35 ~~(h) This section shall remain in effect only until January 1,~~
36 ~~2018, and as of that date is repealed, unless a later enacted statute,~~
37 ~~that is enacted before January 1, 2018, deletes or extends that date.~~

38 *SEC. 2. Section 4686.21 is added to the Welfare and Institutions*
39 *Code, to read:*

1 4686.21. (a) (1) *To improve access to intervention and*
2 *therapeutic services for consumers and family members, including*
3 *those from underserved communities, and for purposes of*
4 *facilitating better and cost-effective services, each individual*
5 *program planning team shall consider the use of telehealth,*
6 *whenever applicable.*

7 (2) *Telehealth shall be considered for parent trainings,*
8 *including, but not limited to, trainings as specified in clause (i) of*
9 *subparagraph (B) of paragraph (3) of subdivision (c) of Section*
10 *4685.*

11 (3) *The State Department of Developmental Services shall*
12 *implement appropriate vendorization codes or subcodes for*
13 *telehealth services and programs.*

14 (4) *Providers of telehealth services shall maintain the privacy*
15 *and security of all confidential consumer information.*

16 (5) *The provision of a service through the use of telehealth shall*
17 *be voluntary and may be discontinued at the request of the*
18 *consumer or, as appropriate, the consumer's parent, legal*
19 *guardian, or conservator. If, at any time, a consumer or, as*
20 *appropriate, the consumer's parent, legal guardian, or conservator*
21 *requests to discontinue the provision of a service through the use*
22 *of telehealth, the regional center shall convene an individual*
23 *program plan review pursuant to subdivision (b) of Section 4646.5*
24 *to determine alternative, appropriate means for providing the*
25 *service.*

26 (b) (1) *The State Department of Developmental Services shall*
27 *evaluate the efficacy and cost-effectiveness of providing services*
28 *to consumers using telehealth.*

29 (2) *Regional centers may agree to participate in the evaluation*
30 *of telehealth services by the department. If a regional center agrees*
31 *to participate in this evaluation, the regional center shall provide*
32 *to the department information, as requested by the department,*
33 *on frequency, applications, cost-effectiveness, consumer and family*
34 *satisfaction, and any other information deemed necessary by the*
35 *department to evaluate the effectiveness and appropriateness of*
36 *telehealth for providing services to regional center consumers.*

37 (3) *By December 31, 2017, based on the information provided*
38 *to the department by the participating regional centers, the*
39 *department shall provide information to the appropriate fiscal and*

1 *policy committees related to the cost-effectiveness and efficacy of*
2 *providing services to consumers using telehealth.*
3 *(c) For purposes of this section, “telehealth” has the same*
4 *meaning as set forth in paragraph (6) of subdivision (a) of Section*
5 *2290.5 of the Business and Professions Code.*

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