

**ASSEMBLY BILL**

**No. 1733**

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**Introduced by Assembly Member Logue**

February 16, 2012

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An act to amend Section 1374.13 of the Health and Safety Code, relating to health care service plans.

LEGISLATIVE COUNSEL'S DIGEST

AB 1733, as introduced, Logue. Health care service plans: telehealth.

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. Existing law prohibits a health care service plan from requiring in-person contact between a health care provider and a patient before payment is made for covered services appropriately provided through telehealth, as specified. Existing law specifies that this requirement applies to certain Medi-Cal managed care plans, including county organized health systems and entities contracting with the department to provide services pursuant to 2-plan models and geographic managed care.

This bill would specify that the prohibition on requiring in-person contact also applies to other health care service plan contracts with the State Department of Health Care Services for services under the Medi-Cal program publicly supported programs other than Medi-Cal, and for services pursuant to the Program of All-Inclusive Care for the Elderly. By expanding the scope of 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.

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 1374.13 of the Health and Safety Code  
 2 is amended to read:

3 1374.13. (a) For the purposes of this section, the definitions  
 4 in subdivision (a) of Section 2290.5 of the Business and Professions  
 5 Code shall apply.

6 (b) It is the intent of the Legislature to recognize the practice  
 7 of telehealth as a legitimate means by which an individual may  
 8 receive health care services from a health care provider without  
 9 in-person contact with the health care provider.

10 (c) No health care service plan shall require that in-person  
 11 contact occur between a health care provider and a patient before  
 12 payment is made for the covered services appropriately provided  
 13 through telehealth, subject to the terms and conditions of the  
 14 contract entered into between the enrollee or subscriber and the  
 15 health care service plan, and between the health care service plan  
 16 and its participating providers or provider groups.

17 (d) No health care service plan shall limit the type of setting  
 18 where services are provided for the patient or by the health care  
 19 provider before payment is made for the covered services  
 20 appropriately provided through telehealth, subject to the terms and  
 21 conditions of the contract entered into between the enrollee or  
 22 subscriber and the health care service plan, and between the health  
 23 care service plan and its participating providers or provider groups.

24 (e) ~~The requirements of this subdivision shall also be operative~~  
 25 ~~for health care service plan contracts with the department pursuant~~  
 26 ~~to Article 2.7 (commencing with Section 14087.3), Article 2.8~~  
 27 ~~(commencing with Section 14087.5), Article 2.81 (commencing~~  
 28 ~~with Section 14087.96), or Article 2.91 (commencing with Section~~  
 29 ~~14089) of Chapter 7, or section shall also apply to health care~~  
 30 ~~service plan contracts with the State Department of Health Care~~

1 *Services pursuant to Chapter 7 (commencing with Section 14000),*  
2 *Chapter 8 (commencing with Section 14200), or Chapter 8.75*  
3 *(commencing with Section 14591) of, Part 3 of Division 9 of the*  
4 *Welfare and Institutions Code.*

5 (f) Notwithstanding any other provision, this section shall not  
6 be interpreted to authorize a health care service plan to require the  
7 use of telehealth when the health care provider has determined  
8 that it is not appropriate.

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