

Legislative report – Medi-Cal Children’s Health Advisory Panel

January 22, 2020

These are bills that may be of interest to MCHAP members. Inclusion on this list does not indicate support or endorsement by MCHAP or any other entity or organization.

AB 70 (**Berman D**) **Private postsecondary education: California Private Postsecondary Education Act of 2009.**

Last Amend: 1/6/2020

Location: 1/14/2020-A. APPR.

Summary: Would define nonprofit corporation and public institution of higher education specially for purposes of the California Private Postsecondary Education Act of 2009. The bill would specify that only an institution of higher education meeting the act’s definition of nonprofit corporation or public institution of higher education is exempt from the requirements imposed on an out-of-state private postsecondary educational institution. The bill would prohibit the Bureau for Private Postsecondary Education from verifying the exemption of, or contracting to handle complaints for, a nonprofit institution that operated as a for-profit institution during any period on or after January 1, 2010, unless the Attorney General verifies specified information, and would require the Attorney General to provide written notification to the institution and the bureau of its verification within 90 days of receipt of all information the Attorney General determines is necessary for the verification.

AB 495 (**Muratsuchi D**) **Cosmetics: safety.**

Last Amend: 1/15/2020

Location: 1/17/2020-A. DEAD

Summary: The Sherman Food, Drug, and Cosmetic Law prohibits the manufacture, sale, delivery, holding, or offer for sale of adulterated cosmetics, and prescribes when a cosmetic is adulterated, including when it bears or contains a poisonous or deleterious substance that may render it injurious to users when used as directed in the cosmetic’s labeling or advertising or under customary or usual conditions. Provisions of this law are enforced by the State Department of Public Health. A violation of these provisions is a crime. This bill would additionally prescribe that a cosmetic is adulterated if it contains asbestos, lead, any of several specified intentionally added ingredients, or another chemical or contaminant identified by the department, except under specified circumstances.

AB 823 (**Arambula D**) **Developmental services.**

Last Amend: 1/6/2020

Location: 1/14/2020-A. APPR.

Summary: Current law requires the State Department of Developmental Services, when approving regional center contracts, to ensure that regional center staffing patterns demonstrate that direct service coordination is the highest priority. Under current law, as a component of its contract with the department, a regional center is required to have, or

contract for, certain services, including staffing arrangements related to the delivery of services that the department determines are necessary to ensure maximum cost-effectiveness and to ensure that the service needs of consumers and families are met. This bill would additionally require a regional center to contract for mobile crisis services assist consumers in remaining in, or returning to, the community.

AB 910 (Wood D) Medi-Cal: dispute resolution.

Last Amend: 1/14/2020

Location: 1/14/2020-A. APPR.

Summary: Would require a county mental health plan and Medi-Cal managed care plan that are unable to resolve a dispute to submit a request for resolution to the State Department of Health Care Services. The bill would require the department to issue a written decision to the plans within 30 calendar days from receipt of the request by either the county mental health plan or the Medi-Cal plan. The bill would also prohibit the dispute from delaying the provision of medically necessary services, as specified.

AB 1838 (Chu D) Pupil attendance: excused absences: behavioral health.

Location: 1/17/2020-A. ED.

Summary: Current law, notwithstanding the requirement that each person between 6 and 18 years of age who is not otherwise exempted is subject to compulsory full-time education, requires a pupil to be excused from school for specified types of absences, including, among others, if the absence was due to the pupil's illness or if the absence was for the purpose of having medical, dental, optometrical, or chiropractic services rendered. This bill would include as another type of required excused absence an absence that is due to the behavioral health of the pupil or for the purposes of having behavioral health services rendered.

AB 1849 (Low D) Pupil attendance: excused absences: mental or behavioral health.

Location: 1/17/2020-A. ED.

Summary: Current law, notwithstanding the requirement that each person between 6 and 18 years of age who is not otherwise exempted is subject to compulsory full-time education, requires a pupil to be excused from school for specified types of absences, including, among others, if the absence was due to the pupil's illness. This bill would include as another type of required excused absence an absence that is for the benefit of the mental or behavioral health of the pupil. To the extent that this bill would impose additional duties on local educational entities, the bill would impose a state-mandated local program.

AB 1933 (Maienschein D) Pupil health: sudden cardiac arrest: athletic activities.

Location: 1/15/2020-A. PRINT

Summary: The Eric Paredes Sudden Cardiac Arrest Prevention Act requires an athletic director, coach, athletic trainer, or authorized person, as defined, to remove from participation a pupil who passes out or faints while participating in or immediately following an athletic activity. The act prohibits a pupil who is removed from play for this reason from being permitted to return to participate in an athletic activity until the pupil is evaluated and cleared to return to participate, as provided. This bill would authorize a pupil or the pupil's parent or guardian to request the administration of an electrocardiogram as part of the pupil's evaluation for purposes of being permitted to return to participate in an athletic activity. The bill would require that an electrocardiogram for this purpose be administered by a health care professional who is authorized to administer and interpret electrocardiograms under the scope of their practice and pursuant to current consensus guidelines for the interpretation of electrocardiograms, as provided.

AB 1940 (Flora R) Medi-Cal: podiatric services.

Location: 1/16/2020-A. PRINT

Summary: Would make conforming changes to the provisions that govern applying to be a provider in the Medi-Cal program or for a change of location by an existing provider to include a doctor of podiatric medicine licensed by the California Board of Podiatric Medicine.

ACR 140 (Stone, Mark D) Positive Parenting Awareness Month.

Location: 1/14/2020-S. RLS.

Summary: This measure would designate the month of January 2020 as Positive Parenting Awareness Month in California.

SB 175 (Pan D) Health care coverage.

Last Amend: 1/6/2020

Location: 1/21/2020-S. SECOND READING

Summary: Current law requires a health care service plan that issues, sells, renews, or offers plan contracts for health care coverage in the state to comply with the requirements of the PPACA, and any rules or regulations issued under the PPACA, that generally prohibit a health plan offering group or individual coverage from imposing lifetime or annual limits on the dollar value of benefits for a participant or beneficiary. Current law requires a plan to comply with those provisions to the extent required by federal law. This bill would delete the requirement that a plan comply with the prohibition on lifetime or annual limits to the extent required by federal law, and would instead prohibit an individual or group health care service plan contract from establishing lifetime or annual limits on the dollar value of benefits for an enrollee, thereby indefinitely extending the prohibitions on lifetime or annual limits, except as specified.

SB 207 (Hurtado D) Elections: voter registration: partisan primary elections.

Last Amend: 1/7/2020

Location: 1/7/2020-A. APPR.

Summary: Would permit a voter, from the 14th day immediately preceding an election until the close of polls on election day, in lieu of executing a new affidavit of registration, to change the voter's residence address or political party preference by submitting to the voter's county elections official a written request containing the new residence address or political party preference and signed under penalty of perjury. The bill would require a ballot or provisional ballot to be provided to the voter, as specified, and would require that the registration of the voter be immediately updated.

SB 406 (Pan D) Health care coverage.

Last Amend: 1/6/2020

Location: 1/21/2020-S. SECOND READING

Summary: Current law requires a group or individual health care service plan contract issued, amended, renewed, or delivered on or after September 23, 2010, to comply with the requirements of the PPACA, and any rules or regulations issued under the PPACA, that require a group health plan and health insurance issuer offering group or individual health insurance coverage to, at a minimum, provide coverage for specified preventive services, and prohibits the plan or health insurance issuer from imposing any cost-sharing requirements for those preventive services. Current law requires a plan to comply with those provisions to the extent required by federal law. This bill would delete the requirement that a plan comply with the requirement to cover preventive health services without cost sharing to the extent required by federal law, and would instead require a group or individual health care service plan contract to, at a minimum, provide coverage for specified preventive services without any cost-sharing requirements for those preventive services, thereby indefinitely extending those requirements.

SB 596 (Stern D) In-home supportive services: additional higher energy allowance.

Last Amend: 1/15/2020

Location: 1/21/2020-S. APPR. SUSPENSE FILE

Summary: The Public Utilities Act requires the Public Utilities Commission to designate a baseline quantity of electricity and gas necessary for a significant portion of the reasonable energy needs of the average residential customer, and to establish a higher energy allowance above the baseline for residential customers with specified medical needs, including those residential customers dependent on life-support equipment. This bill would require a county human services agency to inform each applicant for benefits under the IHSS program that the applicant may be eligible to receive that higher energy

allowance and any advanced notifications that may be provided by a public utility when the public utility plans to deenergize portions of the electrical distribution system or in an emergency.

SB 640 (Moorlach R) Mental health services: gravely disabled persons.

Last Amend: 1/6/2020

Location: 12/20/2019-S. HEALTH

Summary: The Lanterman-Petris-Short Act provides for the involuntary commitment and treatment of a person who is a danger to themselves or others or who is gravely disabled. Current law also provides for a conservator of the person or estate to be appointed for a person who is gravely disabled.

Existing law, for the purposes of involuntary commitment and conservatorship, defines "gravely disabled," among other things, as a condition in which a person, as a result of a mental health disorder, is unable to provide for the person's basic personal needs for food, clothing, or shelter. This bill would authorize a county to instead use a definition of "gravely disabled" for these purposes that would read, in part, a condition in which a person, as a result of a mental health disorder, is incapable of making informed decisions about, or providing for, the person's own basic personal needs for food, clothing, or shelter without significant supervision and assistance from another person and, as a result of being incapable of making these informed decisions, the person is at risk of substantial bodily harm, dangerous worsening of a concomitant serious physical illness, significant psychiatric deterioration, or mismanagement of the person's essential needs that could result in bodily harm.

SB 803 (Beall D) Mental health services: peer support specialist certification.

Location: 1/15/2020-S. HEALTH

Summary: The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law establishes a schedule of benefits under the Medi-Cal program and provides for various services, including various behavioral and mental health services. This bill would state the intent of the Legislature to create a peer support specialist certification program administered by the Department of Consumer Affairs.

SB 849 (Portantino D) Pupil attendance: excused absences: mental or behavioral health.

Location: 1/10/2020-S. RLS.

Summary: Current law, notwithstanding the requirement that each person between 6 and 18 years of age who is not otherwise exempted is subject to compulsory full-time education, requires a pupil to be excused from school for specified types of absences, including, among others, if the absence was due to the pupil's illness. This bill would include as another type of required excused absence an absence that is for the

benefit of the mental or behavioral health of the pupil. To the extent this bill would impose additional duties on local educational entities, the bill would impose a state-mandated local program.

SB 854 (Beall D) Health care coverage: Substance use disorders.

Location: 1/14/2020-S. RLS.

Summary: Would require health care service plans and health insurers that provide prescription drug benefits for the treatment of substance use disorders to place prescription medications approved by the United States Food and Drug Administration (FDA) on the lowest cost-sharing tier of the plan or insurer's prescription drug formulary. The bill would impose various prohibitions on those plans and insurers, including a prohibition on prior authorization requirements on, or any step therapy requirements before authorizing coverage for, a prescription medication approved by the FDA for the treatment of substance use disorders.

SB 855 (Wiener D) Health coverage: mental health or substance abuse disorders.

Location: 1/14/2020-S. RLS.

Summary: The California Mental Health Parity Act requires every health care service plan contract or health insurance policy issued, amended, or renewed on or after July 1, 2000, that provides hospital, medical, or surgical coverage to provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses of a person of any age, and of serious emotional disturbances of a child under the same terms and conditions applied to other medical conditions, as specified. Existing law requires those benefits to include, among other things, outpatient services, inpatient hospital services, partial hospital services, and prescription drugs, if the plan contract or policy includes coverage for prescription drugs. This bill would revise and recast those provisions, and would instead require a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2021, that provides hospital, medical, or surgical coverage to provide coverage for the diagnosis and medically necessary treatment of mental health and substance use disorders, as defined, under the same terms and conditions applied to other medical conditions.