

AMENDED IN SENATE JUNE 27, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 343

Introduced by Assembly Member Solorio

February 14, 2007

An act to add Division 1.7 (commencing with Section 1190) to the Health and Safety Code, and to add Chapter 6 (commencing with Section 12699.10) to Part 6.3 of Division 2 of the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 343, as amended, Solorio. Health care: employer coverage: disclosure.

Existing law provides for various programs under which qualified low-income persons are provided health care services. These programs include the Medi-Cal program, which is administered by the State Department of Health Care Services, and the Healthy Families Program and the Access for Infants and Mothers Program, which are administered by the Managed Risk Medical Insurance Board.

This bill would require the department and the board, on or before March 15 of each year, to collaborate to transmit to the Legislature a report identifying all employers who employ 25 or more persons who are beneficiaries or who support beneficiaries of these programs, as specified. The bill would also require the department and the board to make the report available to the public as provided in the bill.

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

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

1 SECTION 1. Division 1.7 (commencing with Section 1190)
 2 is added to the Health and Safety Code, to read:

3
 4 DIVISION 1.7. EMPLOYER HEALTH CARE COVERAGE
 5 DISCLOSURE
 6

7 1190. For purposes of this division, the following definitions
 8 shall apply:

9 (a) “Department” means the State Department of Health Care
 10 Services.

11 (b) “Employer” includes the employer and any of its subsidiaries
 12 at all locations in the state.

13 (c) “Beneficiary” means any individual who is enrolled in a
 14 state-funded public health program.

15 (d) “State-funded public health program” means the Medi-Cal
 16 program.

17 1190.1. (a) On or before March 15 of each year, the department
 18 shall collaborate with the Managed Risk Medical Insurance Board
 19 to transmit to the Legislature one report identifying all employers
 20 who employ 25 or more persons who are beneficiaries or who
 21 support beneficiaries under state-funded public health programs
 22 described in subdivision (d) of Section 1190.

23 (b) The report shall include all of the following:

24 (1) The employer’s name.

25 (2) The employer’s address.

26 (3) The total number of each employer’s employees and any
 27 dependents of an employee who are enrolled in each state-funded
 28 public health program described in subdivision (d) of Section 1190.

29 (4) The total cost to the state of providing public health care
 30 benefits for each identified employer’s employees and their
 31 dependents.

32 (5) Any information submitted by an employer, whether or not
 33 the employer offers health insurance, including, *but not limited to,*
 34 *the estimated employer contribution, average premium costs of*
 35 *the insurance plan, employee cost-sharing requirements, the*
 36 *number of employees working part-time and full-time, a summary*
 37 *of the plan benefits, and any other information regarding the*

1 significant components and features of the coverage, if any, offered
2 by the employer.

3 (c) Employers are not required to submit any information to the
4 department for purposes of this section, but may do so voluntarily.
5 The department shall determine the method used to solicit
6 information from employers.

7 (d) The report shall not include the names of any individual
8 beneficiary under a state-funded public health program described
9 in subdivision (d) of Section 1190 and shall be subject to
10 confidentiality standards established under the federal Health
11 Insurance Portability and Accountability Act of 1996 (HIPAA;
12 Public Law 104-191).

13 (e) (1) The department shall make the report prepared pursuant
14 to this section available to the public on the department's Internet
15 Web site.

16 (2) The department shall provide, upon request, a copy of the
17 report to any member of the public and may charge a reasonable
18 fee to cover the cost of providing a copy of the report.

19 (f) Subdivisions (a), (c), (d), (e), and (f) of Section 1094 of the
20 Unemployment Insurance Code do not apply to this section.

21 (g) Nothing in this section shall be construed as requiring the
22 use of the specific medical costs of the actual program beneficiaries
23 for each identified employer.

24 SEC. 2. Chapter 6 (commencing with Section 12699.10) is
25 added to Part 6.3 of Division 2 of the Insurance Code, to read:

26
27 CHAPTER 6. EMPLOYER HEALTH CARE COVERAGE DISCLOSURE
28

29 12699.10. For purposes of this chapter, the following
30 definitions shall apply:

31 (a) "Beneficiary" means any individual who is enrolled in the
32 Healthy Families Program or the Access for Infants and Mothers
33 Program.

34 (b) "Employer" includes the employer and any of its subsidiaries
35 at all locations in the state.

36 12699.11. (a) On or before March 15 of each year, the board
37 shall collaborate with the State Department of Health Care Services
38 to transmit to the Legislature one report identifying all employers
39 who employ 25 or more persons who are beneficiaries, or who

1 support beneficiaries, under the Healthy Families Program or the
2 Access for Infants and Mothers Program.

3 (b) The report shall include all of the following:

4 (1) The employer's name.

5 (2) The employer's address.

6 (3) The total number of each employer's employees and any
7 dependents of an employee who are enrolled in the Healthy
8 Families Program or the Access for Infants and Mothers Program.

9 (4) The total cost to the state of providing benefits under the
10 Healthy Families Program or the Access for Infants and Mothers
11 Program for each identified employer's employees and their
12 dependents.

13 (5) Any information submitted by an employer, whether or not
14 the employer offers health insurance, including, *but not limited to*,
15 *the estimated employer contribution, average premium costs of*
16 *the insurance plan, employee cost-sharing requirements, the*
17 *number of employees working part-time and full-time, a summary*
18 *of the plan benefits, and any other* information regarding the
19 significant components and features of the coverage, if any, offered
20 by the employer.

21 (c) Employers are not required to submit any information to the
22 board for purposes of this section, but may do so voluntarily. The
23 board shall determine the method used to solicit information from
24 employers.

25 (d) The report shall not include the names of any individual
26 beneficiary under the Healthy Families Program or the Access for
27 Infants and Mothers Program and shall be subject to confidentiality
28 standards established under the federal Health Insurance Portability
29 and Accountability Act of 1996 (HIPAA; Public Law 104-191).

30 (e) (1) The board shall make the report prepared pursuant to
31 this section available to the public on the board's Internet Web
32 site.

33 (2) The board shall provide, upon request, a copy of the report
34 to any member of the public and may charge a reasonable fee to
35 cover the cost of providing a copy of the report.

36 (f) Subdivisions (a), (c), (d), (e), and (f) of Section 1094 of the
37 Unemployment Insurance Code do not apply to this section.

- 1 (g) Nothing in this section shall be construed as requiring the
- 2 use of the specific medical costs of the actual program beneficiaries
- 3 for each identified employer.

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