

New Health Laws in 2018

The California Medical Association follows hundreds of healthcare related bills every year through the legislative cycle, and each year many new laws are put into place. This year the many of the new laws focus on health care coverage, drug prescribing, and public health. The CMA has a summary of the most significant new laws for physicians at (<http://www.cmanet.org/files/assets/news/2018/01/new-laws-2018-long.pdf>) Here are a few of the ones I found the most interesting as a psychiatrist:

In the area of allied health professional and ancillary services, AB 89 will require that psychologists have coursework in suicide risk assessment and intervention. AB 191 allows LMFTs and professional clinical counselors to provide the second signature on the 30-day extension to a 72-hour hold. The optometry (AB433) and podiatry (AB1153) scopes of practice were expanded slightly (and podiatrists were added to the lists of those able to make a disabled certification for DMV purposes (SB 611),. New laws imposed further regulations with regards to stem cell therapy (SB512), and extended in-home respite and IHSS services (AB126). IHSS issues were also addressed in the budget (SB90 and others)

Several bills dealt with issues around confidential information and drug prescribing. AB 210 allows counties to establish homeless teams that can share confidential information including substance abuse treatment to ensure continuity of care. AB413 allows a party to record communications for the purpose of obtaining evidence related to domestic violence. AB1119 dealt with the need to communicate patient information and records during the provision of emergency services. AB 40 requires that the DOJ make CURES information able to be integrated with health information technology systems. AB 720 strengthens informed consent in the jail system. AB 1048 was sponsored by CMA and allows a pharmacist to partially fill a Schedule II controlled substance.

There are multiple new bills regarding health care coverage affecting enrollment periods (AB 156), expanding who may provide autism services (AB1074), requiring health plans to include notifications of the process to obtain continuity of care (SB133) and language assistance services (SB223), and tightening requirements for mental health parity (SB 273). AB 275 increases requirements for long term care facilities when they are no longer able to care for their residents, and SB 219 strengthens non-discrimination for LGBT individuals in long term care settings. AB 395 expands medication-assisted treatment for substance use disorders. SB 54 Limits the involvement of state and local law enforcement in federal immigration enforcement. AB205 requires network adequacy for Medi-Cal managed care plans. AB 340 develops trauma screening in EPSDT programs. AB 1688 extends to 10 years the time that MediCal providers must retain specified records and renames the California Mental Health Planning Council as the California Behavioral Health Planning Council and changes its composition and duties. SB 171 requires a MediCal managed care plan to comply with a minimum 85% Medical Loss Ratio.

Several laws will be shaping cannabis use and businesses, including SB 65 stating that smoking or ingesting marijuana while driving or riding as a passenger is an infraction. SB 94 establishes a single system of administration for cannabis laws in California.

In the area of mental health, AB462 allows the Mental Health Services Oversight and Accountability Commission to receive quarterly wage data of mental health consumers, AB 1134 establishes a fellowship program for that commission, and AB 974 requires counties to report their Mental Health Service Act expenditures spent on veterans to that commission. AB 1315 establishes a pilot program for early psychosis detection and intervention. SB 565 allows notification of family members of certification reviews for an involuntary patient.

There were several bills involving professional licensing. AB 508 repealed provisions of law authorizing boards to cite and fine, or deny licensure or licensure renewal, to a health care practitioner who is in default on a student loan. AB 1340 asks the Medical Board to consider requiring a course in integrating mental and physical health in primary care settings. In the public health sector AB 643 requires school districts to include information about adolescent relationship abuse in their sexual health education, and AB841 prohibits schools from advertising food or beverages and from participating in incentive programs that reward pupils with food or beverages that do not meet nutritional standards. AB1221 requires training on Responsible Beverage Service for alcohol servers. AB1316 expands the definition of “lead poisoning” to further prevention efforts. SB239 modifies criminal penalties related to HIV that imposed stricter criminal penalties to individual infected with HIV in comparison to other communicable diseases. SB 536 allows more research on gun violence restraining orders.

Physicians who are also running offices should be aware that AB 168 prohibits an employer from relying on an applicants salary history as a factor in determining whether to offer employment or in determining salary. And AB450 prohibits a public or private employer from providing access to a federal government immigration enforcement agent to any non-public areas of a place of labor if the agent does not have a warrant. AB1008 limits employers abilities to ask about criminal convictions. SB63 strengthens parental leave. Finally, AB 461 excludes student loan debt that is cancelled under specified repayment plans for public service from being counted as gross income and SB 179 provides for a third gender option on state identification.

It was very difficult to summarize even some of the new laws that are taking effect this year; I now see why the CMA summary is 38 pages long. I hope that this article at least raises awareness about some of the changes and prompts some of you to link to the more comprehensive CMA review. And consider, if you haven't, joining CMA to support the efforts they make on our behalf with all the legislation that is considered each year.

