

A.B. 549

Filed with Secretary of State	October 12, 1997
Approved by Governor	October 11, 1997
Passed the Assembly	September 11, 1997
Passed the Senate	September 8, 1997

An act to amend Section 14132.06 of the Welfare and Institutions Code, relating to health services.

LEGISLATIVE COUNSEL'S DIGEST

AB 549, Wildman. Postsecondary education institutions: health services.

- (1) Existing law specifies that certain services that are provided by a "local educational agency," which is defined as the governing body of any school district, the county office of education, or a state special school, are covered Medi-Cal benefits.

This bill would specifically authorize a community college district, a California State University campus, or a University of California campus to bill for services provided to any student, regardless of age, who is a Medi-Cal recipient.

- (2) This bill would incorporate additional changes in Section 14132.06 of the Welfare and Institutions Code proposed by AB 1294 to be operative only if both bills are enacted and become operative on or before January 1, 1998, and this bill is enacted last.
- (3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 14132.06 of the Welfare and Institutions Code is amended to read:

14132.06.

- (a) Services specified in this section that are provided by a local educational agency are covered Medi-Cal benefits, to the extent federal financial participation is available, and subject to utilization controls and standards adopted by the department, and consistent with Medi-Cal requirements for physician prescription, order, and supervision.
- (b) Any provider enrolled on or after January 1, 1993, to provide services pursuant to this section may bill for those services provided on or after January 1, 1993.

- (c) Nothing in this section shall be interpreted to expand the current category of professional health care practitioners permitted to directly bill the Medi-Cal program.
- (d) Nothing in this section is intended to increase the scope of practice of any health professional providing services under this section or Medi-Cal requirements for physician prescription, order, and supervision.
- (e)
 - (1) For the purposes of this section, the local educational agency, as a condition of enrollment to provide services under this section, shall be considered the provider of services. A local educational agency provider, as a condition of enrollment to provide services under this section, shall enter into, and maintain, a contract with the department in accordance with guidelines contained in regulations adopted by the director and published in Title 22 of the California Code of Regulations.
 - (2) Notwithstanding paragraph (1), a local educational agency providing services pursuant to this section shall utilize current safety net and traditional health care providers, when those providers are accessible to specific school sites identified by the local educational agency to participate in this program, rather than adding duplicate capacity.
- (f) For the purposes of this section, covered services may include all of the following local educational agency services:
 - (1) Health and mental health evaluations and health and mental health education.
 - (2) Medical transportation.
 - (3) Nursing services.
 - (4) Occupational therapy.
 - (5) Physical therapy.
 - (6) Physician services.
 - (7) Mental health and counseling services.
 - (8) School health aide services.
 - (9) Speech pathology services and audiology services.
 - (10) Targeted case management services for children with an individualized education plan (IEP) or an individualized family service plan (IFSP).
- (g) Local educational agencies may, but need not, provide any or all of the services specified in subdivision (f).
- (h) For the purposes of this section, "local educational agency" means the governing body of any school district or community college district, the county office of education, a state special school, a California State University campus, or a University of California campus.
- (i) Any local educational agency provider enrolled to provide service pursuant to this section on January 1, 1995, may bill for targeted case management services for children with an individualized education plan (IEP) or an individualized family service plan (IFSP), provided on or after January 1, 1995.
- (j) Notwithstanding any other provision of the law, a community college district, a California State University campus, or a University of California campus, consistent with the requirements of this section, may bill for services provided to any student, regardless of age, who is a Medi-Cal recipient.

SECTION 2. Section 14132.06 of the Welfare and Institutions Code is amended to read:

14132.06.

- (a) Services specified in this section that are provided by a local educational agency are covered Medi-Cal benefits, to the extent federal financial participation is available, and subject to utilization controls and standards adopted by the department, and consistent with Medi-Cal requirements for physician prescription, order, and supervision.
- (b) Any provider enrolled on or after January 1, 1993, to provide services pursuant to this section may bill for those services provided on or after January 1, 1993.
- (c) Nothing in this section shall be interpreted to expand the current category of professional health care practitioners permitted to directly bill the Medi-Cal program.
- (d) Nothing in this section is intended to increase the scope of practice of any health professional providing services under this section or Medi-Cal requirements for physician prescription, order, and supervision.
- (e)
 - (1) For the purposes of this section, the local educational agency, as a condition of enrollment to provide services under this section, shall be considered the provider of services. A local educational agency provider, as a condition of enrollment to provide services under this section, shall enter into, and maintain, a contract with the department in accordance with guidelines contained in regulations adopted by the director and published in Title 22 of the California Code of Regulations.
 - (2) Notwithstanding paragraph (1), a local educational agency providing services pursuant to this section shall utilize current safety net and traditional health care providers, when those providers are accessible to specific school sites identified by the local educational agency to participate in this program, rather than adding duplicate capacity.
- (f) For the purposes of this section, covered services may include all of the following local educational agency services:
 - (1) Health and mental health evaluations and health and mental health education.
 - (2) Medical transportation.
 - (3) Nursing services.
 - (4) Occupational therapy.
 - (5) Physical therapy.
 - (6) Physician services.
 - (7) Mental health and counseling services.
 - (8) School health aide services.
 - (9) Speech pathology services and audiology services.
 - (10) Targeted case management services for children with an individualized education plan (IEP), an individualized family service plan (IFSP), or an individualized health and support plan (IHSP) provided on or after July 1, 1997.
- (g) Local educational agencies may, but need not, provide any or all of the services specified in subdivision (f).

- (h) For the purposes of this section, "local educational agency" means the governing body of any school district or community college district, the county office of education, a state special school, a California State University campus, or a University of California campus.
- (i) Any local educational agency provider enrolled to provide service pursuant to this section on January 1, 1995, may bill for targeted case management services for children with an individualized education plan (IEP), an individualized family service plan (IFSP), provided on or after January 1, 1995, or an individualized health and support plan (IHSP), provided on or after July 1, 1997.
- (j) Notwithstanding any other provision of the law, a community college district, a California State University campus, or a University of California campus, consistent with the requirements of this section, may bill for services provided to any student, regardless of age, who is a Medi-Cal recipient.

SECTION 3. Section 2 of this bill incorporates amendments to Section 14132.06 of the Welfare and Institutions Code proposed by both this bill and Assembly Bill No. 1294. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1998, (2) each bill amends Section 14132.06 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 1294, in which case Section 14132.06 of the Welfare and Institutions Code as amended by AB 1294, shall remain operative only until the operative date of this bill, at which time Section 2 of this bill shall become operative, and Section 1 of this bill shall not become operative.

SECTION 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding §17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.