

AMENDED IN ASSEMBLY APRIL 10, 2002

AMENDED IN ASSEMBLY APRIL 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2085

Introduced by Assembly Member Corbett

February 19, 2002

An act to add Section 1368.015 to the Health and Safety Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2085, as amended, Corbett. Health care.

Under existing law, the Knox-Keene Health Care Service Plan Act of 1975, health care service plans are regulated by the Department of Managed Health Care.

Existing law requires a health care service plan to establish and maintain a grievance system approved by the department, under which enrollees and subscribers may submit their grievances to the plan.

This bill would require a health care service plan *with a Web site* to allow subscribers and enrollees to submit grievances to the plan online through its Web site. The bill would provide guidelines detailing the specific requirements for the online grievance submission process, including providing access to the department's Web site. *The bill would exempt from the requirements, until January 1, 2004, health plans that utilize a hardware system that does not have the minimum system requirements to support the software necessary to meet those requirements.*

Because a violation of this bill’s requirements regarding online grievances by a subscriber or enrollee would be a crime, this bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1368.015 is added to the Health and
2 Safety Code, to read:

3 1368.015. (a) Every plan *with a Web site* shall provide an
4 online form through its Web site that subscribers or enrollees can
5 use to file *with the plan* a grievance, as described in Section 1368,
6 online.

7 (b) The Web site shall have an easily accessible online
8 grievance submission procedure that shall be accessible through a
9 hyperlink on the Web site’s home page clearly identified as
10 “APPEAL/COMPLAINT FORM.” All information submitted
11 through this process shall be processed through a secure server.

12 (c) The online grievance submission process shall consist of the
13 following three parts:

14 (1) The first part shall be an online grievance form in HTML
15 format that allows the user to enter required information directly
16 into the form. This part shall contain a clearly indicated
17 “CONTINUE” icon, that, upon being utilized, shall take the user
18 to the second part.

19 (2) The second part shall include the following:

20 (A) A preview of the grievance that will be submitted, as
21 completed by the subscriber or enrollee. This part shall include the
22 following options:

23 (i) To edit the grievance before sending it, a clearly marked
24 “edit” button.

25 (ii) To submit the grievance, a clearly marked “send/submit”
26 button.



1 (B) A statement, including a current hyperlink to the California
2 Department of Managed Health Care Web site, in a legible font no
3 smaller than 12-point type containing the following language:

4 “The California Department of Managed Health Care is
5 responsible for regulating health care service plans. Your HMO is
6 required to resolve your grievance within 30 days. You have the
7 right to contact and file a complaint with the department if you are
8 not satisfied with the response or result of your grievance from
9 your Health Maintenance Organization (HMO) after 30 days have
10 passed from the submission of the grievance to your HMO. The
11 department’s Internet Web site (~~http://www.dmc.ca.gov~~)
12 (*http://www.dmhc.ca.gov*) has complaint forms and instructions
13 online. The department also has a toll-free telephone number
14 (1-800-400-0815) and the hearing and speech impaired may use
15 the California Relay Service’s toll-free telephone numbers
16 (1-800-735-2929 (TTY) or 1-888-877-5378) to contact the
17 department.”

18 The plan shall update the URL, hyperlink, and telephone
19 numbers in this statement as necessary.

20 (C) The third part, which shall be accessed after the online
21 submission of the completed grievance form to the plan pursuant
22 to the second part, shall include an automatic tracking or referral
23 number for the grievance, and a statement, including a current
24 hyperlink to the California Department of Managed Health Care
25 Web site, in a legible font no smaller than 12-point type containing
26 the following language:

27 “The California Department of Managed Health Care is
28 responsible for regulating health care service plans. Your HMO is
29 required to resolve your grievance within 30 days. You have the
30 right to contact and file a complaint with the department if you are
31 not satisfied with the response or result of your grievance from
32 your Health Maintenance Organization (HMO) after 30 days have
33 passed from the submission of the grievance to your HMO. The
34 department’s Internet Web site (~~http://www.dmc.ca.gov~~)
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38 the California Relay Service’s toll-free telephone numbers
39 (1-800-735-2929 (TTY) or 1-888-877-5378) to contact the
40 department.”



1 The plan shall update the URL, hyperlink, and telephone
2 numbers in this statement as necessary.

3 (d) *A plan that utilizes a hardware system that does not have the*
4 *minimum system requirements to support the software necessary*
5 *to meet the requirements of this section shall be exempt from these*
6 *requirements until January 1, 2004.*

7 (e) For purposes of this section, the following terms shall have
8 the following meanings:

9 (1) "Homepage" means the first page or welcome page of a
10 Web site that serves as a starting point for navigation of the Web
11 site.

12 (2) "HTML" means Hypertext Markup Language, the
13 authoring language used to create documents on the World Wide
14 Web, which defines the structure and layout of a Web document.

15 (3) "Hyperlink" means a special HTML code that allows text
16 or graphics to serve as a link that, when clicked on, takes a user to
17 another place in the same document, to another document, or to
18 another Web site or Web page.

19 (4) "Secure server" means an Internet connection to a Web site
20 that encrypts and decrypts transmissions, protecting them against
21 third-party tampering and allowing for the secure transfer of data.

22 (5) "URL" or "Uniform Resource Locator" means the address
23 of a Web site or the location of a resource on the World Wide Web
24 that allows a browser to locate and retrieve the Web site or the
25 resource.

26 (6) "Web site" means a site or location on the World Wide
27 Web.

28 SEC. 2. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.

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