

2016 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 2014-2015, 90,541 or 12.7% 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 2000-2001 and 2014-2015
(Child Count by Age Group)

| | 2000-2001 | 2014-2015 |
|-----------------|-----------|-----------|
| Age 3-5 | 3,422 | 16,414 |
| Age 6-21 | 10,557 | 74,127 |
| Age 3-21 | 13,979 | 90,541 |

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 2000-2001 and 2014-2015
(Child Count by Age Group)

| | 2000-2001 | 2014-2015 |
|------------------|-----------|-----------|
| Age 3-5 | 57,651 | 76,641 |
| Age 6-11 | 290,935 | 293,608 |
| Age 12-17 | 272,010 | 299,222 |
| Age 18-21 | 24,691 | 41,734 |
| Age 6-21 | 587,636 | 634,564 |
| Age 3-21 | 645,287 | 711,205 |

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 S.C.R. 55 was introduced and signed into law September 2007 granting the commission an extension through November 2008.

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 most recent report of the Committee covers 2008-2014.

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

<http://autism.senate.ca.gov/sites/autism.senate.ca.gov/files/A%20Report%20on%20the%20Legislative%20Agenda%20of%20the%20Committee%2C%202008-2014.pdf>

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

2016 State Autism Profiles CALIFORNIA

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. The law also specifies that this provision does not require any benefits to be provided that exceed the essential health benefits required by the federal Patient Protection and Affordable Care Act and includes a sunset as of 2014. On September 23, 2016, the legislature passed A.B. 796 deleting the Sunset Provision permanently thereby extending the provisions mandating the insurance coverage for autism services indefinitely.

[Cal. Insurance Code § 10144.51 and § 10144.52 \(2011 Cal. Stats, Chap. 650\)](#)

[\(2011 Cal. Stats., Chap. 650\)](#)

<https://legiscan.com/CA/text/AB796/2015>

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). Insurance plans provided under the Federal Employees Health Benefits Act of 1959 (FEHBA) are preempted from the California Mental Health Parity Act. That is, federal insurance plans under FEHBA do not fall under this California provision. *Brazil v. Office of Personnel Management*, 2014 WL 1309935 (N.D. Cal.)

[Cal. Insurance Code § 10144.5](#)

ESSENTIAL HEALTH BENEFITS

California has a state insurance mandate to cover autism services including ABA. Under the Affordable Care Act, California will continue to offer autism services including ABA on its state-run exchange. ABA is included and defined under Behavioral health treatment.

(Kaiser Foundation Health Plan, Inc.; Small Group HMO 30 ID 40513CA035)

MEDICAID

Autism Therapy as a Medi-Cal Benefit

On January 21, 2016, the Centers for Medicare & Medicaid Services (CMS) approved State Plan Amendment (SPA 14-026) for the California Department of Health Care Services (DHCS) to provide behavioral health treatment (BHT), including ABA, as a Medi-Cal covered service for children under 21 years of age. BHT services are effective retroactively to July 7, 2014. This means children under Medi-Cal will be eligible to receive the clinical standard-of-care treatment for autism spectrum disorders, including applied behavior analysis or ABA therapy. DHCS has since developed and defined eligibility criteria, provider participation criteria, utilization controls, and the delivery system for these services.

<http://www.dhcs.ca.gov/services/medi-cal/Pages/BehavioralHealthTreatment.aspx>

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

This waiver, implemented on March 29, 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

2016 State Autism Profiles CALIFORNIA

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 on March 28, 2017.

http://www.medicaid.gov/medicaid-chip-program-information/by-topics/waivers/waivers_faceted.html

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.calstat.org/publications/article_detail.php?a_id=86&nl_id=11

Legislation

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

In September 2013, California Court of Appeals, 2nd District ruled in *Consumer Watchdog et al v. Department of Managed Health Care et al* (2d Civ. No. B232338), that the California Department of Managed Health Care's (DMHC) practice of allowing HMOs to deny treatment for the children of state employees and low-income families with autism enrolled in the Healthy Families program was discriminatory. The DMHC had been claiming that such treatment can only be administered through state-licensed providers. The California Legislature passed autism insurance coverage legislation in 2011 for children enrolled in private health insurance plans and HMOs, and the law provides that such treatment could be provided through providers who are certified by a national board, but not state-licensed. However, the Legislature did not include public employees and Healthy Families enrollees. This decision provides for equal treatment for children of public employees and the poor.

<http://www.consumerwatchdog.org/newsrelease/court-appeal-rules-hmo-regulator-cannot-discriminate-against-autistic-children-erecting->

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

2016 State Autism Profiles CALIFORNIA

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

Autism Pilot Program

S.B. 158 was introduced in the 2013 session. This bill would authorize, until January 1, 2019, the establishment of a demonstration program known as the Regional Center Excellence in Community Autism Partnerships (RE CAP) program to provide improved services, supports, interventions, and other resources to assist individuals with autism spectrum disorders, and their families, who are regional center consumers and who reside in underserved communities. The bill would authorize the department to contract with a University of California or California State University campus to serve as a coordinating center to develop the program, establish guidelines to implement the measures in underserved communities, in a linguistically and culturally competent manner, to promote awareness and reduce the stigma associated with autism, improve the early screening, diagnosis, and assessment of autism, and increase access to evidence-based interventions and treatments for autism. The bill passed the legislature, but Governor Brown vetoed it on October 9, 2013.

<http://legiscan.com/CA/text/SB158/id/721605>

STATE LEGISLATIVE CALENDAR

The California Legislature convened in Regular Session on January 4, 2015 and is expected to adjourn on August 31, 2016. The 2017 session is to convene in early January 2017.

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

Sponsors of Autism Legislation

Sen. Lois Wolk (D-Vacaville) District 3

Sen. Jim Beall, Jr. (D-San Jose) District 14

Sen. Carol Liu (D-La Canada) District 21

Assemblyman Adrin Nazarian (D-Van Nuys) District 46