

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 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~~ *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.

This bill would require the department, by December 1, 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.

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:~~

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

17 4686.21. (a) To promote the use of telehealth to provide
18 services for individuals with autism spectrum disorders, the State
19 Department of Developmental Services, as a demonstration pilot
20 project, shall do the following:

21 (1) Authorize a provider who is vendorized with a regional
22 center to provide intervention services or therapeutic services to
23 provide these services through the use of telehealth. These services
24 shall be provided as part of a consumer’s individual program plan
25 (IPP) upon approval of a regional center and the voluntary approval
26 of the consumer, or, when appropriate, the consumer’s parents,
27 legal guardian, conservator, or authorized representative.

1 (2) (A) Authorize a regional center to purchase intervention
2 services or therapeutic services provided through the use of
3 telehealth as part of a consumer’s IPP if both of the following
4 conditions are met:

5 (i) The consumer or, when appropriate, the consumer’s parents,
6 legal guardian, conservator, or authorized representative voluntarily
7 approves this use of telehealth.

8 (ii) The provider demonstrates that the proposed intervention
9 service or therapeutic service provided through the use of telehealth
10 meets the needs of the consumer, as defined in the consumer’s
11 IPP.

12 (B) The provider ~~establishes~~ *shall establish* that the services
13 being provided through the use of telehealth are, at a minimum,
14 in compliance with all of the following:

15 (i) All requirements related to consumer privacy and
16 confidentiality.

17 (ii) The requirements of this division.

18 (iii) State and federal requirements with regard to the purchase
19 of regional center services.

20 (iv) All federal funding participation guidelines and
21 requirements.

22 (3) Require regional centers to consider the use of telehealth in
23 the implementation of parent training for autism, as specified in
24 clause (i) of subparagraph (B) of paragraph (3) of subdivision (c)
25 of Section 4685, or any other situation when parent training may
26 be required.

27 (b) The department shall implement vendorization codes or
28 subcodes for all telehealth services and programs that apply
29 pursuant to this section.

30 (c) The provider shall be responsible for all expenses and costs
31 related to the equipment, transmission, storage, infrastructure, and
32 other expenses related to telehealth.

33 (d) For purposes of this section, “telehealth” has the same
34 meaning as set forth in paragraph (6) of subdivision (a) of Section
35 2290.5 of the Business and Professions Code.

36 (e) Consumers with developmental disabilities may receive
37 intervention services or therapeutic services through the use of
38 telehealth on a provisional basis, with parental consent if the
39 consumer is a minor, with the consent of the consumer if the
40 consumer is an adult, or with the consent of the guardian or

1 conservator of the consumer, as set forth in the consumer’s IPP.
2 The provisional period for receiving services through the use of
3 telehealth shall not exceed 12 months. During the provisional
4 period, any consumer who receives services through the use of
5 telehealth pursuant to this section shall have an automatic right to
6 return to his or her preexisting services, as defined by the
7 consumer’s IPP, that were in place prior to the implementation of
8 the telehealth service.

9 *(f) By December 1, 2017, based on information provided by*
10 *regional centers, the department shall provide information to the*
11 *fiscal and appropriate policy committees of the Legislature related*
12 *to the frequency, applications, cost-effectiveness, and other*
13 *appropriate information that may be deemed necessary by the*
14 *department in order to evaluate the effectiveness and*
15 *appropriateness of telehealth for providing services to regional*
16 *center consumers through the IPP process.*

17 *(g) Nothing in this section shall prevent or preclude the use of*
18 *telehealth by regional centers for services to their consumers who*
19 *are diagnosed with developmental disabilities other than autism*
20 *spectrum disorders.*

21 ~~(f)~~

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