

CDCAN DISABILITY RIGHTS REPORT
CALIFORNIA DISABILITY COMMUNITY ACTION NETWORK
#167-2011 - SEPTEMBER 16, 2011 - FRIDAY

REMEMBERING THE LIFE OF LAURA WILLIAMS & BEN S. OMOTO

Advocacy Without Borders: One Community - Accountability With Action

CDCAN Reports go out to over 55,000 people with disabilities, mental health needs, seniors, people with traumatic brain and other injuries, people with MS, Alzheimer's and other disorders, veterans with disabilities and mental health needs, families, workers, community organizations, facilities and advocacy groups including those in the Asian/Pacific Islander, Latino, African-American communities; policymakers, and others across the State.

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To reply to THIS Report write: Marty Omoto at martyomoto@rcip.com Website: www.cdcan.us

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State Capitol Update:

**ADVOCATES MOBILIZE SUPPORT ACROSS STATE
FOR AUTISM HEALTH INSURANCE MANDATE
REFORM BILL - LETTERS AND RALLIES URGE
GOVERNOR TO SIGN SB 946**

Senate President Steinberg Schedules Sept 26th State Capitol Rally - And Sept 30th Bay Area Rally To Focus Attention on Bill - Landmark Legislation Passed September 9th by Legislature - Governor Brown Will Have Until October 9th 11:59 PM Sunday Evening to Sign or Veto Bills Sent To Him By Legislature - Position on Autism Health Insurance Mandate Reform Bill Not Certain - Autism Society of LA Meeting on September 21st on Regional Center Services

SACRAMENTO, CALIF (CDCAN) [Last updated 09/16/2011 07:24 AM] - State Senate President Pro Tem Darrell Steinberg (Democrat - Sacramento) is organizing two rallies including one at the State Capitol on September 26th, Monday at 12 noon, in support of his bill, SB 946, that would require for the first time in California private health insurance plans to cover as a benefit certain behavioral intervention treatments for persons with autism spectrum and other related disorders, that the Legislature passed on during in the closing hours of the 2011 Legislative session. Disability advocates and other supporters of SB 946 have called the measure a "historic" and "landmark" bill that advances critically important supports and services for persons with disabilities at a time of severe State and federal budget reductions - and could save California well over a hundred million in State general fund spending. . Opponents of the bill however say the measure will hurt the economy by raising health insurance premiums among other problems and shifts costs unfairly..

Steinberg also is planning a rally on September 30th, Friday morning at 11:00 AM in the Bay Area, in a location still to be determined and is looking at the possibility of a similar rally in the Southern California region. **[CDCAN will be issuing later today Action Alert for these rallies and letter writing in support of the bill]**

As previously reported, the Assembly approved the bill late Friday night on September 9th (or early Saturday morning) by a vote of 52 to 21, with 7 abstaining or not voting or not present. The State Senate later followed by a final vote of 25 to 4 with 11 abstaining or not voting or not present. SB 946 was supported in both the Assembly and State Senate by every Democratic member except Sen. Leland Yee (Democrat - San Francisco, 8th State Senate District), who abstained. Only one Republican in either house voted to support the bill - Sen. Ted Gaines (Republican - Fair Oaks, 1st State Senate District), while 4 Senate Republicans and 21 Assembly Republicans opposed it, and 10 Senate Republicans and 7 Assembly Republicans abstained, did not vote or were not present. .

SB 946 Requires Private Health Insurance To Cover Behavioral Treatments for People With Autism & Related Disorders - But Exempts Those on Medi-Cal and Healthy Families

SB 946 would require, effective July 1, 2012, private health insurance coverage of behavioral health treatment, such as Applied Behavioral Analysis (ABA) and other prescribed intensive early intervention therapy, for those with autism. The bill also defines the scope of these treatments and eliminates what Steinberg said was "unwarranted restrictions" on those who are qualified to provide the treatment. If signed into law, California would become the 28th state to implement such a requirement. *[CDCAN Note: A copy of the final version of the bill - the same version passed by the Assembly and State Senate that the Governor will review - is attached to this CDCAN Report as a document pdf file titled "20110914-SB 946 Enrolled Sep 14 2011.pdf". The document is 32 pages long and was saved as a document (and not as an image), which means persons who are blind or sight impaired should be able to read it using a screen reading device. - Marty Omoto]*

Steinberg said, in a statement following passage of the bill, that SB 946 was needed because "...despite promises from health care plans, coverage of ABA [Applied Behavioral Analysis] services is still being denied. While there are many challenges that still need to be overcome, this bill is a huge step in the right direction in giving families a ray of hope that brings light at the end of the tunnel."

He noted that "Many other states have passed varying autism mandates but this bill is unique because there are no caps or limits on the age of recipients or the types of services that will be mandated."

Bill Among 600 Sent to the Governor - Governor's Position on Bill Not Certain

- * SB 946, which supporters say is a landmark and historic measure for tens of thousands of children and adults with autism and other related disorders and their families, now heads to Governor Jerry Brown's desk, along with nearly 600 or so other bills.
- * The Democratic governor has until October 9th, 11:59 PM Sunday evening to sign, veto or allow to become law without his signature SB 946 and the other hundreds of bills the Legislature passed and sent to him in the closing days of the 2011 Legislative session.
- * Several bills deal with making fixes to various budget related bills that were part of the overall 2011-2012 State Budget that was passed by Legislature and signed into law by the Governor in June and also July.
- * The Governor's position on SB 946 - and nearly all the other bills sent to him - is very uncertain. Earlier this week Brown told reporters that he was inclined to veto most of the bills sent to him by the Legislature, in part because of potential costs to the State and also in part

because he believed "not every human problem" can be solved by or deserves a law. The Governor however did not specify what bills he might veto.

Rallies and Letter Writing Effort Meant to Focus Attention on Critical Need For Behavioral Treatment for Children with Autism Spectrum and Other Related Disorders

* The two rallies, along with a major letter writing effort, is meant to focus attention on what disability advocates and Steinberg and other legislators say is a critical and compelling issue for tens of thousands of children and adults with autism spectrum and related disorders, their families, community-based providers, the 21 non-profit regional centers, school districts.

* Advocates for the bill say the measure would result in savings to the State general fund of over hundred million dollars or more - that they say private health insurance companies should be paying.

* Private health insurance plans and other opponents of the bill have strongly opposed the measure claiming that behavioral treatment for children with autism and related disorders is more appropriately a responsibility of school districts.

* Some Republican legislators who opposed the bill, said their opposition was due to the fact that the legislation did not cover persons with autism and related disorders who are covered by Medi-Cal and the Healthy Families programs - and that the exclusion was not fair. Some Republicans, while in support of the concept of the bill, opposed it or abstained from voting because of the last minute effort that put the bill up for a vote on the Assembly and State Senate floors - a common procedure during the final days of the legislative sessions often referred to as "gut and amend". Sen. Sam Blakeslee (Republican - San Luis Obispo, 15th State Senate District), who opposed the Senate voting on the bill for that reason, though he abstained from voting and did not vote no.

* Democratic legislators however scoffed at that objection during floor debate on the bill, saying Republicans - and health insurance plans - did not support an earlier bill by Assemblymember Jim Beall (Democrat - San Jose) and an earlier bill by Steinberg - that did not have those exemptions.

CDCAN SUMMARY OF SB 946

SB 946 - HEALTH CARE COVERAGE: MENTAL ILLNESS - PERVASIVE DEVELOPMENTAL DISORDER OR AUTISM

AUTHOR: Sen. Darrell Steinberg (Democrat - Sacramento)

CDCAN SUMMARY (As amended 09/09/2011):

* *Would require every health care service plan contract that provides hospital, medical or surgical coverage shall also provide coverage for behavioral health treatment for pervasive developmental disorder or autism no later than July 1, 2012. The coverage shall be provided in the same manner and shall be subject to the same requirements as provided in the Health and Safety Code, Section 1374.72.*

* *Notwithstanding the effective date provision in the bill (paragraph 1), as of the date that proposed final rulemaking for essential health benefits is issued, this section does not require any benefits to be provided that exceed the essential health benefits that all health plans will be required by federal regulations to provide under Section 1302(b) of the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).*

** Provisions of this bill shall not affect services for which an individual is eligible pursuant to Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code or Title 14 (commencing with Section 95000) of the Government Code.*

** Provisions of this bill shall not affect or reduce any obligation to provide services under an individualized education program, as defined in Section 56032 of the Education Code, or an individualized service plan, as described in Section 5600.4 of the Welfare and Institutions Code, or under the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400, et seq.) and its implementing regulations.*

** Would require that every health care service plan subject to this section shall maintain an adequate network that includes qualified autism service providers who supervise and employ qualified autism service professionals or paraprofessionals who provide and administer behavioral health treatment. Nothing shall prevent a health care service plan from selectively contracting with providers within these requirements.*

PREVIOUS ACTION 09/08/2011: Passed with amendments out of the Assembly Appropriations Committee by vote of 12 to 5 ("Do pass as amended"). .

LATEST ACTION 09/09/2011: Amended In Assembly. **PASSED** Assembly by vote of 52 to 21 (final vote). **PASSED** as amended by State Senate. 25 to 4 (final vote).

NEXT STEPS: Heads next to Governor (who has until October 9th Sunday evening 11:59 PM to sign or veto this and other bills sent to him by the Legislature)

LATEST AVAILABLE 09/14/2011 ENROLLED VERSION OF THE BILL -

HTML: http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0901-0950/sb_946_bill_20110914_enrolled.html

LATEST AVAILABLE 09/06/2011 VERSION OF THE BILL - PDF:

http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0901-0950/sb_946_bill_20110914_enrolled.pdf

CDCAN PRIORITY: **VERY HIGH**

CDCAN COMMENT: This bill replaced an earlier similar version (SB 770 also by Steinberg) that was held in Assembly Appropriations Committee in late August. "Enrolled" means the final version of the bill that was prepared by the Legislature to be sent to the Governor. ..

CDCAN VOTE RECORD REPORT - SB 946

SENATE FLOOR

ACTION 09/09/2011: PASSED 25 to 4 (Concurrence in Assembly amendments)

VOTING YES

SENATE DEMOCRATS (24): *Elaine Alquist, Ronald Calderon, Ellen Corbett, Lou Correa, Kevin De Leon, Mark DeSaulnier (Chair - Senate Budget Subcommittee #3 on Health and Human Services), Noreen Evans, Loni Hancock, Ed Hernandez (Chair - Senate Health Committee), Christine Kehoe, Mark Leno (Chair, Senate Budget and Fiscal Review Committee), Ted Lieu, Carol Liu (Chair, Senate Human Services Committee), Alan Lowenthal (Chair - Senate Education Committee), Gloria Negrete McLeod, Alex Padilla, Fran Pavley, Curren Price Jr., Michael Rubio, Joe Simitian, Darrell Steinberg (Senate President Pro Tem), Juan Vargas, Lois Wolk and Roderick Wright.*

SENATE REPUBLICANS (1): *Ted Gaines*

VOTING NO:

SENATE DEMOCRATS (0): ****none****

SENATE REPUBLICANS (4): *Joel Anderson, Bob Huff, Doug La Malfa and Mimi Walters*

NOT VOTING, ABSTAINING OR NOT PRESENT:

DEMOCRATS (1): *Leland Yee*

REPUBLICANS (10) : *Tom Berryhill, Sam Blakeslee, Anthony Cannella, Bob Dutton (Senate Republican Leader), Bill Emmerson, Jean Fuller, Tom Harman, Sharon Runner, Tony Strickland, and Mark Wyland*

CDCAN VOTE RECORD REPORT - SB 946

ASSEMBLY FLOOR

ACTION 09/09/2011: PASSED (as amended 09/09/2011) 52 to 21.

VOTING YES

ASSEMBLY DEMOCRATS (52): *Luis Alejo, Michael Allen, Tom Ammiano, Toni Atkins, Jim Beall Jr. (Chair - Assembly Human Services Committee), Marty Block, Bob Blumenfield (Chair - Assembly Budget Committee), Susan Bonilla, Steven Bradford, Julia Brownley (Chair - Assembly Education Committee), Joan Buchanan, Betsy Butler, Charles Calderon, Nora Campos, Wilmer Amina Carter, Gil Cedillo, Wes Chesbro, Mike Davis, Roger Dickinson, Mike Eng, Mike Feuer, Paul Fong, Felipe Fuentes, Warren Furutani, Cathleen Galgiani, Mike Gatto, Richard Gordon, Isadore Hall, Mary Hayashi, Roger Hernandez, Jerry Hill, Alyson Huber, Ben Hueso, Jared Huffman, Ricardo Lara, Bonnie Lowenthal, Fiona Ma, Tony Mendoza, Holly Mitchell (Chair - Assembly Budget Subcommittee on Health and Human Services), Bill Monning (Chair - Assembly Health Committee), Richard Pan, Henry Perea, John Perez (Assembly Speaker), V. Manuel Perez, Anthony Portantino, Nancy Skinner, Jose Solorio, Sandre Swanson, Norma Torres, Bob Wieckowski, Das Williams, and Mariko Yamada (Chair - Assembly Aging and Long Term Care Committee)*

ASSEMBLY REPUBLICANS (0): ****none****

VOTING NO:

ASSEMBLY DEMOCRATS (0): ****none****

ASSEMBLY REPUBLICANS (21): *Connie Conway (Assembly Republican Leader), Tim Donnelly, Nathan Fletcher, Beth Gaines, Martin Garrick, Shannon Grove, Linda Halderman, Kevin Jefferies, Brian Jones, Stephen Knight, Dan Logue, Allan Mansoor, Jeff Miller, Mike Morrell, Brian Nestande, Jim Nielsen, Chris Norby, Jim Silva, Cameron Smyth, David Valdadao, and Donald Wagner.*

ABSENT, ABSTAINING OR NOT VOTING

ASSEMBLY DEMOCRATS (0): ****none****

ASSEMBLY REPUBLICANS (7): *Katcho Achadjian, Bill Berryhill, Paul Cook, Jeff Gorell, Curt Hagman, Diane Harkey, and Kristin Olsen.*

AUTISM SOCIETY OF LA TO HOST SEPT 21ST CONFERENCE ON AUTISM ISSUES IN LOS ANGELES

In other autism related news, also upcoming, is a conference by the Autism Society of Los Angeles for community leaders about Regional Center services and supports for persons with autism spectrum disorders on September 21st, Wednesday, from 8:30 AM to 3:30 PM, at Vista

Del Mar, 3200 Motor Avenue, Los Angeles, 90034 (near the Los Angeles Airport). Persons interested in attending can go to the website link below. .

The organizers say that the meeting will bring together various community leaders to "...discuss ways to limit the impact of the cuts and make the most of the funds we have

Persons interested in attending can register at:

<https://events.r20.constantcontact.com/register/eventReg?llr=ogdey8bab&oeidk=a07e4gt0j22e30f4ee2>

For more information, persons can contact Judy Mark, Autism Society of Los Angeles Government Relations Chair at 310-621-2045

SEPTEMBER 21, 2011 MEETING SCHEDULE (subject to change)

The agenda - still subject to change is as follows:

Regional Center Funded Services:

Are Children with Autism Making Real Progress (and Real Friends, too)?

A Conversation and Collaboration with Community Leaders

Wednesday, September 21, 2011

Vista Del Mar

3200 Motor Avenue, Los Angeles 90034

08:30 to 09:30 AM

CONTINENTAL BREAKFAST, REGISTRATION

WELCOME AND INTRODUCTIONS

Caroline Wilson, Executive Director, Autism Society of Los Angeles (ASLA)

09:30 TO 10:45 AM

OPENING PANEL:: Is the Promise of the Lanterman Act Dying?

Moderator: Connie Lapin, Parent and Advocate

** Mike Clark – Executive Director, Kern Regional Center*

** Mike Danneker, Executive Director, Westside Regional Center*

** Harvey Lapin - Parent and Advocate*

** Marty Omoto - California Disability Community Action Network (CDCAN)*

10:45 AM to 12:00 PM

SECOND PANEL: Are the Services Making a Difference with Children with Autism?

Moderator: Susan Levy, President, Autism Society of Los Angeles (ASLA) Board of Directors

** Soryl Markowitz – Autism Specialist, Westside Regional Center*

** Liz Spencer – Director, Westside Family Resource Center*

** David Sponder – Educational Psychologist, Sponderworks Children's Services*

** Valerie Vanaman – Attorney at Law, Newman Aaronson Vanaman*

12:00 to 02:20 PM

LUNCH WORKGROUPS

Turning Isolation into Inclusion: Where Funding Falls Short

(Each attendee will pick in advance two workgroups to attend.)

1. Participating in Religious Institutions

Rabbi Jackie Redner – Rabbi, Chaplain, and Jewish Educator for Vista Del Mar Child and

Family Services

Vana Thiero - Advocate/Documentarian

2. Ensuring Physical Fitness and a Healthy Diet

Joclynn Benjamin – Co-owner, Leaps n' Boundz

Danise Lehrer – Westside Regional Center Healthy Lifestyles

3. Reaching out to Low-Income and Immigrant Families

Ereida Galda, Grant Coordinator and Parent Advocate, Westside Family Resource and Empowerment Center

Areva D. Martin, Esq. - Co-founder and President, Special Needs Network, Inc.

4. Overcoming Barriers for Nonverbal Children

Darlene Hanson, MA - Director of Communication Services, Whittier Area Parent Association for the Developmentally Handicapped

5. Benefiting from Music, Theater, Film, and Art

Elaine Hall – Director, Vista Inspire Program

Diane Isaacs – Co-Founder/Creative Director, The Miracle Project

6. Supporting Parents and Siblings

Danny Delgadillo, Westside Family Resource and Empowerment Center

Samantha Persoff, LCSW – Program Director, MENTOR Family Behavioral Services

7. Preparing for and Living through Puberty

Maggie B. Sennish – Marriage and Family Therapist

Curt Widhalm, LMFT – Director, Clinic for Assessment and Needs of Developmentally Delayed Individuals (CANDDI)

8. Managing the Health Care System and Insurance

Pantea Sharifi Hannauer, MD - Child Neurology, UCLA

Syed Naqvi, MD - Director, Pediatric Psychopharmacology Clinic, Dept of Psychiatry and Behavioral Neurosciences at Cedars-Sinai

Susan Schmidt-Lackner, MD – Medical Director, Vista Del Mar Child and Family Services

9. Safety Issues and Preventing Abuse

Leslie Morrison, Director of Investigations Unit, Disability Rights California

02:30 to 3:30 PM

CLOSING PANEL: Does More Money Produce Better Outcomes?

Moderator: George Stevens, Executive Director, North L.A. County Regional Center

** Judy Mark – Government Relations Chair, Autism Society of Los Angeles*

** Steve Miller – Executive Director, Tierra del Sol Foundation*

** Lyn Shaw – District Director, Assemblymember Bob Blumenfeld*

** Caroline Wilson – Executive Director, Autism Society of Los Angeles*

***HELP - VERY URGENT - SEPTEMBER 16, 2011 -
PLEASE HELP CDCAN CONTINUE ITS WORK!!!***

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Alerts sent out and read by over 55,000 people and organizations, policy makers and media across the State, and to continue and resume CDCAN Townhall Telemeetings, trainings and other events, please send your contribution/donation (please make check payable to "CDCAN" or "California Disability Community Action Network" and mail to:

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

Many, many thanks to all the organizations and individuals for their continued support that make these reports and other CDCAN efforts possible. [

Note: As of June 26th due to major problem with my computer and email, I have to use this old format of the CDCAN Reports that unfortunately does not have the list of people and organizations who have generously contributed and supported CDCAN in the past year and in recent weeks and months. I should have computer problem repaired sometime soon - Marty Omoto]