

Introduced by Senator Romero and Kuehl
(Coauthors: Assembly Members Aroner, Diaz, Pavley,
Strom-Martin, and Washington)

March 19, 2001

An act to amend Section 1367.66 of the Health and Safety Code, and to amend Section 10123.18 of the Insurance Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1219, as introduced, Romero. Health coverage: cervical cancer screening test.

Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and for the regulation of policies of disability insurance by the Insurance Commissioner. Under existing law, a health care service plan contract and a disability insurer are required to provide coverage for an annual cervical cancer screening test. Existing law makes a willful violation of the provisions pertaining to health care service plans a crime.

This bill would require a health care service plan and a disability insurer to provide coverage for an annual cervical cancer screening test, using the Thin Prep Pap Test, as approved by the federal Food and Drug Administration.

Because this bill would change a requirement pertaining to the regulation of a health care service plan, the willful violation of which would be punishable as a criminal offense, it would expand the scope of an existing crime, thereby imposing a state-mandated local program.

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 1367.66 of the Health and Safety Code
2 is amended to read:

3 1367.66. Every individual or group health care service plan
4 contract, except for a specialized health care service plan, ~~which~~
5 *that* is issued, amended, or renewed, on or after January 1, 1991,
6 and ~~which that~~ includes coverage for treatment or surgery of
7 cervical cancer shall also be deemed to provide coverage for an
8 annual cervical cancer screening test *using the Thin Prep Pap Test*
9 *as approved by the federal Food and Drug Administration*, upon
10 the referral of the patient’s physician, a nurse practitioner, or
11 certified nurse midwife, providing care to the patient and
12 operating within the scope of practice otherwise permitted for the
13 licensee.

14 Nothing in this section shall be construed to establish a new
15 mandated benefit or to prevent application of deductible or
16 copayment provisions in an existing policy or plan. The
17 Legislature intends in this section to provide that cervical cancer
18 screening services are deemed to be covered if the policy includes
19 coverage for cervical cancer treatment or surgery.

20 SEC. 2. Section 10123.18 of the Insurance Code is amended
21 to read:

22 10123.18. Every individual or group policy of disability
23 insurance, regardless of the situs of the contract, ~~which that~~ is
24 issued, amended, or renewed, on or after January 1, 1991, and
25 ~~which that~~ includes coverage for treatment or surgery of cervical
26 cancer shall also be deemed to provide coverage, upon the referral
27 of a patient’s physician, a nurse practitioner, or a certified nurse
28 midwife, providing care to the patient and operating within the
29 scope of practice otherwise permitted for the licensee, for an
30 annual cervical cancer screening test *using the Thin Prep Pap Test*
31 *as approved by the federal Food and Drug Administration*.



1 Nothing in this section shall be construed to require an
2 individual or group policy to cover treatment or surgery for
3 cervical cancer or to prevent application of deductible or
4 copayment provisions contained in the policy or plan, nor shall this
5 section be construed to require that coverage under an individual
6 or group policy be extended to any other procedures.

7 Nothing in this section shall be construed to apply to a policy of
8 disability insurance that only covers a specified disease, specified
9 accidents, or any accidents, if the disability insurer at the time of
10 issuance of the policy and annually thereafter determines whether
11 each insured or person covered by the policy also has coverage for
12 an annual cervical cancer screening test from another disability
13 insurer, a nonprofit hospital service plan, or a health care service
14 plan, and provided that any insured or person covered by the policy
15 who does not have other coverage for annual cervical cancer
16 screening shall have that coverage under the policy.

17 SEC. 3. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

