

2012 State Autism Profiles CALIFORNIA

DEMOGRAPHICS

In 2000, 13,979 or 2.17% of children ages 3-21 who received special education services in California have autism. In 2010-2011, 65,735 or 9.78% of children with disabilities ages 3-21 who received special education services have autism.

Table 1-1: IDEA Part B - Children with Autism in California for 1999-2000 and 2010-2011
(Child Count by Age Group)

	1999-2000	2010-2011
Age 3-5	3,422	12,895
Age 6-11	7,467	29,695
Age 12-17	2,528	19,511
Age 18-21	562	3,634
Age 6-21	10,557	52,840
Age 3-21	13,979	65,735

Source: Reported by the State of California in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs

Table 1-2: IDEA Part B - Children with Disabilities in California for 1999-2000 and 2010-2011
(Child Count by Age Group)

	1999-2000	2010-2011
Age 3-5	57,651	72,404
Age 6-11	290,935	270,456
Age 12-17	272,010	289,749
Age 18-21	24,691	39,565
Age 6-21	587,636	599,770
Age 3-21	645,287	672,174

Source: Reported by the State of California in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs

STATE TASK FORCE

California Legislative Blue Ribbon Commission on Autism

Under S.C.R. 51, the California Legislative Blue Ribbon Commission on Autism was established in 2005 for a period of two years to evaluate the issues with the current programs and services for individuals with autism and provide recommendations for improvements. The commission was comprised of sixteen members appointed by the Senate Pro Tempore and Speaker of the House. Sen. Darrell Steinberg served as the chair, and Dr. Barbara Firestone served as the vice-chair. A final report was prepared in November 2007, and SCR 55 was introduced and signed into law September 2007 granting the commission an extension through November 2008.

<http://senweb03.senate.ca.gov/autism/index.html>

<http://senweb03.senate.ca.gov/autism/documents/whatsnew/Commission's%20Report%20to%20the%20Governor%20&%20Legislature.pdf>

In 2010, the Senate Select Committee on Autism and Related Disorders was formed under the leadership of State Senate President Pro Temp Darrell Steinberg as the next iteration of the Blue Ribbon Commission. Regional task forces were charged with looking at four specific areas and making recommendations for the upcoming legislative session. The issue areas were: Early Identification and Treatment, Insurance Coverage, Employment, and Housing. The regional task forces were extended for one year, through 2011, in order to help enact the legislative agenda.

<http://www.senate.ca.gov/autism>

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STATE INSURANCE COVERAGE

In October 9, 2011, California became the 28th state to require insurance coverage of autism services by insurance companies in the state when Governor Jerry Brown signed S.B. 946. The law requires that every health care plan contract that provides hospital, medical, or surgical coverage shall also provide coverage for behavioral health treatment for pervasive developmental disorder or autism. Behavioral health treatment includes applied behavior analysis (ABA) and other evidence-based behavior intervention programs. Treatment must be recommended by a licensed doctor or psychologist and provided under a treatment plan. Reimbursement must be made for the services of Board Certified Behavior Analysts, as well as the professionals and paraprofessionals whom they supervise. The law does not include specific age limits or dollar caps. The law does not apply to health plans that do not deliver mental health or behavioral health services. The law also does not apply to participants in the Medi-Cal program, the Healthy Families Program or the Public Employees Retirement System. (*Cal. Insurance Code § 10144.5*) <http://www.leginfo.ca.gov/calaw.html>

In September 1999, California signed into law the “Mental Health Parity Bill,” which requires health insurance coverage for the diagnosis and medically necessary treatment for serious mental illnesses, including pervasive developmental disorders or autism, for individuals of any age and serious emotional disturbances of a child under the same terms and conditions as a medical condition. Covered services include outpatient, inpatient hospital services, partial hospital services, and prescription drugs (if included in the policy).

MEDICAID

California Research and Demonstration Projects Waiver: California Bridge to Health Reform

Under this waiver, implemented on September 1, 2005, California is phasing in coverage in individual counties for adults ages 19-64 who have incomes at or below 133% of the Federal Poverty Level (FPL) and would could be eligible under the Affordable Care Act’s early expansion option for states, as well as adults between 133% and 200% of the FPL who are not eligible for Medicaid. This waiver also expands the existing Safety Net Care Pool (SNCP), which ensures continued government support for the provision of care to uninsured individuals by hospitals, clinics, and other providers. It implements a series of infrastructure improvements through a new funding sub-pool to strengthen care coordination, enhance primary care, and improve the quality of patient care. It also creates a coordinated system of care for older adults and people with disabilities in counties with new or existing Medi-Cal managed care organizations through the mandatory enrollment of the population into Medicaid managed care plans. This waiver expires October 31, 2015. It is awaiting CMS approval.

California Home and Community-Based Services Waiver (HCBS): CA HCBS Waiver for Californians with Developmental Disabilities

This waiver, implemented on March 1, 2012, provides services including behavioral intervention, community living arrangements, day service, home health aide, homemaker, prevocational services, respite care, supported employment, chore, communication aides, community-based training, dental, environmental accessibility adaptations, non-medical transportation, nutritional consultation, psychology services, skilled nursing, specialized medical equipment and supplies, and specialized therapeutic services for individuals with autism, developmental disorders, and mental retardation, with no age minimum or cap. It expires in 2017.

<http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/Waivers.html>

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EDUCATION

Superintendent's Autism Advisory Committee (SAAC)

A.B. 2513 was signed into law in September 2006 authorizing the California Department of Education to create the Superintendent's Autism Advisory Committee to provide recommendations for improving the educational system for students with autism. SAAC is comprised of 21 members, including parents, educators and school administrators, health care providers, and other professionals with an interest in autism. SAAC met for one year and prepared a final report in November 2007. The report identified four major challenges: lack of coherent, universally accepted and effective educational practices; lack of knowledge and training; shortage of personnel trained to provide evidence-based interventions, and inadequate funding for resources for preschool children with autism spectrum disorders. The advisory committee indicated the challenges could be overcome if the proposed recommendations can be put into place.

<http://www.cde.ca.gov/sp/se/as/saac.asp>

Legislation

During the 2011 session, A.B. 1375 was introduced to require the state Department of Developmental Services provide guidance to regional service centers on the treatment of autism spectrum disorder, in addition to directing funding to regional centers to provide therapies prescribed by the community practitioner. This bill was referred to Committee on Human Services. No further action was taken.

A.B. 2302 was introduced to authorize a local education agency to assign a teacher with a level 1 education specialist credential to teach students with mild and moderate disabilities, as an instructor to students with autism. The legislation was signed into law by Gov. Schwarzenegger on June 30, 2008.

ADMINISTRATIVE AGENCIES AND COURTS

On June 5, 2012, the Ninth Circuit Court of Appeals reconfirmed its previous ruling in *Harlick v. Blue Shield* that the California Mental Health Parity Act requires health plans to cover all medically necessary treatment for severe mental illnesses, including autism. It also held that coverage may be limited only by the same financial terms and conditions, such as deductibles or copays, applicable to coverage for physical illnesses.

<http://www.ca9.uscourts.gov/datastore/opinions/2012/06/04/10-15595.pdf>

On February 27, 2012, Insurance Commissioner Dave Jones announced favorable settlement agreement with Health Net and Cigna, two major health insurers, to guarantee the coverage of behavioral therapy for insureds with autism whenever it is medically necessary; maintain an adequate provider network; and create dedicated customer service units or support teams specially trained to handle inquiries about ABA. This settlement mirrors a settlement in January 2012 with Blue Shield, in which Blue Shield agreed to provide behavioral health treatments, including Applied Behavioral Analysis Therapy, to its insureds. Since November 2009, Anthem Blue Cross of California has been providing behavioral therapy coverage for people with autism, pursuant to direction from the Department of Insurance.

<http://www.insurance.ca.gov/0400-news/0100-press-releases/2012/release017-12.cfm>

OTHER STATE RESOURCES

Screening

S.B. 383 was introduced on February 26, 2009 to require the Department of Developmental Services to provide recommendations for the development of a screening program for autism in infants and a

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rescreening at two years. The bill was passed by the Human Services Committee and re-referred to the Appropriations Committee in April 2009. No further action was taken.

STATE LEGISLATIVE CALENDAR

The California Legislature meets in Regular Session the first Monday in December in even years and adjourns on November 30th at midnight of the following even year. The 2012 legislative session convened on January 4, 2012 and is expected to adjourn Sine Die November 30, 2012. The 2013 session is expected to convene on December 3, 2013.

<http://www.legislature.ca.gov/>

Sponsors of Autism Legislation:

Sen. Louis Correa (D-Santa Ana) District 34
Sen. Carol Liu (D-La Canada) District 21
Sen. Fran Pavley (D-Agoura Hills) District 23
Sen. Darrell Steinberg (D-Sacramento) District 6

Rep. Jim Beall Jr. (D-San Jose) District 24
Rep. Gilbert Cedillo (D-Los Angeles) District 45
Rep. Mike Feuer (D-West Hollywood) District 42
Rep. Allison Huber (D-Sacramento) District 10