

# Education Committee

September 7, 2021



California  
**Telehealth**  
Policy  
Coalition

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# Welcome to New Members



Coalition's key guiding principles (as outlined in our charter):

**Promote access and coverage.** Policies, legislation and activities should promote access to care through telehealth and coverage of telehealth services.

**Enhance care coordination.** Policies, legislation and activities should reinforce the patient-centered medical home model and reduce care fragmentation both within and among systems.


**Promote provider and patient engagement.** Policies, legislation and activities should promote the participation of providers in efforts that improve performance and patient health outcomes, and the involvement of patients in their health care.

**Reinforce clinical quality.** Policies, legislation and activities should reinforce desirable, measurable outcomes, specifically those used by regulators and produced by standard-setting organizations.

**Ensure data privacy and security.** Policies, legislation and activities should ensure data privacy and security, particularly as those standards are prescribed by law and industry standards.




# California Legislative Developments (1/3)

## Telehealth-Related Bills

Bill No.	Coalition Support?	Recent Developments	Brief Description
<a href="#">SB 365</a> (Caballero)		Passed Asm. (9/1) Sent to Governor's Desk.	Requires Medi-Cal e-consult reimbursement
<a href="#">AB 457</a> (Santiago)		Read third time and amended in Senate (9/3)	Creates Protection of Patient Choice in Telehealth Provider Act <i>Amended to remove from KKA/Ins. Code date provisions for contracts to impose payment parity; extends telehealth payment parity to affect all current contracts with providers</i>
<a href="#">AB 523</a> (Nazarian)		Passed Senate (9/3) In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 5 pursuant to Assembly Rule 77.	Requires DHCS to make all COVID PACE program changes permanent, including telehealth flexibilities
<a href="#">SB 801</a> (Roth)		Ordered to third reading in Assembly (9/1)	For purposes of telehealth, defines health care provider to additionally include an associate clinical social worker and an associate professional clinical counselor <i>Amended to specify an associate or trainee may provide services via telehealth that are within scope of practice</i>

# California Legislative Developments (2/3)

## Broadband Bills

Bill No.	Coalition Support?	Recent Developments	Brief Description
<a href="#">AB 14</a> (Aguiar-Curry et al.)		Ordered to third reading in Senate (9/3)	Revises law regarding California Advanced Services Fund (CASF) <i>Amendments remove provisions related to definition of un/underserved areas (see standards in SB 156); make certain provisions effective only if SB 4 is passed; make bill an urgency statute.</i>
<a href="#">SB 4</a> (Gonzalez)		Ordered to third reading in Assembly (9/2)	Revises law regarding California Advanced Services Fund (CASF) <i>Amendments remove VOIP surcharge provisions and deaf and disabled telecoms provisions (see AB 14); makes bill effective only if AB 14 is passed.</i>
<a href="#">SB 28</a> (Caballero)		Ordered to third reading in Assembly (8/31)	Rural Broadband and Digital Infrastructure Video Competition Reform Act of 2021 <i>Amendments remove provisions requiring state agencies to identify resources for broadband networks; remove DIVCA provisions except for those related to collection of more granular franchisee data</i>
<a href="#">AB 537</a> (Quirk)		Passed Senate (9/1) Assembly Rule 77 suspended. (Ayes 43. Noes 12.) Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 72. Noes 0.) (9/2)	Requires that the time period for city/county approval of collocation or siting applications for wireless telecommunications facilities be deemed approved if the city/county fails to approve within the standard set by the FCC <i>Amendments remove provisions related to judicial review.</i>
<a href="#">SB 378</a> (Gonzalez)		Passed Asm. APPR (8/19) In Senate. Concurrence in Assembly amendments pending. (8/31) Assembly amendments concurred in. (Ayes 39. Noes 0.) Ordered to engrossing and enrolling. (9/2)	Broadband: methods of fiber installation <i>Amendments make slight changes to the definition of "reasonable fee"</i>
<a href="#">SB 556</a> (Dodd)		Passed Asm. (9/1) Assembly amendments concurred in. (Ayes 27. Noes 6.) Ordered to engrossing and enrolling.(9/2)	Seeks to ensure local governments provide access and quickly permit approval of small wireless facility siting applications <i>Amendments clarify definition of "traffic signal pole," clarify reasons for denials; reasons for levying fees</i>

# California Legislative Developments (3/3)

## Two-Year Bills

Bill No.	Coalition Support?	Recent Developments	Brief Description
<a href="#">AB 32</a> (Aguiar Curry et al.)	<input checked="" type="checkbox"/>	Two-year bill	Makes permanent Covid-19 telehealth flexibilities
<a href="#">AB 34</a> (Muratsuchi)		Held in Asm. Approps. Committee (5/20)	Authorizes the issuance of bonds in the amount of \$10,000,000,000 pursuant to the State General Obligation Bond Law to support the 2022 Broadband for All Program
<a href="#">AB 1264</a> (Aguiar-Curry)	<input checked="" type="checkbox"/>	Two-year bill	Creates CHHS Agency Project ECHO grant program for children's hospitals
<a href="#">AB 410</a> (Fong)		Two-year bill	Nurse Licensure Compact
<a href="#">AB 552</a> (Quirk-Silva)		Two-year bill	Integrated School-Based Behavioral Health Partnership Program
<a href="#">AB 935</a> (Maienschein)		Two-year bill	Requires health plans and insurers to provide access to a telephone mental health consultation program for children and pregnant/post-partum women
<a href="#">AB 1117</a> (Wicks)		Two-year bill	Establishes Healthy Start: Toxic Stress and Trauma Resiliency for Children Program
<a href="#">AB 1131</a> (Wood)		Two-year bill	Requires participation in statewide health information exchange network
<a href="#">AB 1252</a> (Chau)		Two-year bill	Defines privacy protections for personal health record information
<a href="#">SB 371</a> (Caballero)	<input checked="" type="checkbox"/>	Two-year bill	Creates a Deputy Secretary for Health Information Technology to coordinate health information technology efforts regarding hie, broadband, and telehealth
<a href="#">SB 508</a> (Stern)		Two-year bill	Authorizes a local education agency (LEA) to provide mental health services and includes telehealth as an approved modality

# Fact Sheet to Be Published Soon

## *SB 156: Meeting the Digital Divide*

### SB 156 Fact Sheet: Meeting the Digital Divide

On July 20, 2021, Governor Newsom signed the Broadband Trailer Bill, [SB 156](#), into law. The legislation provides policy detail to the Budget Act of 2021, which allocates \$6 billion towards expanding broadband infrastructure and access in California. This historic bill is one of the largest state broadband investments ever in the United States, funding three primary broadband programs and updating various rules and standards around the deployment of broadband.

**Middle Mile Broadband Infrastructure:** This section provides \$3.25 billion for the construction of a state owned open-access middle mile broadband network. It also includes details about who will oversee the project and how areas of the state will be prioritized. Middle mile infrastructure serves as the middle distance connection between localities. It connects the internet backbone to the "last mile" infrastructure that provides internet directly to homes or offices. The bill:

- Identifies three new entities, in addition to the Public Utilities Committee (PUC), to oversee the planning and build out of this middle mile broadband network:
  - **CDT Office of Broadband and Digital Literacy (OBDL):** This new office within the California Department of Technology (CDT) will oversee the acquisition and management of the network. The OBDL will be responsible for developing the statewide network once the planning process is complete and will have the authority to create standards and policies around the middle mile network.
  - **Third-Party Administrator:** OBDL will retain a non-profit third-party administrator to help manage the planning, development and maintenance of the middle-mile broadband project. The third-party administrator will work with the PUC to identify where the statewide network should be located.
  - **CDT Broadband Advisory Committee:** The CDT will create a Broadband Advisory Committee with representatives from various relevant state agencies. The advisory committee will provide policy advice to the OBDL and the third party administrator, oversee construction, and monitor the establishment of the network.
- Outlines how the PUC and third-party administrator should identify the priority locations for the middle mile network:
  - They *must* prioritize:
    - Locations that enable last-mile connections to residences unserved by 25 mbps downstream and 3 mbps upstream (25/3 mbps) and where there is no known middle-mile infrastructure that is open access, with sufficient capacity, and at affordable rates.
    - State highway rights of way that serve a geographically diverse group of projects in rural and urban areas of the state to achieve the greatest reductions in the amount of households unserved by broadband internet access service meeting federal and state standards.
  - They *may* prioritize:

# Webinar Planning Discussion- Webinar #4

## *Scheduled for October 5, 1:30-2:30*

### **Webinar Proposal:** The Digital Divide and Telehealth

**Purpose :** The COVID-19 pandemic highlighted how important internet-based technology is to access telehealth services and how the digital divide exacerbates existing inequities in access to health care. Many patients without adequate internet access have needed to rely on audio-only telehealth for their care. In response to the digital divide, Governor Newsom and the California Legislature have leveraged the state surplus to make a landmark state investment in broadband infrastructure in a bold attempt to close the digital divide.

Join our panel discussion on the current state of these digital inequities within California and how it affects patients and providers. Panelists will provide background on the fundamentals of broadband and how California's investment in broadband infrastructure will impact the digital divide.

### **Proposed Agenda:**

- Overview of SB 156 (10 min.)
- Introductions (5 min.)
- Panel Discussion (35 min.)
- Audience Q+A (10 min.)

### **Panelists:**

- Fabiola Carrion, NHeLP (moderator)
- Marissa Kraynak, Director of Health Policy Research, ITUP
- Jorge Pacheco, Digital Equity Research & Advocacy Specialist, Community Health Partnerships
- Vinhcent Le, Legal Counsel & Policy Manager, Greenlining Institute
- *Invited/Not confirmed:* California State Association of Counties

**Accompanying Fact Sheet:** SB 156: Meeting the Digital Divide



# Fall Policy Briefing Discussion

- Date and Time: October 15, 2021, from 11:00-12:30 (tentative)
- Objectives:
  - Explain what policy changes that took effect during the pandemic are still in place, and where state policy is headed
  - Illustrate the impact of telehealth expansions on patients
  - Discuss what policy changes are needed to support patients post-pandemic
- Target audience: Policymakers and state/agency staff; industry professionals
- Proposed panelists:
  - Moderator: Yohualli B. Anaya, Assistant Clinical Professor, Family Medicine, UCLA
  - Patient/caregiver: AARP representative
  - Provider: Olga Meave, CMO, Clinica Sierra Vista
  - Researcher: Lori Uscher-Pines, Senior Policy Researcher, RAND
  - Plan: Fiona Dona, CMO, San Francisco Health Plan

# Save the Dates!

- **Broadband Webinar: Tuesday, October 5, from 1:30-2:30 pm**
- **Annual Meeting Tuesday, November 2 from 9am-2pm**

*Invitations to come out soon!*



# Closing Announcements

## Save the Dates

### *Upcoming Meetings*

#### **Legislation Meeting**

September 9, 1-2pm

#### **Monthly Meeting**

September 17, 1-2pm

#### **Broadband Committee**

September 21, 1-2pm

## Please reach to staff if you have any questions

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# Appendix

# Budget Update: AB 133 – Health Trailer Bill

- Extends temporary Medi-Cal telehealth policies until December 31, 2022
  - Payment parity for all modalities, including audio-only, and for providers including FQHCs/RHCs
- DHCS to convene an advisory group to inform the department in establishing and adopting billing and utilization management protocols
  - Supposed to be completed in time to incorporate into 2022-23 budget
- Protects pre-COVID-19 policies, including store-and-forward
- Allows Department to authorize RPM with separate fee schedule

*Status: In Senate Budget Committee – [Hearing on Wednesday, July 14, 2021](#)*

AB 133 Language – Section 380 contains telehealth provisions:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB133](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB133)

# Budget Update: AB 133 – Health Trailer Bill – Other telehealth provisions

- Authorizes State Hospital Use of Video Telehealth – Ensuring more timely treatment transfers (Section 344)
  - Requires that the local jail provide the DSH clinician access and capability to conduct the evaluation through video telehealth to reduce IST waitlists and ensure more timely access to care when necessary
- Creates the Children and Youth Behavioral Health Initiative – Incentivizes school-based Telehealth (Section 355)
  - Allowable activities for the grant funding include implementing telehealth equipment and virtual systems in and around schools
- Health Information Exchange and Health Information Technology Advisory Group – Includes addressing telehealth privacy and security telehealth issues (Section 340)
  - Advise CHHSA on relevant issues, including how to “address the privacy, security, and equity risks of expanding care coordination, health information exchange, access, and telehealth in a dynamic technological, and entrepreneurial environment, where data and network security are under constant threat of attack.”
- Provider Telehealth Data – Informing health care workforce policy (Section 4)
  - Data requested must include hours spent in direct patient care, including telehealth hours

*Status: In Senate Budget Committee – [Hearing on Wednesday, July 14, 2021](#)*

AB 133 Language [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB133](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB133)

# Education Committee Work Plan 2021

Q1		Q2		Q3		Q4	
✓	Host webinar on a key topic	✓	Host webinar on a key topic	<input type="checkbox"/>	Host webinar on a key topic	<input type="checkbox"/>	Host Policy Briefing
✓	Develop and publish 2 fact sheets on Key Topics	✓	Develop and publish 2 fact sheets on Key Topics	<input type="checkbox"/>	Develop and publish 2 fact sheets on Key Topics	<input type="checkbox"/>	Host Annual meeting
✓	Oversee strategic communications work with regular reports from chairs	✓	Oversee strategic communications work with regular reports from chairs	<input type="checkbox"/>	Oversee strategic communications work with regular reports from chairs	<input type="checkbox"/>	Oversee strategic communications work with regular reports from chairs
✓	Review and finalize charter for 2021	<input type="checkbox"/>	Chair outreach to administration/ legislative leaders to introduce them to the coalition	<input type="checkbox"/>	Discuss proposed Physician Fee Schedule Changes and craft response		
✓	Coordinate on policy and initiative tracking (e.g., CalAIM, Master Plan on Aging)	✓	Develop and launch recruitment strategy				

# Broadband Advocates 1/2

Organization	Description
<a href="#">Media Justice</a>	MediaJustice is building a powerful grassroots movement for a just and participatory media, fighting for racial economic and gender justice in the digital age. Open and affordable internet is one of their main focus areas.
<a href="#">New America's Open Technology Institute</a>	OTI brings together advocates, researchers, organizers and innovators to work at the intersection of technology and policy to ensure that every community has equitable access to digital technology and its benefits.
<a href="#">California Forward</a>	California Forward (CA FWD) leads a statewide movement, bringing people together across communities, regions and interests to improve government and create inclusive, sustainable growth for everyone. Connecting California to broadband is one of its eight action-areas.
<a href="#">One Million New Internet Users</a>	Non-profit training English-learners in central and southern California to adopt technology and use broadband. Spoke at California Broadband Council May meeting.



# Broadband Advocates 2/2

Organization	Description
<a href="#">Electronic Frontier Foundation</a>	Non-profit organization based in San Francisco, defending civil liberties in the digital world through policy analysis, litigation, grassroots activism.
<a href="#">Benton Institute for Broadband and Society</a>	Non-profit that supports legal and policy experts with the goal of bringing open, affordable high-capacity broadband to all people in the US.
<a href="#">Greenlining Institute</a>	Non-profit working toward a future where communities of color can build wealth, live in healthy places filled with economic opportunity. Uses multifaceted advocacy efforts to address the root causes of racial, economic and environmental inequities. Focus areas include health, economic, energy environmental and technology equity.
<a href="#">Center for Democracy and Technology</a>	Non-profit advocacy organization that brings together thought leaders working to promote democratic values by shaping technology policy and architecture with a focus on the individual. Focus areas include open internet.
<a href="#">California Emerging Technology Fund</a>	CETF has been established as a non-profit corporation pursuant to orders from the California Public Utilities Commission (CPUC) in approving the mergers of SBC-AT&T and Verizon-MCI in 2005. Its mission is to Provide leadership statewide to close the “Digital Divide” by accelerating the deployment and adoption of broadband to unserved and underserved communities and populations.

# Priority 1: Make temporary coverage expansions permanent and expand access to new modalities

Example work:

- Support payment parity for Medi-Cal Managed Care
- Support remote patient monitoring coverage for Medi-Cal and commercial plans
- Support continued FQHC/RHC coverage for telehealth
- Work with members to highlight patient stories on webinars, other materials aimed at policymakers and consumers

# Priority 2: Build the evidence base for telehealth in California

## Example work:

- Showcase research on monthly calls
- Develop a telehealth data clearinghouse on our website and leverage members' data dashboards
- Release annual report for DHCS and the state legislature - align publication date with Fall Briefing
- Host Capitol Briefing in Fall 2021 (third annual)
- Host and co-host educational webinars. Key Topics: Equity, Telehealth & Triple Aim, RPM, broadband policy/Lifeline program, interoperability

# Priority 3: Bridge the digital divide and addressing health equity

## Example work:

- Promote heightened standards for broadband access and consumer subsidies for smartphones and internet access
- Demonstrate and build evidence base on the efficacy and quality of telephonic visits
- Track and highlight distribution of internet access/telehealth across communities (i.e., geographies, communities of color, the disabled community, older adults, teens and young adults)
- Identify resources for additional telehealth adoption including grants and technical assistance

# Priority 4: Advance state leadership on telehealth and health IT

## Example work:

- Advocate for state coordination on telehealth and related IT issues (i.e., telehealth integrations, public health reporting, health information exchange)
- Track regulatory requirements and required updates
- Conduct outreach to state agencies on telehealth policy in 2021
- Emphasize the need for modernization of telehealth and data sharing through state policy initiatives (i.e., CalAIM, Managed Care procurement)

## Recruitment Tracker- *For Discussion Today*

Organization Type	Organization	Contact	Outreach Lead	Status
Disability community	Disability Rights Education & Defense Fund			
Occupational therapy	Occupational Therapy Assoc. of California	Karen Polastri		
English to Speakers of Other Languages				
Skilled Nursing Facilities	CALTCM	Mike Wasserman/Albert Lam		
	CAHF	?		
School Psychologists	Cal. Assoc. of School Psychologists	Melanee Cotrill	Robby	Completed
School Counselors	Cal. Assoc. of School Counselors	Loretta Whitson	Robby	Scheduled
Consumer organizations	Insure the Uninsured Project	Marissa Kraynak	Mei/Amy	Completed
Native American/Indigenous Organizations	Southern Indian Health Council	Laura I Caswell	Joe connected // Amy met with	Completed
Education organizations	School Nurses Association	Sheri Coburn	Mei/Amy/Dr. Magit connected	Completed
Caregivers	Family Caregiver Alliance	Shruti Kothari		
Youth Advocacy	Voices for Children			
Palliative Care and Hospice	California Hospice and Palliative Care Association			