

AMENDED IN SENATE AUGUST 22, 2012
AMENDED IN SENATE AUGUST 6, 2012
AMENDED IN ASSEMBLY JANUARY 23, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 137

Introduced by Assembly Member Portantino

January 12, 2011

An act to amend Section 1367.65 of the Health and Safety Code, and to amend Section 10123.81 of the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 137, as amended, Portantino. Health care coverage: mammographies.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, 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 existing law, a health care service plan contract, except a specialized health care service plan contract, that is issued, amended, delivered, or renewed on or after January 1, 2000, is deemed to provide coverage for mammography for screening or diagnostic purposes upon referral by a participating nurse practitioner, participating certified nurse-midwife, or participating physician, providing care to the patient and operating within the scope of practice provided under existing law.

Existing law provides for the regulation of health insurers by the Department of Insurance. Under existing law, an individual or group policy of disability insurance that is issued, amended, delivered, or

renewed on or after January 1, 2000, is deemed to provide specified coverage based upon age for mammography for screening or diagnostic purposes upon referral by a ~~participating~~ nurse practitioner, ~~participating~~ certified nurse-midwife, or ~~participating~~ physician, providing care to the patient and operating within the scope of practice provided under existing law.

This bill would provide that *specified health care service plan contracts, except specialized health care service plan contracts, and individual or group policies of health insurance shall be deemed to provide coverage for mammographies for screening or diagnostic purposes upon referral of a participating nurse practitioner, participating certified nurse-midwife, participating physician assistant, or participating physician, as specified. Because this bill would specify additional requirements for health care service plans, the willful violation of which would be a crime, it 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.

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

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

- 1 SECTION 1. Section 1367.65 of the Health and Safety Code
- 2 is amended to read:
- 3 1367.65. (a) On or after January 1, 2000, every health care
- 4 service plan contract, except a specialized health care service plan
- 5 contract, that is issued, amended, delivered, or renewed shall be
- 6 deemed to provide coverage for mammography for screening or
- 7 diagnostic purposes upon referral by a participating nurse
- 8 practitioner, participating certified ~~nurse-midwife~~ *nurse-midwife,*
- 9 *participating physician assistant,* or participating physician,
- 10 providing care to the patient and operating within the scope of
- 11 practice provided under existing law.
- 12 (b) Nothing in this section shall be construed to prevent
- 13 application of copayment or deductible provisions in a plan, nor
- 14 shall this section be construed to require that a plan be extended

1 to cover any other procedures under an individual or a group health
2 care service plan contract. Nothing in this section shall be construed
3 to authorize a plan enrollee to receive the services required to be
4 covered by this section if those services are furnished by a
5 nonparticipating provider, unless the plan enrollee is referred to
6 that provider by a participating physician, nurse practitioner, or
7 certified nurse midwife providing care.

8 **SECTION 1.**

9 *SEC. 2.* Section 10123.81 of the Insurance Code is amended
10 to read:

11 10123.81. (a) Every individual or group policy of disability
12 insurance or self-insured employee welfare benefit plan shall be
13 deemed to provide coverage for mammography for screening or
14 diagnostic purposes upon the referral of a *participating* nurse
15 practitioner, *participating* certified nurse-midwife, *participating*
16 *physician assistant*, or *participating* physician, providing care to
17 the patient and operating within the scope of practice provided
18 under existing law.

19 (b) Nothing in this section shall be construed to prevent the
20 application of copayment or deductible provisions in a policy, nor
21 shall this section be construed to require that a policy be extended
22 to cover any other procedures under an individual or a group policy.
23 Nothing in this section shall be construed to authorize a
24 policyholder to receive the services required to be covered by this
25 section if those services are furnished by a nonparticipating
26 provider, unless the policyholder is referred to that provider by a
27 participating physician, nurse practitioner, or certified ~~nurse~~
28 ~~midwife~~ *nurse-midwife* providing care.

29 (c) *This section shall not apply to specialized health insurance,*
30 *Medicare supplement insurance, short-term limited duration health*
31 *insurance, CHAMPUS supplement insurance, or TRI-CARE*
32 *supplement insurance, or to hospital indemnity, accident-only, or*
33 *specified disease insurance.*

34 *SEC. 3. No reimbursement is required by this act pursuant to*
35 *Section 6 of Article XIII B of the California Constitution because*
36 *the only costs that may be incurred by a local agency or school*
37 *district will be incurred because this act creates a new crime or*
38 *infraction, eliminates a crime or infraction, or changes the penalty*
39 *for a crime or infraction, within the meaning of Section 17556 of*
40 *the Government Code, or changes the definition of a crime within*

- 1 *the meaning of Section 6 of Article XIII B of the California*
- 2 *Constitution.*

O