

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 488

Introduced by Senator ~~Rubio~~ Hueso

February 21, 2013

~~An act to amend Section 1374.73 of the Health and Safety Code, relating to health care coverage. An act to amend Sections 17920.3 and 17961 of the Health and Safety Code, relating to housing.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 488, as amended, ~~Rubio~~ Hueso. ~~Health care coverage: pervasive developmental disorder or autism. Substandard housing: regulations.~~

(1) Existing law specifies that any building, including any dwelling unit, shall be deemed to be a substandard building when a health officer determines that, among other things, an infestation of insects, vermin, or rodents exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants, or there is a lack of adequate garbage and rubbish storage and removal facilities.

This bill would authorize a local enforcement agency, including an environmental agency, housing department, or building department, to make these determinations, as specified, in addition to a health officer.

(2) Existing law provides that the housing or building department of every city, county, or city and county is required to enforce within its jurisdiction all of the State Housing Law. Existing law further provides that the health department of every city, county, or city and county, or any environmental agency or local building department, may enforce regulations related to lead hazards, as specified, and is required to coordinate enforcement activities with other interested departments and agencies in order to avoid unnecessary duplication.

This bill would specify that a local housing department is authorized to enforce regulations related to lead hazards.

~~Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law requires health care service plan contracts and health insurance policies to provide coverage for behavioral health treatment, as defined, for pervasive developmental disorder or autism. These provisions are inoperative on July 1, 2014, and are repealed on January 1, 2015.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

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

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

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *Exposure to pests, such as arthropods and rodents, in one's*
4 *home has clear health impacts. Cockroaches are known to produce*
5 *allergens that trigger asthma, especially in children. A study*
6 *conducted by the National Institutes of Health found that cockroach*
7 *allergens are the primary contributor to childhood asthma in*
8 *inner-city homes. House mice can spread a type of meningitis. Bed*
9 *bug bites can cause itching and become infected, while bed bug*
10 *infestations have been linked to severe mental stress.*

11 (b) *State law limits the enforcement authority for pest*
12 *infestations to county health officers. Cities lacking an agreement*
13 *or the resources needed to contract with a county for the services*
14 *of the county health officer are left without any authority to address*
15 *pest infestations.*

16 SEC. 2. *Section 17920.3 of the Health and Safety Code is*
17 *amended to read:*

18 17920.3. Any building or portion thereof including any
19 dwelling unit, guestroom or suite of rooms, or the premises on
20 which the same is located, in which there exists any of the
21 following listed conditions to an extent that endangers the life,
22 limb, health, property, safety, or welfare of the public or the

occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

(1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.

(2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.

(3) Lack of, or improper kitchen sink.

(4) Lack of hot and cold running water to plumbing fixtures in a hotel.

(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

(6) Lack of adequate heating.

(7) Lack of, or improper operation of required ventilating equipment.

(8) Lack of minimum amounts of natural light and ventilation required by this code.

(9) Room and space dimensions less than required by this code.

(10) Lack of required electrical lighting.

(11) Dampness of habitable rooms.

(12) Infestation of insects, vermin, or rodents as determined by a health officer or, if a health officer is not available or a city has not entered into an agreement with the health officer, county for the provision of these services, as determined by a local enforcement agency, as defined in subdivision (c) of Section 105251.

(13) General dilapidation or improper maintenance.

(14) Lack of connection to required sewage disposal system.

(15) Lack of adequate garbage and rubbish storage and removal facilities facilities, as determined by the a health officer, officer or local enforcement agency, as defined in subdivision (c) of Section 105251.

(b) Structural hazards shall include, but not be limited to, the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

1 (4) Members of walls, partitions, or other vertical supports that
2 split, lean, list, or buckle due to defective material or deterioration.

3 (5) Members of walls, partitions, or other vertical supports that
4 are of insufficient size to carry imposed loads with safety.

5 (6) Members of ceilings, roofs, ceilings and roof supports, or
6 other horizontal members which sag, split, or buckle due to
7 defective material or deterioration.

8 (7) Members of ceiling, roofs, ceiling and roof supports, or other
9 horizontal members that are of insufficient size to carry imposed
10 loads with safety.

11 (8) Fireplaces or chimneys which list, bulge, or settle due to
12 defective material or deterioration.

13 (9) Fireplaces or chimneys which are of insufficient size or
14 strength to carry imposed loads with safety.

15 (c) Any nuisance.

16 (d) All wiring, except that which conformed with all applicable
17 laws in effect at the time of installation if it is currently in good
18 and safe condition and working properly.

19 (e) All plumbing, except plumbing that conformed with all
20 applicable laws in effect at the time of installation and has been
21 maintained in good condition, or that may not have conformed
22 with all applicable laws in effect at the time of installation but is
23 currently in good and safe condition and working properly, and
24 that is free of cross connections and siphonage between fixtures.

25 (f) All mechanical equipment, including vents, except equipment
26 that conformed with all applicable laws in effect at the time of
27 installation and that has been maintained in good and safe
28 condition, or that may not have conformed with all applicable laws
29 in effect at the time of installation but is currently in good and safe
30 condition and working properly.

31 (g) Faulty weather protection, which shall include, but not be
32 limited to, the following:

33 (1) Deteriorated, crumbling, or loose plaster.

34 (2) Deteriorated or ineffective waterproofing of exterior walls,
35 roof, foundations, or floors, including broken windows or doors.

36 (3) Defective or lack of weather protection for exterior wall
37 coverings, including lack of paint, or weathering due to lack of
38 paint or other approved protective covering.

39 (4) Broken, rotted, split, or buckled exterior wall coverings or
40 roof coverings.

1 (h) Any building or portion thereof, device, apparatus,
2 equipment, combustible waste, or vegetation that, in the opinion
3 of the chief of the fire department or his deputy, is in such a
4 condition as to cause a fire or explosion or provide a ready fuel to
5 augment the spread and intensity of fire or explosion arising from
6 any cause.

7 (i) All materials of construction, except those ~~which~~ *that* are
8 specifically allowed or approved by this code, and ~~which~~ *that* have
9 been adequately maintained in good and safe condition.

10 (j) Those premises on which an accumulation of weeds,
11 vegetation, junk, dead organic matter, debris, garbage, offal, rodent
12 harborages, stagnant water, combustible materials, and similar
13 materials or conditions constitute fire, health, or safety hazards.

14 (k) Any building or portion thereof that is determined to be an
15 unsafe building due to inadequate maintenance, in accordance with
16 the latest edition of the Uniform Building Code.

17 (l) All buildings or portions thereof not provided with adequate
18 exit facilities as required by this code, except those buildings or
19 portions thereof whose exit facilities conformed with all applicable
20 laws at the time of their construction and that have been adequately
21 maintained and increased in relation to any increase in occupant
22 load, alteration or addition, or any change in occupancy.

23 When an unsafe condition exists through lack of, or improper
24 location of, exits, additional exits may be required to be installed.

25 (m) All buildings or portions thereof that are not provided with
26 the fire-resistive construction or fire-extinguishing systems or
27 equipment required by this code, except those buildings or portions
28 thereof that conformed with all applicable laws at the time of their
29 construction and whose fire-resistive integrity and
30 fire-extinguishing systems or equipment have been adequately
31 maintained and improved in relation to any increase in occupant
32 load, alteration or addition, or any change in occupancy.

33 (n) All buildings or portions thereof occupied for living,
34 sleeping, cooking, or dining purposes that were not designed or
35 intended to be used for those occupancies.

36 (o) Inadequate structural resistance to horizontal forces.

37 “Substandard building” includes a building not in compliance
38 with Section 13143.2.

39 However, a condition that would require displacement of sound
40 walls or ceilings to meet height, length, or width requirements for

1 ceilings, rooms, and dwelling units shall not by itself be considered
2 sufficient existence of dangerous conditions making a building a
3 substandard building, unless the building was constructed, altered,
4 or converted in violation of those requirements in effect at the time
5 of construction, alteration, or conversion.

6 *SEC. 3. Section 17961 of the Health and Safety Code is*
7 *amended to read:*

8 17961. (a) The housing or building department or, if there is
9 no building department acting pursuant to this section, the health
10 department of every city, county, or city and county, or any
11 environmental agency authorized pursuant to Section 101275, shall
12 enforce within its jurisdiction all of this part, the building standards
13 published in the State Building Standards Code, and the other rules
14 and regulations adopted pursuant to this part pertaining to the
15 maintenance, sanitation, ventilation, use, or occupancy of apartment
16 houses, hotels, or dwellings. The health department or the
17 environmental agency may, in conjunction with a local housing
18 or building department acting pursuant to this section, enforce
19 within its jurisdiction all of this part, the building standards
20 published in the State Building Standards Code, and the other rules
21 and regulations adopted pursuant to this part pertaining to the
22 maintenance, sanitation, ventilation, use, or occupancy of apartment
23 houses, hotels, or dwellings. Each department and agency, as
24 applicable, shall coordinate enforcement activities with each other
25 and interested departments and agencies in order to avoid
26 unnecessary duplication.

27 (b) Notwithstanding subdivision (a), the health department of
28 every city, county, or city and county, or any environmental agency
29 authorized pursuant to Section 101275 may, in addition to the local
30 building *or housing* department, if any, enforce within its
31 jurisdiction the provisions of Section 17920.10 and shall coordinate
32 enforcement activities with other interested departments and
33 agencies in order to avoid unnecessary duplication.

34 (c) The State Department of Health Services may enforce
35 Section 17920.10 if any local agency or department specified in
36 subdivisions (a) and (b) enters into a written agreement, approved
37 and published pursuant to local government procedures, with the
38 State Department of Health Services to enforce that section, or
39 provides the State Department of Health Services with a written

request to enforce that section for a specific case following the identification of a lead poisoned child in that jurisdiction.

~~SECTION 1. Section 1374.73 of the Health and Safety Code is amended to read:~~

~~1374.73. (a) (1) Every health care service plan contract that provides hospital, medical, or surgical coverage shall also provide coverage for behavioral health treatment for pervasive developmental disorder or autism no later than July 1, 2012. The coverage shall be provided in the same manner and shall be subject to the same requirements as provided in Section 1374.72.~~

~~(2) Notwithstanding paragraph (1), as of the date that proposed final rulemaking for essential health benefits is issued, this section does not require any benefits to be provided that exceed the essential health benefits that all health plans will be required by federal regulations to provide under Section 1302(b) of the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).~~

~~(3) This section shall not affect services for which an individual is eligible pursuant to Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code or Title 14 (commencing with Section 95000) of the Government Code.~~

~~(4) This section shall not affect or reduce any obligation to provide services under an individualized education program, as defined in Section 56032 of the Education Code, or an individual service plan, as described in Section 5600.4 of the Welfare and Institutions Code, or under the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400, et seq.) and its implementing regulations.~~

~~(b) Every health care service plan subject to this section shall maintain an adequate network that includes qualified autism service providers who supervise and employ qualified autism service professionals or paraprofessionals who provide and administer behavioral health treatment. Nothing shall prevent a health care service plan from selectively contracting with providers within these requirements.~~

~~(c) For the purposes of this section, the following definitions shall apply:~~

~~(1) "Behavioral health treatment" means professional services and treatment programs, including applied behavior analysis and~~

1 evidence-based behavior intervention programs, that develop or
2 restore, to the maximum extent practicable, the functioning of an
3 individual with pervasive developmental disorder or autism and
4 that meet all of the following criteria:

5 (A) The treatment is prescribed by a physician and surgeon
6 licensed pursuant to Chapter 5 (commencing with Section 2000)
7 of, or is developed by a psychologist licensed pursuant to Chapter
8 6.6 (commencing with Section 2900) of, Division 2 of the Business
9 and Professions Code.

10 (B) The treatment is provided under a treatment plan prescribed
11 by a qualified autism service provider and is administered by one
12 of the following:

13 (i) A qualified autism service provider.

14 (ii) A qualified autism service professional supervised and
15 employed by the qualified autism service provider.

16 (iii) A qualified autism service paraprofessional supervised and
17 employed by a qualified autism service provider.

18 (C) The treatment plan has measurable goals over a specific
19 timeline that is developed and approved by the qualified autism
20 service provider for the specific patient being treated. The treatment
21 plan shall be reviewed no less than once every six months by the
22 qualified autism service provider and modified whenever
23 appropriate, and shall be consistent with Section 4686.2 of the
24 Welfare and Institutions Code pursuant to which the qualified
25 autism service provider does all of the following:

26 (i) Describes the patient's behavioral health impairments to be
27 treated.

28 (ii) Designs an intervention plan that includes the service type,
29 number of hours, and parent participation needed to achieve the
30 plan's goal and objectives, and the frequency at which the patient's
31 progress is evaluated and reported.

32 (iii) Provides intervention plans that utilize evidence-based
33 practices, with demonstrated clinical efficacy in treating pervasive
34 developmental disorder or autism.

35 (iv) Discontinues intensive behavioral intervention services
36 when the treatment goals and objectives are achieved or no longer
37 appropriate.

38 (D) The treatment plan is not used for purposes of providing or
39 for the reimbursement of respite, day care, or educational services
40 and is not used to reimburse a parent for participating in the

1 treatment program. The treatment plan shall be made available to
2 the health care service plan upon request.

3 ~~(2) “Pervasive developmental disorder or autism” shall have~~
4 ~~the same meaning and interpretation as used in Section 1374.72.~~

5 ~~(3) “Qualified autism service provider” means either of the~~
6 ~~following:~~

7 ~~(A) A person, entity, or group that is certified by a national~~
8 ~~entity, such as the Behavior Analyst Certification Board, that is~~
9 ~~accredited by the National Commission for Certifying Agencies,~~
10 ~~and who designs, supervises, or provides treatment for pervasive~~
11 ~~developmental disorder or autism, provided the services are within~~
12 ~~the experience and competence of the person, entity, or group that~~
13 ~~is nationally certified.~~

14 ~~(B) A person licensed as a physician and surgeon, physical~~
15 ~~therapist, occupational therapist, psychologist, marriage and family~~
16 ~~therapist, educational psychologist, clinical social worker,~~
17 ~~professional clinical counselor, speech-language pathologist, or~~
18 ~~audiologist pursuant to Division 2 (commencing with Section 500)~~
19 ~~of the Business and Professions Code, who designs, supervises,~~
20 ~~or provides treatment for pervasive developmental disorder or~~
21 ~~autism, provided the services are within the experience and~~
22 ~~competence of the licensee.~~

23 ~~(4) “Qualified autism service professional” means an individual~~
24 ~~who meets all of the following criteria:~~

25 ~~(A) Provides behavioral health treatment.~~

26 ~~(B) Is employed and supervised by a qualified autism service~~
27 ~~provider.~~

28 ~~(C) Provides treatment pursuant to a treatment plan developed~~
29 ~~and approved by the qualified autism service provider.~~

30 ~~(D) Is a behavioral service provider approved as a vendor by a~~
31 ~~California regional center to provide services as an Associate~~
32 ~~Behavior Analyst, Behavior Analyst, Behavior Management~~
33 ~~Assistant, Behavior Management Consultant, or Behavior~~
34 ~~Management Program as defined in Section 54342 of Title 17 of~~
35 ~~the California Code of Regulations.~~

36 ~~(E) Has training and experience in providing services for~~
37 ~~pervasive developmental disorder or autism pursuant to Division~~
38 ~~4.5 (commencing with Section 4500) of the Welfare and~~
39 ~~Institutions Code or Title 14 (commencing with Section 95000)~~
40 ~~of the Government Code.~~

~~(5) “Qualified autism service paraprofessional” means an uncertified and unlicensed individual who meets all of the following criteria:~~

~~(A) Is employed and supervised by a qualified autism service provider.~~

~~(B) Provides treatment and implements services pursuant to a treatment plan developed and approved by the qualified autism service provider.~~

~~(C) Meets the criteria set forth in the regulations adopted pursuant to Section 4686.3 of the Welfare and Institutions Code.~~

~~(D) Has adequate education, training, and experience, as certified by a qualified autism service provider.~~

~~(d) This section shall not apply to the following:~~

~~(1) A specialized health care service plan that does not deliver mental health or behavioral health services to enrollees.~~

~~(2) A health care service plan contract in the Medi-Cal program (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code).~~

~~(3) A health care service plan contract in the Healthy Families Program (Part 6.2 (commencing with Section 12693) of Division 2 of the Insurance Code).~~

~~(4) A health care benefit plan or contract entered into with the Board of Administration of the Public Employees’ Retirement System pursuant to the Public Employees’ Medical and Hospital Care Act (Part 5 (commencing with Section 22750) of Division 5 of Title 2 of the Government Code).~~

~~(e) Nothing in this section shall be construed to limit the obligation to provide services under Section 1374.72.~~

~~(f) As provided in Section 1374.72 and in paragraph (1) of subdivision (a), in the provision of benefits required by this section, a health care service plan may utilize case management, network providers, utilization review techniques, prior authorization, copayments, or other cost sharing.~~

~~(g) This section shall become inoperative on July 1, 2014, and, as of January 1, 2015, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.~~