

Education Committee

October 11, 2023



California
Telehealth
Policy
Coalition


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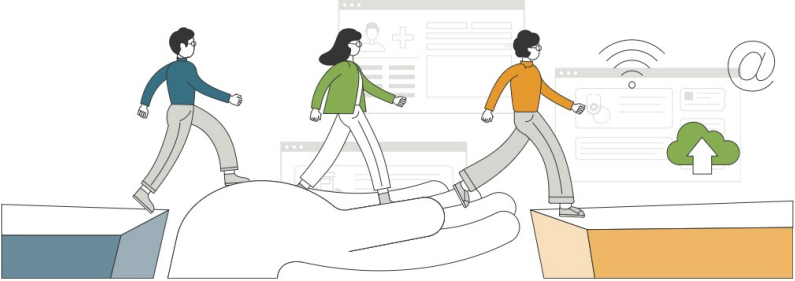
Digital Navigators Fact Sheet

Digital Navigators and Telehealth:

Addressing the digital divide



SEPTEMBER 2023



Background on Digital Navigators
Digital navigators are trusted individuals who provide ongoing support and resources to community members who may need assistance with internet access, digital technology utilization, or any other foundational digital literacy training necessary to navigate the digital world.¹ Digital navigators can assist individuals with acquiring access to various programs as well as telehealth support. Additionally, digital navigators can provide guidance on how to use basic telehealth services such as accessing a patient portal, downloading appropriate telehealth applications, and scheduling a virtual appointment.

Volunteers or staff associated with organizations that provide any kind of social support such as libraries, social service agencies, or community-based organizations² as well as members of health care teams can all serve as digital navigators. They can also be community health workers (CHWs) who are familiar with digital tools and can help patients

access and utilize digital health technologies to improve health outcomes and receive better healthcare experiences.³

The Digital Divide: Digital and Broadband Access Gap
With the increase in use of digital technologies, especially in health care, the need to address gaps in digital access and utilization has become more important than ever.

Broadband Access Disparities: 2 million Californian households (15%) lacked access to broadband connectivity at home in 2020.⁴ 45% of California households are eligible for the federal government's Affordable Connectivity Program; however, as of June 2023, only 40% of these households are enrolled.⁵

Digital Health Literacy Disparities: 16% of adults in the U.S. are digitally illiterate - these individuals, on average, have lower educational attainment, are older, and are more likely to be Black, Hispanic, or foreign-

- Digital navigators fact sheet outlines the definition of digital navigators, broadband access gaps and case studies highlighted in Coalition webinar
- To be posted on the coalition website soon: share with your networks!

Annual Meeting Discussion (1/3)

Agenda for November 8

- Welcome and Keynote; Champion Award
- National Telehealth Perspectives Panel
- Breakout Discussions: Telehealth Focus Areas; Lunch Break
- Health Centers and Virtual Care Panel
- Innovations in Mental Health and Substance Abuse Care Panel
- Member Priorities for 2024 Panel
- Wrap-Up and Reception

ADVANCING THE TELEHEALTH CONTINUUM: 2024 POLICY LANDSCAPE AND PRIORITIES

Confirmed Speakers



WELCOMING SPEAKER
Diana Camacho, MPH
Senior Program Officer, Improving Access
California Health Care Foundation



TELEHEALTH CHAMPION
Assemblymember
Rebecca Bauer-Kahan
California State Assembly



KEYNOTE SPEAKER
Jeffrey Reynoso, DrPH, MPH
Regional Director
U.S. Department of Health and Human
Services



LUNCHEON SPEAKER
René Mollow, MSN, RN
Deputy Director,
Health Care Benefits and Eligibility
California Department of Health Care Services

NOVEMBER 8, 2023, 9 AM-4 PM

**THE CALIFORNIA ENDOWMENT
SACRAMENTO, CA**

RSVP: <https://Nov8telehealth.eventbrite.com>

Annual Meeting Discussion (2/3)


- Roundtable Discussions: Priorities for 2024 and suggested table leads

Table Topic	Suggested Table Lead
Remote Patient Monitoring	
E-consult	Libby Sagara
Behavioral and Mental Health	
Broadband Access	Marissa Montano
Digital Navigation	Dr. Sarah Rahman
Data	Robby Franceschini
Coalition Sustainability	Grace Weltman

Annual Meeting Discussion (3/3)

- Sample Discussion Questions:
 - What progress or impact has the coalition made in this area over the last two years?
 - What are the policy opportunities that exist for the coalition to further engage on this topic?
 - Who else is working on this issue that we should be learning from?
 - Draft a SMART Goal (Specific, Measurable, Attainable, Realistic, Timely) for the coalition in this area for 2024
 - *Ex// “In 2024, the California Telehealth Policy Coalition will host two listening sessions with providers, consumers, and advocates on broadband access and telehealth”*

Legislative Briefing: TOMORROW!



California Telehealth Policy Coalition Legislative Briefing

The Year in Review & Looking to 2024

Speakers

Rosanne Helms
Legislative Manager
Board of Behavioral Sciences


Alicia Garoupa, LCSW
Chief of Wellbeing and Support Services
Los Angeles County of Education

Dr. David Kan, MD
Chief Medical Officer
Bright Heart Health

Moderator

Jen Alley
Director of Government Affairs
California Psychological Association

 **October 12, 2023**



 **12:30 PM - 2:00pm PDT**

 **Online**



 **bit.ly/2023_leg_briefing**

Registration [link here](#)

California Legislative Developments (1/2)

Bill No.	Coalition Support?	Recent Developments	Brief Description
AB 41 (Holden)		Vetoed (10/8/23) (<i>Veto message conveyed that the changes made were too minor and bill doesn't go far enough</i>)	This bill would revise the Digital Infrastructure and Video Competition Act to rename the act as the Digital Equity in Video Franchising Act. It would establish a policy of the state that subscribers and potential subscribers of a state video franchise holder should benefit from equal access, as defined, to video service within the franchise service area, and expand the prohibition on certain cable operators or video service providers from discriminating against, or denying access to service to, any group of potential residential subscribers to include denial of equal access, as specified.
AB 48 (Aguiar-Curry)		Presented to the Governor (09/20/23)	This bill would add to the rights of every resident of skilled nursing facilities and intermediate care facilities the right to receive the information that is material to an individual's informed consent decision concerning whether to accept or refuse psychotherapeutic drugs. The bill would permit the use of remote technology, including telehealth, to allow a prescriber to examine and obtain informed written consent.
AB 232 (Aguiar-Curry)		Presented to the Governor (09/13/23)	This bill would authorize a person who holds a license in another jurisdiction of the United States as a marriage and family therapist, clinical social worker, or professional clinical counselor to provide services in the state for a period not to exceed 30 consecutive days in any calendar year if certain conditions are met.
AB 254 (Bauer-Kahan)		Signed by Governor (09/27/23)	This bill would revise the definition of "medical information" in the CMIA to include reproductive or sexual health application information, which the bill would define to mean information related to a consumer's reproductive or sexual health collected by a reproductive or sexual health digital service.
AB 286 (Wood)		Presented to the Governor (09/20/23)	This bill would require that the Public Utilities Commission' statewide, publicly accessible, and interactive map showing the accessibility of broadband service identify, for each address in the state, each provider of broadband services that offers service at the address and the maximum speed of broadband services offered by each provider of broadband services at the address.

California Legislative Developments (2/2)

Bill No.	Coalition Support?	Recent Developments	Brief Description
AB 414 (Reyes)		Signed by Governor (10/08/23)	This bill, the “Digital Equity Bill of Rights,” would state that it is the principle of the state to ensure digital equity for all residents of the state, that residents shall have access to broadband that meets specific requirements, and that broadband internet subscribers benefit from equal access to broadband, as those terms are defined.
AB 1241 (Weber)	<i>Watch</i>	Signed by Governor (09/08/23)	This bill would require a provider furnishing services through video synchronous interaction or audio-only synchronous interaction to maintain and follow protocols to either offer those services via in-person contact or arrange for a referral to, and a facilitation of, in-person care. The bill would specify that the referral and facilitation arrangement would not require a provider to schedule an appointment with a different provider on behalf of a patient.
AB 1369 (Bauer-Kahan)		Presented to the Governor (09/13/23)	This bill would authorize an eligible out-of-state physician or surgeon to practice medicine in California without a license if the practice is limited to delivering health care via telehealth to an eligible patient who has a disease or condition that is immediately life-threatening.
AB 1399 (Friedman)		Signed by Governor (10/08/23)	This bill would require a veterinarian who practices veterinary telemedicine, among other things, to employ sound professional judgment to determine whether using veterinary telemedicine is an appropriate method for delivering medical advice or treatment to the patient, provide quality of care consistent with prevailing veterinary medical practice, and be able to provide the client with a list of nearby veterinarians who may be able to see the animal patient in person upon the request of the client.
SB 345 (Skinner)		Signed by Governor (09/27/23)	This bill would state that California law governs in any action against a person who provides or receives by any means, including telehealth, reproductive health care services or gender-affirming health care services, as specified, if the care was legal in the state in which it was provided at the time of the challenged conduct.

2023 Sponsorship Opportunities

- Webinars
- Newsletter
- Fact Sheet Design
- Legislative Briefing
- Annual Meeting

Next Steps

- ❑ Host fall legislative briefing October 12, 12:30-2:00pm
- ❑ Continue planning November 8 Annual Meeting

Closing Announcements

Save the Dates

Upcoming Meetings

Legislation Committee

No October Meeting –

Legislative Briefing

October 12, 12:30pm

Monthly Meeting

October 20, 1-2pm

Please reach to staff if you have any questions

Mei Kwong: meik@cchpca.org

Amy Durbin: amyd@cchpca.org

Robby Franceschini:

robby.franceschini@bluepathhealth.com

Stephanie Thornton:

Stephanie.thornton@bluepathhealth.com



Appendix

Legislation not moving forward this year

Bill No.	Coalition Support?	Recent Developments	Brief Description
AB 768 (Boerner Horvath)		<i>Never heard in Committee</i>	This bill would establish within state government the Office of Broadband and Digital Equity. This bill would establish the Office of Broadband and Digital Equity Board with members, as specified.
AB 1022 (Mathis)		<i>Never heard in Committee</i>	This bill, among other things relating to the PACE program, would require those capitation rates to also reflect the frailty level and risk associated with those populations. The bill would also expand an approved PACE organization's authority to use video telehealth to conduct all assessments, as specified.
AB 1588 (Wilson)		<i>Never heard in Committee</i>	The Affordable Internet and Net Equality Act of 2023 would require the Department of Technology to develop and establish the Net Equality Program.
AB 1714 (Wood)		<i>Never heard in Committee</i>	This bill would define "public utility" to include a corporation providing broadband service to the public or a portion of the public.
SB 513 (Wiener)		<i>Held on Sen. Approps. Suspense File</i>	This bill would require the Department of Corrections and Rehabilitation to conduct mental health treatment for state prison inmates in a manner to accomplish various goals, including providing, to the greatest extent possible, regular and consistent mental health therapy to inmates who seek it, and ensuring that an inmate is provided an introductory mental health therapy appointment within 2 weeks of requesting care.
SB 282 (Eggman)		<i>Held in Assembly Approps.</i>	This bill would authorize reimbursement for a maximum of 2 visits that take place on the same day at a single site, whether through a face-to-face or telehealth-based encounter, if after the first visit the patient suffers illness or injury that requires additional diagnosis or treatment, or if the patient has a medical visit and either a mental health visit or a dental visit, as defined.

2023 Coalition Policy Priorities

➤ **Maintain and expand coverage of telehealth**

- Advocate for continued coverage of telehealth modalities across all types of coverage, e.g., expand remote patient monitoring
- Support continued FQHC/RHC coverage for telehealth
- Revisit cross-state provider considerations (e.g., practicing and prescribing across state lines)

➤ **Build the evidence base for telehealth in California**

- Showcase research and evaluation findings from California organizations on monthly calls
- Work with members to highlight health outcomes and patient stories to impact state policy
- Collect member input to provide input on the DHCS Research and Evaluation Plan

➤ **Bridge the digital divide to ensure patient and provider internet access**

- Work with other health care stakeholder to provide comments and recommendations on California's broadband work
- Showcase the inequitable distribution of internet access/ telehealth for certain communities (i.e., communities of color, the disabled community, older adults)

➤ **Ensure California maintains leadership at the state level on telehealth policy**







- Continue to educate Coalition members and others on new and developing state telehealth policies
- Advocate for state coordination on telehealth and related health technology issues
- Conduct outreach to state agency telehealth leaders and legislative leaders

Education Committee Work Plan for 2023

How can the coalition collaborate with your organization?

Q1		Q2		Q3		Q4	
<input type="checkbox"/>	Convene monthly committee meeting	<input type="checkbox"/>	Convene monthly committee meeting	<input type="checkbox"/>	Convene monthly committee meeting	<input type="checkbox"/>	Convene monthly committee meeting
<input type="checkbox"/>	Review and finalize 2023 Charter	<input type="checkbox"/>	Host one webinar <i>PHE Unwinding Panel April 28</i>	<input type="checkbox"/>	Host one webinar	<input type="checkbox"/>	Host policy briefing (October)
<input type="checkbox"/>	Introductions to new legislators and key agency leaders	<input type="checkbox"/>	Develop and publish 1 fact sheet	<input type="checkbox"/>	Develop and publish 1 fact sheet	<input type="checkbox"/>	Host annual meeting (November)
<input type="checkbox"/>	Develop and launch recruitment strategy	<input type="checkbox"/>	Budget letter (May Revise)	<input type="checkbox"/>	Respond to Medicare Proposed Physician Fee Schedule		
<input type="checkbox"/>	Create list of monthly meeting guest speakers						

DHCS Post-COVID-19 Public Health Emergency Telehealth Policy

Policy Area	Continues PHE Policy?	Additional Detail/Notes
Baseline coverage of synchronous telehealth		<ul style="list-style-type: none"> Continue coverage of synchronous video, audio-only telehealth
Baseline coverage of asynchronous telehealth		<ul style="list-style-type: none"> Continue coverage across services and systems, including 1915(c) waivers, TCM and LEA-BOP
Payment parity		<ul style="list-style-type: none"> Continue to exclude virtual communications from payment parity Continue use of cost-based reimbursement for TCM/LEA-BOP; county-behavioral health to be cost-based via CalAIM payment reform
Virtual Communications & Check-Ins		<ul style="list-style-type: none"> Continue coverage in physical health To be added to 1915(c) waivers, TCM and LEA-BOP Excluded from payment parity
Telehealth in FQHCs & RHCs		<ul style="list-style-type: none"> Continue reimbursement at PPS rate for otherwise billable visits delivered via all telehealth modalities including audio-only and asynchronous Continue exemption from site limitations for patient or provider
Establish New Patients via Telehealth		<ul style="list-style-type: none"> Providers may only establish a relationship with new patients in-person or via synchronous video telehealth visits Providers may establish new patients via audio-only synchronous interaction(including FQHCs/RHCs): when the visit is related to sensitive services, when the patient requests audio-only or attests they do not have access to video, or when the visit is designated by the Department to meet another exception

DHCS Post-COVID-19 Public Health Emergency Telehealth Policy

Policy Area	Continues PHE Policy?	Additional Detail/Notes
Patient Consent	<p style="text-align: center;">X</p> <p style="text-align: center;"><i>+ additional requirements</i></p>	<ul style="list-style-type: none"> • New consent requirements for additional information be shared with beneficiaries regarding: <ul style="list-style-type: none"> • Right to in-person services • Voluntary nature of consent • Availability of transportation to access in-person services • Limitations/risks of receiving services via telehealth • Notification of the right to make complaints
Third Party Corporate Telehealth Providers	<p style="text-align: center;"><i>New policy</i></p>	<ul style="list-style-type: none"> • Monitor and assess the implementation of AB 457 and the implementation of complimentary policy approaches in Medi-Cal that promote continuity and quality of patient care
Utilization Review	<p style="text-align: center;"><i>New policy</i></p>	<ul style="list-style-type: none"> • Continue to expand analytics and algorithm development to effectively identify suspect telehealth activity to be investigated. Potential risks include, but are not limited to, the following: <ul style="list-style-type: none"> • Up-coding time and complexity of services provided. • Misrepresenting the virtual service provided. • Billing for services not rendered. • Kickbacks

DHCS Post-COVID-19 Public Health Emergency Telehealth Policy

Policy Area	Continues Current Policies?	Additional Details/Notes
New Video Requirement	<i>New policy</i>	<ul style="list-style-type: none"> No sooner than January 1, 2024, phase in an approach that provides patients the choice of a video telehealth modality when care is provided via telehealth. If a provider offers audio-only telehealth services, the provider will also be required to provide the option for video services to preserve beneficiary choice.
New In-Person Services Requirement	<i>New policy</i>	<ul style="list-style-type: none"> No sooner than January 1, 2024, phase in an approach that requires any provider furnishing services through telehealth to also either offer services via in-person face-to-face contact or link the beneficiary to in-person care. <ul style="list-style-type: none"> If the provider chooses to link the beneficiary to in-person, they must provide for a referral to and a facilitation of in-person care that does not require a patient to independently contact a different provider to arrange for such care. DHCS will consider stakeholder recommendations on ways to ensure access to in-person services and telehealth services without restricting access to either, and work with stakeholders to develop a consumer-friendly brochure to inform enrollees about right to in-person care.
Network Adequacy	<i>New policy</i>	<ul style="list-style-type: none"> Allow Medi-Cal managed care plans, county Mental Health Plans and county Drug Medi-Cal Organized Delivery System plans to use clinically appropriate video synchronous interaction as a means of demonstrating compliance with the network adequacy time or distance standards. DHCS will develop policies for granting credit in the determination of compliance with time or distance standards.