

## Assembly Bill No. 328

### CHAPTER 385

An act to add Section 1379.5 to the Health and Safety Code, relating to health care service plans.

[Approved by Governor October 10, 2007. Filed with  
Secretary of State October 10, 2007.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 328, Salas. Health care service plans: disease reports.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Under the Knox-Keene Act, all contracts between a provider and a plan are required to be in writing. Other provisions of existing law require a health care provider, as defined, to report specified diseases or conditions of a patient to the local health officer where the patient resides.

This bill would require a health care service plan, on and after July 1, 2008, to include in its contract with a health care provider, as defined, who provides services to an enrollee in Mexico a provision requiring the provider to comply with this mandate, reporting the specified diseases or conditions to the health officer in California where the patient resides or is employed. The bill would also require a health care service plan that contracts with those health care providers to give a specified notification to those providers of the reporting requirement.

Because the bill would specify an additional requirement under the Knox-Keene Act, the willful violation of which would be a crime, the bill would impose 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.

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

SECTION 1. Section 1379.5 is added to the Health and Safety Code, to read:

1379.5. (a) On and after July 1, 2008, every contract between a plan and a health care provider who provides health care services in Mexico to an enrollee of the plan shall require the health care provider knowing of, or

in attendance on, a case or suspected case of any disease or condition listed in subdivision (j) of Section 2500 of Title 17 of the California Code of Regulations to report the case to the health officer of the jurisdiction in California where the patient in the case resides, or if the patient resides in Mexico and is employed in California, the contract shall require a health care provider to report the case to the health officer of the jurisdiction where the patient in the case is employed. The contract provision shall require the health care provider to make the report in accordance with subdivision (d) of Section 2500 of Title 17 of the California Code of Regulations, except that for reports in cases where the patient resides in Mexico the contract shall require the report to be made to the health officer of the jurisdiction where the patient is employed.

(b) For purposes of this section, the terms “case,” “health care provider,” “health officer,” “in attendance,” and “suspected case” shall have the same meanings as set forth in subdivision (a) of Section 2500 of Title 17 of the California Code of Regulations.

(c) A plan’s obligations under this section shall be limited to the following:

(1) Ensuring that the contracts executed by providers who provide health care services in Mexico satisfy the requirements set forth in subdivision (a).

(2) Giving the following written notice to the provider at the time the signed contract is delivered:

“This contract contains specific requirements regarding reporting of actual or suspected diseases or conditions to California health officers.”

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