

AMENDED IN SENATE APRIL 14, 2011

SENATE BILL

No. 764

Introduced by Senator Steinberg

February 18, 2011

An act to add and repeal Article 5 (commencing with Section 4669.80) of Chapter 5 of Division 4.5 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 764, as amended, Steinberg. Developmental services: ~~autism services guidelines.~~ *Autism TeleHealth 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 and services to individuals with developmental disabilities.

~~This bill would state the intent of the Legislature to subsequently amend this bill to include provisions that would promote statewide standardized guidelines, best practices, and innovative approaches for the provision of services and supports through regional centers for the evaluation and treatment of individuals with autism spectrum disorders from birth to 5 years of age.~~

This bill would require the department to establish the Autism TeleHealth Program (ATHP) to promote the use of telehealth systems (THS), as defined, to provide services for individuals with autism spectrum disorders (ASD). The bill would require the department to implement this program by requesting proposals from, and executing memorandums of understanding with, one or more regional centers that promote the use of or utilize THS to provide services for individuals with ASD. This bill would repeal these provisions on January 1, 2017.

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

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

1 SECTION 1. Article 5 (commencing with Section 4669.80) is
2 added to Chapter 5 of Division 4.5 of the Welfare and Institutions
3 Code, to read:

4
5 Article 5. Autism TeleHealth Program
6

7 4669.80. For the purposes of this article, the following
8 definitions shall apply:

9 (a) “Asynchronous store and forward THS” means the
10 transmission of an individual’s information from an originating
11 site to the provider at a distant site without the individual being
12 present.

13 (b) “Distant site” means the site at which the provider delivering
14 the service is located at the time the service is provided via the
15 telehealth system.

16 (c) “Originating site” means the location of the individual at
17 the time the service is furnished via the telehealth system and where
18 the information transfer occurs.

19 (d) “Provider” means any person who is vendorized to provide
20 services by a regional center.

21 (e) “Real-time THS” means the transmission of an individual’s
22 information from an originating site to the provider at the distant
23 site with the individual being present.

24 (f) “Telehealth systems” or “THS” means a mode of delivering
25 services and information that utilizes technologies to enable
26 evaluation, consultation, and treatment of individuals, and the
27 provision of supports, self-management, and other appropriate
28 services, including synchronous and asynchronous interactions,
29 to individuals who are within the purview and responsibility of
30 the regional center regardless of the location of the providers or
31 individuals.

32 4669.81. (a) The department shall establish the Autism
33 TeleHealth Program (ATHP), which shall be a model program to
34 promote the use of telehealth systems to provide services for
35 individuals with autism spectrum disorders (ASD). It is the intent

1 of the Legislature that the program promote the use of THS to
2 optimize programs and services for individuals with ASD and their
3 families, provide those services in the most cost-effective manner,
4 and promote public-private partnerships that will leverage existing
5 resources.

6 (b) The department shall implement the ATHP program by
7 requesting proposals from, and executing memorandums of
8 understanding (MOUs) with, one or more regional centers that
9 promote the use of or utilize THS to provide services for individuals
10 with ASD in any of the following areas:

- 11 (1) Screening or diagnosis.
- 12 (2) Evaluation or assessment.
- 13 (3) Consumer or family training.
- 14 (4) Intervention or treatment.
- 15 (5) Professional development.
- 16 (6) Access to services by underserved populations.
- 17 (7) Additional services or supports as deemed appropriate by
18 the department.

19 (c) The department may, if deemed necessary and in furtherance
20 of the ATHP program, enter into contracts or MOUs directly with
21 other entities, including, but not limited to, all of the following:

- 22 (1) Rural health clinics.
- 23 (2) Federally qualified health centers.
- 24 (3) Community hospitals.
- 25 (4) Nonprofit organizations.
- 26 (5) Public or private foundations.
- 27 (6) For-profit corporations.
- 28 (7) Research and academic organizations.
- 29 (8) Institutes of higher education.

30 (d) (1) Proposals submitted and MOUs entered into pursuant
31 to this article shall, at a minimum, be all of the following:

- 32 (A) Compliant with all other requirements of this chapter.
- 33 (B) Compliant with all requirements of consumers' individual
34 program plans or individual family service plans.
- 35 (C) Consistent with all guidelines, regulations, and other
36 requirements established by the department.
- 37 (2) Proposals submitted and MOUs entered into pursuant to
38 this article shall not incur additional expenditures from the General
39 Fund by the department.

- 1 (e) MOUs entered into pursuant to this article shall include, at
- 2 a minimum, all of the following components:
- 3 (1) Appropriate service codes, established by the department if
- 4 deemed appropriate, for the reimbursement of THS services
- 5 provided by the regional centers pursuant to this article.
- 6 (2) Approval for the use of either real-time THS or asynchronous
- 7 store and forward THS.
- 8 (3) Reimbursement for services provided regardless of whether
- 9 the services are provided in person or by THS and whether
- 10 real-time THS or asynchronous store and forward THS is utilized.
- 11 (4) Documentation of a barrier to an in-person visit shall not
- 12 be required.
- 13 (5) Participation is voluntary by all individuals and irrespective
- 14 of the setting of the individual or provider as identified in the MOU.
- 15 (f) All regional centers participating in an MOU pursuant to
- 16 this article shall provide an annual report on the progress of the
- 17 program to the department, if deemed necessary by the director.
- 18 (g) In implementing this article, the department may consult
- 19 with third parties as it deems appropriate but the director shall
- 20 have sole and final authority as to any MOUs that are entered into
- 21 pursuant to this section.
- 22 4669.82. (a) The department shall establish an ATHP advisory
- 23 board. Members of the advisory board shall be appointed by the
- 24 director and shall include, but not be limited to, all of the
- 25 following:
- 26 (1) Two consumers of developmental services.
- 27 (2) Two family members of consumers of developmental services.
- 28 (3) Two regional center directors or their representatives.
- 29 (4) Two providers who provide services for individuals with
- 30 ASD.
- 31 (5) The director or his or her designee.
- 32 (6) Two representatives who have professional experience and
- 33 expertise in working with a company or organization that is
- 34 providing THS services.
- 35 (7) Two representatives of an academic institution or institute
- 36 of higher education who have expertise in the area of ASD.
- 37 (b) The duties of the board shall include, but not be limited to,
- 38 all of the following:
- 39 (1) To provide assistance and expertise in the area of THS.

1 (2) *To provide assistance and expertise in the use of THS in*
2 *providing services for individuals with ASD across the lifespan.*

3 (3) *To provide assistance and expertise in the areas of*
4 *professional development, consumer supports, and parental*
5 *education.*

6 (c) *Members of the advisory board shall not be compensated,*
7 *except for travel expenses as deemed appropriate by the director.*

8 4669.83. (a) *The department shall implement the ATHP*
9 *program using existing state General Fund resources but may seek*
10 *additional funding from federal or other public and private sources.*

11 (b) *Funding to implement MOUs entered into pursuant to this*
12 *article may be provided directly to the regional centers. If regional*
13 *centers receive funding in accordance with this subdivision, the*
14 *regional center shall disclose the receipt of funds to the*
15 *department.*

16 4669.84. (a) *This article shall not be construed to alter the*
17 *scope of practice, duties, or responsibilities of any provider.*

18 (b) *All applicable laws and regulations regarding the*
19 *confidentiality and rights of individuals to their data and*
20 *information shall apply to all THS transactions.*

21 4669.85. *This article shall remain in effect only until January*
22 *1, 2017, and as of that date is repealed, unless a later enacted*
23 *statute, that is enacted before January 1, 2017, deletes or extends*
24 *that date.*

25 ~~SECTION 1. It is the intent of the Legislature to subsequently~~
26 ~~amend this measure to include provisions that would promote~~
27 ~~statewide standardized guidelines, best practices, and innovative~~
28 ~~approaches for the provision of services and supports through~~
29 ~~regional centers for the evaluation and treatment of individuals~~
30 ~~with autism spectrum disorders from birth to five years of age.~~