

AMENDED IN ASSEMBLY MAY 6, 2014
AMENDED IN ASSEMBLY MARCH 28, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2299

Introduced by Assembly Member Nazarian

February 21, 2014

An act to amend Section 4659.1 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2299, as amended, Nazarian. Developmental services: health insurance copayments.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. Under existing law, the regional centers purchase needed services for individuals with developmental disabilities through approved service providers or arrange for their provision through other publicly funded agencies. The services and supports to be provided to a regional center consumer are contained in an individual program plan or individualized family service plan, developed in accordance with prescribed requirements. Existing law authorizes a regional center to pay any applicable copayment or coinsurance for a service or support required by a consumer's individual program plan if the service is paid for by the health care service plan or health insurance policy of the consumer or his or her parent, guardian, or caregiver and, among other conditions, the family or the consumer, as applicable, has an annual gross income that does not exceed 400% of

the federal poverty level. Existing law prohibits a regional center from paying health care service plan or health insurance policy deductibles.

This bill would delete ~~that~~ *the* prohibition against payment of deductibles and would require a regional center, without regard to the family’s or consumer’s annual gross income, to pay any applicable copayment, coinsurance, or deductible for a service or support required by a consumer’s individual program plan if the support or service is paid for by the health care service plan or health insurance policy of the consumer or his or her parent, guardian, or caregiver.

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. Section 4659.1 of the Welfare and Institutions
 2 Code is amended to read:

3 4659.1. (a) If a service or support provided pursuant to a
 4 consumer’s individual program plan under this division or
 5 individualized family service plan pursuant to the California Early
 6 Intervention Services Act (Title 14 (commencing with Section
 7 95000) of the Government Code) is paid for, in whole or in part,
 8 by the health care service plan or health insurance policy of the
 9 consumer or the consumer’s parent, guardian, or caregiver, the
 10 regional center shall pay any applicable copayment, coinsurance,
 11 or deductible associated with the service or support for which the
 12 consumer or the parent, guardian, or caregiver is responsible if
 13 both of the following conditions are met:

14 (1) The consumer is covered by his or her own health care
 15 service plan or health insurance policy, or that of his or her parent,
 16 guardian, or caregiver.

17 (2) There is no other third party having liability for the cost of
 18 the service or support, as provided in subdivision (a) of Section
 19 4659 and Article 2.6 (commencing with Section 4659.10).

20 (b) Notwithstanding subdivision (a), if the cost of a copayment,
 21 coinsurance, or deductible payment associated with a service or
 22 support is more than the cost of directly ~~providing~~ *purchasing* the
 23 service or support, a regional center may directly ~~provide~~ *purchase*
 24 the service or support in lieu of paying the copayment, coinsurance,
 25 or deductible payment.

1 (c) This section shall not be implemented in a manner that is
2 inconsistent with the requirements of Part C of the federal
3 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431
4 et seq.).

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