

AMENDED IN ASSEMBLY MAY 23, 2014

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 the prohibition against payment of deductibles and would require~~ authorize a regional center, without regard to the family’s or consumer’s annual gross income, to pay any applicable copayment, or 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. *The bill would also authorize a regional center to pay a deductible associated with those plans or policies if the service or support is necessary to successfully maintain the child at home or the adult consumer in the least-restrictive setting and specified conditions relating to the financial need of the parent, caregiver, or consumer are satisfied.*

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’s parent, guardian, or caregiver, the regional center may,
10 when necessary to ensure that the consumer receives the service
11 or support, pay any applicable copayment or coinsurance associated
12 with the service or support for which the parent, guardian, or
13 caregiver is responsible if ~~all~~ both of the following conditions are
14 met:

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

17 ~~(2) The family has an annual gross income that does not exceed~~
18 ~~400 percent of the federal poverty level.~~

19 ~~(3)~~

1 (2) There is no other third party having liability for the cost of
2 the service or support, as provided in subdivision (a) of Section
3 4659 and Article 2.6 (commencing with Section 4659.10).

4 (b) If a service or support provided to a consumer 18 years of
5 age or older, pursuant to his or her individual program plan, is paid
6 for in whole or in part by the consumer's health care service plan
7 or health insurance policy, the regional center may, when necessary
8 to ensure that the consumer receives the service or support, pay
9 any applicable copayment or coinsurance associated with the
10 service or support for which the consumer is responsible if ~~both~~
11 ~~of the following conditions are met:~~

12 ~~(1) The consumer has an annual gross income that does not~~
13 ~~exceed 400 percent of the federal poverty level.~~

14 ~~(2) There~~ *there* is no other third party having liability for the
15 cost of the service or support, as provided in subdivision (a) of
16 Section 4659 and Article 2.6 (commencing with Section 4659.10).

17 ~~(c) Notwithstanding paragraph (2) of subdivision (a) or~~
18 ~~paragraph (1) of subdivision (b)~~ *subdivision (e)*, a regional center
19 may pay a ~~copayment or coinsurance~~ *deductible* associated with
20 the health care service plan or health insurance policy for a service
21 or support provided pursuant to a consumer's individual program
22 plan or individualized family service plan ~~if the family's or~~
23 ~~consumer's income exceeds 400 percent of the federal poverty~~
24 ~~level~~, the service or support is necessary to successfully maintain
25 the child at home or the adult consumer in the least-restrictive
26 setting; and the parents or consumer demonstrate one or more of
27 the following:

28 (1) The existence of an extraordinary event that impacts the
29 ability of the parent, guardian, or caregiver to meet the care and
30 supervision needs of the child or impacts the ability of the parent,
31 guardian, or caregiver, or adult consumer with a health care service
32 plan or health insurance policy, to pay the ~~copayment or~~
33 ~~coinsurance~~ *deductible*.

34 (2) The existence of catastrophic loss that temporarily limits
35 the ability to pay of the parent, guardian, or caregiver, or adult
36 consumer with a health care service plan or health insurance policy
37 and creates a direct economic impact on the family or adult
38 consumer. For purposes of this paragraph, catastrophic loss may
39 include, but is not limited to, natural disasters and accidents
40 involving major injuries to an immediate family member.

1 (3) Significant unreimbursed medical costs associated with the
2 care of the consumer or another child who is also a regional center
3 consumer.

4 ~~(d) The parent, guardian, or caregiver of a consumer or an adult
5 consumer with a health care service plan or health insurance policy
6 shall self-certify the family's gross annual income to the regional
7 center by providing copies of W-2 Wage Earners Statements,
8 payroll stubs, a copy of the prior year's state income tax return,
9 or other documents and proof of other income.~~

10 ~~(e) The parent, guardian, or caregiver of a consumer or an adult
11 consumer with a health care service plan or health insurance policy
12 is responsible for notifying the regional center when a change in
13 income occurs that would result in a change in eligibility for
14 coverage of the health care service plan or health insurance policy
15 copayments or coinsurance.~~

16 ~~(f)~~

17 (d) Documentation submitted pursuant to this section shall be
18 considered records obtained in the course of providing intake,
19 assessment, and services and shall be confidential pursuant to
20 Section 4514.

21 ~~(g) Regional~~

22 (e) *Except as provided in subdivision (c), regional centers shall*
23 *not pay health care service plan or health insurance policy*
24 *deductibles.*

25 ~~(h)~~

26 (f) This section shall not be implemented in a manner that is
27 inconsistent with the requirements of Part C of the federal
28 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431
29 et seq.).

30 ~~SECTION 1. Section 4659.1 of the Welfare and Institutions~~
31 ~~Code is amended to read:~~

32 ~~4659.1. (a) If a service or support provided pursuant to a~~
33 ~~consumer's individual program plan under this division or~~
34 ~~individualized family service plan pursuant to the California Early~~
35 ~~Intervention Services Act (Title 14 (commencing with Section~~
36 ~~95000) of the Government Code) is paid for, in whole or in part,~~
37 ~~by the health care service plan or health insurance policy of the~~
38 ~~consumer or the consumer's parent, guardian, or caregiver, the~~
39 ~~regional center shall pay any applicable copayment, coinsurance,~~
40 ~~or deductible associated with the service or support for which the~~

1 consumer or the parent, guardian, or caregiver is responsible if
2 both of the following conditions are met:

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

6 (2) There is no other third party having liability for the cost of
7 the service or support, as provided in subdivision (a) of Section
8 4659 and Article 2.6 (commencing with Section 4659.10).

9 (b) Notwithstanding subdivision (a), if the cost of a copayment,
10 coinsurance, or deductible payment associated with a service or
11 support is more than the cost of directly purchasing the service or
12 support, a regional center may directly purchase the service or
13 support in lieu of paying the copayment, coinsurance, or deductible
14 payment.

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