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**AB-2861 Medi-Cal: telehealth: alcohol and drug use treatment.** (2017-2018)

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**Assembly Bill No. 2861**

**CHAPTER 500**

An act to add Section 14132.731 to the Welfare and Institutions Code, relating to Medi-Cal.

[ Approved by Governor September 18, 2018. Filed with Secretary of State September 18, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2861, Salas. Medi-Cal: telehealth: alcohol and drug use treatment.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law establishes the Drug Medi-Cal Treatment Program (Drug Medi-Cal), under which the department is authorized to enter into contracts with each county, or enter into contracts directly with certified providers, for the provision of various alcohol and drug use treatment services to Medi-Cal beneficiaries.

Existing law provides that in-person contact between a health care provider and a patient is not required under the Medi-Cal program for services appropriately provided through telehealth, as defined, subject to reimbursement policies adopted by the department to compensate a licensed health care provider who provides health care services through telehealth that are otherwise reimbursed pursuant to the Medi-Cal program. Existing law, for purposes of payment for covered treatment or services provided through telehealth, prohibits the department from limiting the type of setting where services are provided for the patient or by the health care provider.

This bill would, to the extent federal financial participation is available and any necessary federal approvals have been obtained, require that a Drug Medi-Cal certified provider receive reimbursement for individual counseling services provided through telehealth by a licensed practitioner of the healing arts or a registered or certified alcohol or other drug counselor, when medically necessary and in accordance with the Medicaid state plan. The bill would require the department to adopt regulations to implement these provisions by July 1, 2022, but would authorize the department to do so by means of provider bulletins, written guidelines, or similar instructions, until regulations are adopted.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

**SECTION 1.** Section 14132.731 is added to the Welfare and Institutions Code, immediately following Section 14132.73, to read:

**14132.731.** (a) A Drug Medi-Cal certified provider shall receive reimbursement for individual counseling services provided through telehealth, as defined in Section 2290.5 of the Business and Professions Code, by a licensed practitioner of the healing arts or a registered or certified alcohol or other drug counselor, when medically necessary and in accordance with the Medicaid state plan.

(b) This section shall be implemented only to the extent federal financial participation is available and only if any necessary federal approvals have been obtained.

(c) The department shall adopt regulations by July 1, 2022, to implement this section in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(d) Notwithstanding the rulemaking provisions of the Administrative Procedure Act, the department may, if it deems it appropriate, implement, interpret, or make specific this section by means of provider bulletins, written guidelines, or similar instructions from the department, until regulations are adopted.