

## CDCAN DISABILITY RIGHTS REPORT CALIFORNIA DISABILITY COMMUNITY ACTION NETWORK



**#103-2010 – JUNE 7, 2010 – MONDAY NIGHT**

*Advocacy Without Borders: One Community – Accountability With Action - California Disability Community Action Network Disability Rights News goes out to over 55,000 people with disabilities, mental health needs, seniors, traumatic brain & other injuries, veterans with disabilities and mental health needs, their families, workers, community organizations, including those in Asian/Pacific Islander, Latino, African American communities, policy makers and others across California.*

To reply to this report write: **MARTY OMOTO** at [martyomoto@rcjp.com](mailto:martyomoto@rcjp.com) WEBSITE: [www.cdcan.us](http://www.cdcan.us) TWITTER: [www.twitter.com](http://www.twitter.com) - 'MartyOmot

**STATE PRIMARY ELECTION TUESDAY JUNE 8<sup>th</sup> – BE SURE TO VOTE**

### Autism Epidemic:

## **HEALTH INSURANCE PLANS AND AUTISM SPECTRUM DISORDERS FOCUS OF JUNE 10<sup>TH</sup> INFORMATIONAL HEARING BY SENATE AUTISM SELECT COMMITTEE**

***Select Committee Headed by Sen. Steinberg Will Bring Together State Regulatory Agencies, Family Advocates, Health Plan Representatives and Others to Address Controversial Issue – Committee Includes Current and Incoming Senate Republican Leaders***



SACRAMENTO, CALIF (CDCAN) [Updated 06/07/2010 11:20 PM (Pacific Time)] - The Senate Select Committee on Autism and Related Disorders, chaired by Senate President Pro tem Darrell Steinberg (Democrat – Sacramento), [photo left of Sen. Steinberg] will hold an informational hearing that will focus on the controversial issue of children with autism spectrum disorders and their families and the problems with their private health insurance plans in covering critical services, scheduled for June 10, 2010 (Thursday) from 10:30 to 1:00 PM, at the State Capitol in Room 3191. The informational hearing is scheduled to be televised by on CalChannel (check your local

cable listing) and webcast live on CalChannel's website, [www.calchannel.com](http://www.calchannel.com) CDCAN will issue a full report on the informational hearing Thursday. [A copy of the 2 page agenda can be downloaded from the CDCAN website at [www.cdcan.us](http://www.cdcan.us) [note: this agenda was scanned by Steinberg's office as a pdf file – so the image cannot be "read". For those people who are sight impaired or are blind, the full agenda is retyped below in this CDCAN Report]

**Brief Public Comment Period – But Letters Welcome**

There is brief public comment period at the end of the informational hearing, though interested persons can also submit written comments and letters directly to the select committee via US mail or FAX (916-327-8867):

Senate Select Committee on Autism and Related Disorders

Senator Darrell Steinberg, Chair

State Capitol – Room 415

Sacramento, CA 95814

### **Controversy Has Major Potential Impact on State Budget**

- The controversy regarding private health insurance plans and children with autism spectrum disorders and their families and what the health plans should cover has major potential impact on the State budget.
- Many advocates for families with children with autism spectrum disorders claim that the State could save tens of millions of dollars if insurance companies covered many of the services currently paid for by the State.
- Those advocates also claim that private health insurance companies should have been required to provide certain intervention services for children with autism spectrum disorders, which could have prevented the need for more expensive services that the State is paying for now and in future years.
- Private health insurance companies have previously have disagreed with the assertions made by advocates.

In an informational hearing by the Senate Select Committee on Autism in April, Steinberg said he wanted to bring together all the representatives and advocates of all the parties connected to this issue to hear the different perspectives and concerns that could lead to possible solutions, including discussion on who and what must be covered under the federal Mental Health Parity Act.

### **Regional Centers Coordinate Services Under Contract by State**

The 21 non-profit regional centers under contract with the Department of Developmental Services, coordinates community-based services and supports to over 240,000 children and adults with developmental disabilities, including autism spectrum disorders (ASD)

The numbers of persons diagnosed with autism spectrum disorders and eligible for regional center coordinated services has exploded into what advocates and policymakers alike say is an “epidemic”, with the population served growing from over 8,700 in 1997 to nearly 37,000 persons as of December 2007.

The number does not include thousands of other children and young adults who may be diagnosed with Autism Spectrum Disorders but are not eligible for regional center coordinated services after the State narrowed eligibility in 2004 as one of the budget reduction measures enacted.

### **Steinberg’s SB 1283 Dealing with Health Insurance Grievances Passes Senate**

Steinberg introduced this year legislation that touches on a part of the larger issue of health insurance plans and children with autism spectrum disorders and their families, focusing on the handling of grievances against a health plan.

The bill, last amended on May 28<sup>th</sup>, passed the State Senate on June 1<sup>st</sup> by a vote of 23 to 10. It is now in the Assembly and will soon be referred to a policy committee, likely Assembly Health Committee, for hearing. No hearing date has yet been set. [latest version of the 10 page pdf file bill can be downloaded from CDCAN website at [www.cdcan.us](http://www.cdcan.us)]

### SB 1283 – HEALTH INSURANCE: GRIEVANCES

AUTHOR: Sen. Darrell Steinberg (Democrat – Sacramento)

CDCAN SUMMARY (as last amended May 28, 2010):

*1. If the director of the Department of Managed Health Care determines that additional time is necessary to evaluate a grievance and make a determination, the Department of Managed Health Care shall do all of the following:*

- *Make a determination, within 30 calendar days of receipt of the request for review, as to what additional information is necessary for the department to complete its review of the grievance and make a determination.*
- *Notify the subscriber or the enrollee in writing, within 30 calendar days of receipt of the request for review, of the additional information that the department has identified for it to complete the grievance review and to make a determination.*
- *Upon receipt of all information that constitutes a completed application, notify the subscriber or the enrollee, in writing within five business days, of the date the application was completed.*
- *Make a determination of the final disposition of the grievance, and the reasons for that determination, within 30 calendar days of having established a completed application.*
- *Notify the subscriber or enrollee of the decision in writing within five business days of the final disposition of the grievance.*

*2. Notwithstanding the requirements above, the Department of Managed Health Care may not request from the subscriber or enrollee any information, data, or further evaluation that imposes additional costs, expenses, or other fiscal responsibilities upon the subscriber or enrollee, unless paid for by the department.*

*3. A health plan shall provide all information that is requested by the Department of Managed Health Care under the requirements in #1 above, within five business days of the department's request.*

- *If the plan fails to comply with that request, the Department of Managed Health Care shall impose an administrative fine upon the plan.*
- *Would require the director of the Department of Managed Health Care to include in the director's annual public report required by law, to include specified information related to the department's review of grievances against health care service plans*

LATEST ACTION 06/01/2010: PASSED State Senate 23 to 10. In Assembly.

NEXT STEPS: Must be heard and reported out of Assembly policy committee (likely Assembly Health Committee) on or before July 2<sup>nd</sup>.

CDCAN COMMENT: Another bill by Steinberg, SB 1282 dealing with applied behavioral analysis, passed the State Senate June 1, 2010 by a vote of 23 to 12 and is now

in the Assembly waiting to be referred to a policy committee (likely Assembly Health Committee). SB 1282 would until January 1, 2017, make it an unfair business practice for a person to use certain titles or terms implying that he/she is certified as an applied behavior analyst unless he/she holds a current certification from a national organization that certifies applied behavior analysts and that is accredited by the National Commission on Certifying Agencies, or to state, advertise, or represent that he/she is certified or licensed by a governmental agency as an applied behavior analyst.

### **Members of the Senate Select Committee on Autism & Related Disorders**

The select committee has 15 members including not only Steinberg, but both the current Senate Republican Leader, Dennis Hollingsworth and the new incoming Senate Republican Leader Bob Dutton. The select committee also has the entire membership of the Senate Budget Subcommittee #3 on Health and Human Services, including the chair, Mark Leno; and the chairs of the Senate Health Committee (Elaine Alquist) and Senate Human Services Committee (Carol Liu) – all budget and policy committees that deal with issues related to autism spectrum disorders and other developmental disabilities. The select committee also includes a parent of a child with developmental disabilities – Fran Pavley.

[Note: “select” essentially means a special temporary committee established to focus on a specific issue or problem. It does not hear or vote on bills or budget issues – but can focus attention on an issue or problem and refer potential legislation to the appropriate policy committees).

Democratic Select Committee Members: *Elaine Alquist (also chair of the Senate Health Committee); Gil Cedillo, Lou Correa; Mark DeSaulnier; Dean Florez; Mark Leno (chair of the Senate Budget Subcommittee #3 on Health and Human Services); Carol Liu (chair of the Senate Human Services Committee); Alex Padilla; Fran Pavley; Curren Price, Jr.; Darrell Steinberg (Senate President Pro Tem and Select Committee Chair); and Lois Wolk*

Republican Select Committee Members: *Roy Ashburn (member of the Senate Budget Subcommittee #3 on Health and Human Services); Bob Dutton (vice chair of the Senate Budget and Fiscal Review Committee and the new incoming Senate Republican Leader); and Dennis Hollingsworth (current Senate Republican Leader)*

### **INFORMATIONAL HEARING AGENDA**

*Informational Hearing:*

*Health Insurance Coverage of Behavioral Intervention Therapy for Autism Spectrum Disorders (ASD)*

*June 10, 2010*

*(10:30 AM to 1:00 PM)*

*The Capitol Building – Room 3191*

*Agenda*

***Welcome and Opening Comments (10:30 – 10:40 AM)***

*Senator Steinberg and Committee members*

***The Science and Treatment of Autism Spectrum Disorders (ASD) (10:40 – 11:10 AM)***

- *Is Autism Spectrum Disorders (ASD) a Brain-Based Medical Disorder? – David G. Amaral, PhD*
- *Behavioral Intervention Therapy for Autism Spectrum Disorders (ASD)? – What Is It and How Does It Work? – Sally Rogers, PhD*
- *What is the Evidence for the Medical Treatment of Autism Spectrum Disorders (ASD)? – Robin Hansen, MD*

***The Regulatory Framework for the Private Insurance Coverage of Autism Spectrum Disorders (ASD) Services (11:10 – 11:40 AM)***

*Rick Martin; Holly Pearson; Andrew George; Tim LeBas (Department of Managed Health Care); Elena Fishman (Department of Insurance)*

- *How Does the Department of Managed Health Care and the Department of Insurance Monitor Health Plans for Compliance with Mental Health Parity for Autism Spectrum Disorders (ASD)?*
- *What are the Criteria to Determine if Behavioral Intervention Therapy is a Covered Benefit and Qualifies as Medically Necessary Services for Autism Spectrum Disorders (ASD)?*

***The Health Plans' Perspective (11:40 – 12:10 PM)***

*Patrick Johnston (California Association of Health Plans); David J. Ormerod, MD (Blue Shield of California); Don Mordecai, MD (Kaiser); Sandra Gloze (Kaiser)*

- *What Must Be Covered for Autism Under the Mental Health Parity Act?*
- *What Are the Criteria to Determine if Behavioral Intervention Therapy Qualifies as Medically Necessary Services for Autism Spectrum Disorders (ASD)?*
- *How Does a Practicing Physician Approach the Medical Treatment of Autism Spectrum Disorders (ASD)?*

***Challenges Faced by Consumers (12:10 to 12:30 PM)***

- *How Can Parents Navigate the Complexities of Autism Spectrum Disorders (ASD) Medical Care? – Feda Almaliti*
- *Autism Insurance Coverage in California: Findings of the Blue Ribbon Commission and Senate Autism Taskforces – Barbara Firestone, PhD*
- *What are Other States Doing to Provide for Private Insurance Coverage of Autism Spectrum Disorders (ASD)? – Lorri Unumb*

***Public Comments (12:30 – 12:50 PM)***

***Closing Comments (12:50 – 1:00 PM)***

***Adjournment (1:00 PM)***

# ***CDCAN'S ACCOUNTABILITY WITH ACTION TRAINING***

**JUNE 14, 2010 – MONDAY 1:00 to 3:15 PM**

**IN SACRAMENTO - SPACES LIMITED**

**HANDS ON TRAINING OF A DIFFERENT APPROACH TO ADVOCACY  
IF INTERESTED IN ATTENDING THIS FREE TRAINING**

**PLEASE SEND RSVP TO MARTY OMOTO AT: [martyomoto@rcip.com](mailto:martyomoto@rcip.com)**

## ***VERY URGENT!!!!***

**PLEASE HELP CDCAN CONTINUE ITS WORK!!!**



We need your help. CDCAN Townhall Telemeetings, reports and alerts and other activities cannot continue without your help.

To continue the CDCAN website, the CDCAN News Reports. sent out and read by over 50,000 people and organizations, policy makers and media across California and to continue the CDCAN Townhall Telemeetings which since December 2003 have connected thousands of people with disabilities, seniors, mental health needs, people with MS and other disorders, people with traumatic brain and other injuries to public policy makers, legislators, and issues.

Please send your contribution/donation (make payable to "CDCAN" or

"California Disability Community Action Network):

### **CDCAN**

**1225 8th Street Suite 480 - Sacramento, CA 95814**

paypal on the CDCAN site is not yet working – will be soon.

MANY, MANY THANKS TO the Pacific Homecare Services, Easter Seals, California Association of Adult Day Health Centers, Valley Mountain Regional Center, Toward Maximum Independence, Inc (TMI), Friends of Children with Special Needs, UCP of Los Angeles, Ventura and Santa Barbara Counties, Southside Arts Center, San Francisco Bay Area Autism Society of America, Hope Services in San Jose, FEAT of Sacramento (Families for Early Autism Treatment), RESCoalition, Sacramento Gray Panthers, Easter Seals of Southern California, Tri-Counties Regional Center, Westside Regional Center, Regional Center of the East Bay, UCP of Orange County, Alta California Regional Center, Life Steps, Parents Helping Parents, Work Training, Foothill Autism Alliance, Arc Contra Costa, Pause4Kids, Manteca CAPS, Training Toward Self Reliance, UCP, California NAELA, Californians for Disability Rights, Inc (CDR) including CDR chapters, CHANCE Inc, , Strategies To Empower People (STEP), Harbor Regional Center, Asian American parents groups, Resources for Independent Living and many other Independent Living Centers, several regional centers, People First chapters, IHSS workers, other self advocacy and family support groups, developmental center families, adoption assistance program families and children, and others across California.