

AMENDED IN SENATE JUNE 17, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY APRIL 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1877

Introduced by Assembly Member Cooley
(Coauthors: Assembly Members Dickinson, Beth Gaines, and Pan)
(Coauthor: Senator Gaines)

February 19, 2014

An act to add Title 22.1 (commencing with Section 100600) to the Government Code, relating to health care coverage, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1877, as amended, Cooley. California Vision Care Access Council.

Existing law, the federal Patient Protection and Affordable Care Act, requires each state to establish an American Health Benefits Exchange to facilitate the purchase of qualified health plans by qualified individuals and small employers. PPACA prohibits an Exchange from making available any health plan other than a qualified health plan, except for certain stand-alone dental plans. Existing state law establishes the California Health Benefit Exchange within state government, specifies the powers and duties of the board governing the Exchange, and requires the board to facilitate the purchase of qualified health plans through the Exchange by qualified individuals and small employers by January 1, 2014.

This bill would establish the California Vision Care Access Council within state government and would require that the Council be governed by a board composed of 5 members appointed by the Governor and the Legislature, as specified. ~~The bill would prohibit a member of the board or staff to the Council from being an employee of, or in specified relationships with, a health care provider or health care facility, or from benefiting financially from a decision that he or she participated in making or attempted to use his or her official position to influence, as specified.~~ *the executive board that governs the California Health Benefit Exchange. The bill would require the Council to establish an interagency agreement with the California Health Benefit Exchange allowing the Council to utilize the executive, administrative, and other related resources of the Exchange and would prohibit the use of specified Exchange funds for purposes of the Council.* The bill would require the Council to construct, manage, and maintain a marketplace for the purchase of vision plans through participating carriers by qualified individuals and qualified employers and *would require the Council to facilitate enrollment of those individuals and employers in plans offered by the Council through licensed insurance agents.* The bill would require the Council to work with the Exchange to establish a direct link between the Internet Web site of the Exchange and the Internet Web site of the Council in order to connect consumers of the Exchange to the marketplace established by the Council *and to licensed insurance agents.* The bill would require the Council to refer consumer questions regarding health care eligibility and enrollment options to the Exchange *and to licensed insurance agents,* as specified.

This bill would *impose specified requirements on participating carriers and would* also require the Council to establish ~~the other~~ requirements for carrier participation in the marketplace and *the standards and criteria for selecting vision plans that are in the best interests of qualified individuals and employers, and imposing specified requirements on participating carriers employers.* The bill would require a participating carrier to submit a justification for a premium increase to the Council prior to implementing the ~~increase,~~ *increase* and ~~require participating carrier's~~ to make available to consumers an electronic directory of contracting vision care providers. The bill would also enact other related provisions.

This bill would create the California Vision Care Access Trust Fund as a continuously appropriated fund, thereby making an appropriation, would authorize the Council to assess a charge on the vision plans

offered by participating carriers through the Council that is reasonable and necessary to support the development, operations, and prudent cash management of the Council, and would make the implementation of the bill’s provisions contingent on a determination by the board that at least \$250,000 exists in the fund. The bill would prohibit General Fund moneys from being used for any of these purposes and would require that any costs associated with the implementation of these provisions be paid from the California Vision Care Access Trust Fund.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 California Vision Care Access Act.
- 3 SEC. 2. It is the intent of the Legislature to make the statutory
- 4 changes to California law necessary to establish a Vision Care
- 5 Access Council in California ~~and its administrative board~~ in a
- 6 manner that is consistent with the rules, regulations, and guidance
- 7 implementing the federal Patient Protection and Affordable Care
- 8 Act (Public Law 111-148), as amended by the federal Health Care
- 9 and Education Reconciliation Act of 2010 (Public Law 111-152),
- 10 hereafter the federal act. In doing so, it is the intent of the
- 11 Legislature to do all of the following:
- 12 (a) Provide Californians an organized, transparent marketplace
- 13 for the purchase of affordable, quality vision care coverage,
- 14 augmenting and supplementing the essential health benefits
- 15 available through the California Health Benefit Exchange.
- 16 (b) Guarantee the availability of vision coverage through the
- 17 private health insurance market to qualified individuals and
- 18 employees of qualified employers.
- 19 (c) Offer specialized vision health care service plan and health
- 20 insurance coverage in the individual and group markets on the
- 21 basis of price, quality, and service.
- 22 (d) Meet the requirements of the federal act and all applicable
- 23 federal guidance, rules, and regulations.
- 24 SEC. 3. Title 22.1 (commencing with Section 100600) is added
- 25 to the Government Code, to read:

TITLE 22.1. CALIFORNIA VISION CARE ACCESS
MARKETPLACE

100600. For purposes of this title, the following definitions shall apply:

(a) "Board" means the board described in subdivision (a) of Section 100601.

(b) "Carrier" means either a private health insurer holding a valid outstanding certificate of authority from the Insurance Commissioner or a health care service plan, as defined under subdivision (f) of Section 1345 of the Health and Safety Code, licensed by the Department of Managed Health Care.

(c) "Council" means the Vision Care Access Council created by Section 100601.

(d) "Exchange" means the California Health Benefit Exchange established by Section 100500.

(e) "Federal act" means the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any amendments to, or regulations or guidance issued under, those acts.

(f) "Fund" means the California Vision Care Access Trust Fund established by Section 100620.

(g) "Licensed agent" means an individual licensed by the Department of Insurance pursuant to Section 1626 of the Insurance Code.

~~(g)~~
(h) "Marketplace" means the marketplace established under Section 100603.

~~(h)~~
(i) "Qualified individual" means an individual who is eligible to purchase coverage through the Exchange.

~~(i)~~
(j) "Qualified employer" means an employer that is eligible to purchase coverage through the Exchange.

~~(j)~~
(k) "Vision plan" means a specialized health care service plan contract, as defined in Section 1345 of the Health and Safety Code, covering vision care services or a specialized health insurance

1 policy, as defined in Section 106 of the Insurance Code, covering
2 vision care services.

3 100601. (a) There is in the state government the California
4 Vision Care Access Council, an independent public entity not
5 affiliated with an agency or department, which shall be known as
6 the Council. The Council shall be governed by ~~an executive board~~
7 ~~consisting of five members who are residents of California. Of the~~
8 ~~members of the board, three shall be appointed by the Governor,~~
9 ~~one shall be appointed by the Senate Committee on Rules, and one~~
10 ~~shall be appointed by the Speaker of the Assembly. *the executive*~~
11 ~~*board established pursuant to Section 100500. The board shall be*~~
12 ~~*subject to Section 100500.*~~

13 ~~(b) Members of the board shall be appointed for a term of four~~
14 ~~years, except that the initial appointment by the Senate Committee~~
15 ~~on Rules shall be for a term of three years, and the initial~~
16 ~~appointment by the Speaker of the Assembly shall be for a term~~
17 ~~of two years. Appointments by the Governor made on or after~~
18 ~~January 1, 2016, shall be subject to confirmation by the Senate. A~~
19 ~~member of the board may continue to serve until the appointment~~
20 ~~and qualification of his or her successor. Vacancies shall be filled~~
21 ~~by appointment for the unexpired term. The board shall elect a~~
22 ~~chairperson on an annual basis.~~

23 ~~(c) (1) Each person appointed to the board shall have~~
24 ~~demonstrated and acknowledged expertise in at least two of the~~
25 ~~following areas:~~

26 ~~(A) Individual health care coverage.~~

27 ~~(B) Small employer health care coverage.~~

28 ~~(C) Health benefits plan administration.~~

29 ~~(D) Health care finance.~~

30 ~~(E) Administering a public or private health care delivery~~
31 ~~system.~~

32 ~~(F) Purchasing health plan coverage.~~

33 ~~(2) Appointing authorities shall consider the expertise of the~~
34 ~~other members of the board and attempt to make appointments so~~
35 ~~that the board's composition reflects a diversity of expertise.~~

36 ~~(b) (1) To the extent permitted by the federal act, the Council~~
37 ~~shall establish an interagency agreement with the Exchange~~
38 ~~allowing the Council to utilize the executive, administrative, and~~
39 ~~other related resources of the Exchange, including, but not limited~~

1 to, the staff employed by the Exchange and the programming and
2 information technology infrastructure supporting the Exchange.

3 ~~(d) The~~

4 (2) In addition to establishing an interagency agreement under
5 paragraph (1), the Council may establish interagency agreements
6 with other agencies for the purposes of contracting for executive,
7 administrative, and other related services, if necessary.

8 ~~(e) (1) A member of the board or of the staff of the Council~~
9 ~~shall not be employed by, a consultant to, a member of the board~~
10 ~~of directors of, affiliated with, or otherwise a representative of, a~~
11 ~~carrier or other insurer, an agent or broker, a health care provider,~~
12 ~~or a health care facility or health clinic while serving on the board~~
13 ~~or on the staff of the Council. A member of the board or of the~~
14 ~~staff of the Council shall not be a member, a board member, or an~~
15 ~~employee of a trade association of carriers, health facilities, health~~
16 ~~clinics, or health care providers while serving on the board or on~~
17 ~~the staff of the Council. A member of the board or of the staff of~~
18 ~~the Council shall not be a health care provider unless he or she is~~
19 ~~not compensated for rendering services as a health care provider~~
20 ~~and does not have an ownership interest in a professional health~~
21 ~~care practice.~~

22 ~~(2) For purposes of this subdivision, "health care provider"~~
23 ~~means a person licensed or certified pursuant to Division 2~~
24 ~~(commencing with Section 500) of the Business and Professions~~
25 ~~Code, or licensed pursuant to the Osteopathic Act or the~~
26 ~~Chiropractic Act.~~

27 ~~(3) No member of the board shall make, participate in making,~~
28 ~~or in any way attempt to use his or her official position to influence~~
29 ~~the making of, any decision that he or she knows or has reason to~~
30 ~~know will have a reasonably foreseeable material financial effect,~~
31 ~~distinguishable from its effect on the public generally, on him or~~
32 ~~her or a member of his or her immediate family, or on either of~~
33 ~~the following:~~

34 ~~(A) Any source of income, other than gifts and other than loans~~
35 ~~by a commercial lending institution in the regular course of~~
36 ~~business on terms available to the public without regard to official~~
37 ~~status aggregating two hundred fifty dollars (\$250) or more in~~
38 ~~value provided to, received by, or promised to, the member within~~
39 ~~12 months prior to the time when the decision is made.~~

1 ~~(B) Any business entity in which the member is a director,~~
2 ~~officer, partner, trustee, employee, or holds any position of~~
3 ~~management.~~

4 ~~(f)~~

5 (c) Each member of the board shall have the responsibility and
6 duty to meet the requirements of this title, the federal act, and all
7 applicable state and federal laws and regulations, to serve the public
8 interest of the individuals and small businesses seeking health care
9 coverage through the Council, and to ensure the operational
10 well-being and fiscal solvency of the Council.

11 ~~(g) A board member shall not receive compensation for his or~~
12 ~~her service on the board but may receive a per diem and~~
13 ~~reimbursement for travel and other necessary expenses, as provided~~
14 ~~in Section 103 of the Business and Professions Code, while~~
15 ~~engaged in the performance of official duties of the board.~~

16 ~~(h)~~

17 (d) There shall not be any liability in a private capacity on the
18 part of the board or any member of the board, or any officer or
19 employee of the board, for or on account of any act performed or
20 obligation entered into in an official capacity, when done in good
21 faith, without the intent to defraud, and in connection with the
22 administration, management, or conduct of this title or affairs
23 related to this title.

24 ~~(i) (1) The board shall hire an executive director to organize,~~
25 ~~administer, and manage the operations of the Council. The~~
26 ~~executive director shall be exempt from civil service and shall~~
27 ~~serve at the pleasure of the board.~~

28 ~~(2) The board shall identify and fill other key executive~~
29 ~~positions, as determined necessary by the board, who shall be~~
30 ~~exempt from civil service to the extent permitted by law.~~

31 ~~(3) The board shall set the salaries for the exempt positions~~
32 ~~described in paragraphs (1) and (2) in amounts that are reasonably~~
33 ~~necessary to attract and retain individuals of superior qualifications.~~
34 ~~The salaries shall be published by the board and shall be posted~~
35 ~~on the Internet Web site of the Council.~~

36 ~~(j) The board shall be subject to the Bagley-Keene Open Meeting~~
37 ~~Act (Article 9 (commencing with Section 11120) of Chapter 1 of~~
38 ~~Part 1 of Division 3 of Title 2), except that the board may hold~~
39 ~~closed sessions when considering matters related to litigation,~~
40 ~~personnel, contracting, and rates.~~

1 (e) A member of the board or staff of the Council shall not be
2 employed by, a consultant to, a member of the board of directors
3 of, affiliated with, or otherwise a representative of, an optical
4 company that manufactures, sells, or distributes lenses, frames,
5 or other vision care appliances.

6 100603. The Council shall, at a minimum, do all of the
7 following:

8 (a) Construct, manage, and maintain a marketplace for the
9 purchase of vision plans through participating carriers by qualified
10 individuals and qualified employers. The marketplace shall offer
11 full and complete carrier information to consumers, shall ensure
12 a secure purchase functionality, and shall allow enrollees and
13 prospective enrollees to obtain standardized comparative
14 information on the plans offered through the marketplace.

15 (b) Maintain an Internet Web site, *separate from the Internet*
16 *Web site established by the Exchange*, through which enrollees
17 and prospective enrollees of vision plans may obtain standardized
18 comparative information on the plans offered in the marketplace.

19 (c) Work cooperatively with the Exchange to establish a direct
20 link from the Internet Web site maintained by the Exchange to an
21 Internet Web site maintained by the Council to connect Exchange
22 consumers to the marketplace *and to licensed agents*.

23 (d) Make the marketplace available to individuals without access
24 to the Internet.

25 (e) Determine the minimum requirements a carrier shall meet
26 to be considered for participation in the marketplace, and the
27 standards and criteria for selecting vision plans to be offered
28 through the marketplace that are in the best interests of consumers.
29 The board shall consistently and uniformly apply these
30 requirements, standards, and criteria to all carriers. In the course
31 of selectively contracting for vision coverage offered to qualified
32 individuals and qualified employers through the Council, the board
33 shall seek to contract with carriers so as to provide vision coverage
34 choices that offer the optimal combination of choice, value, quality,
35 and service. The requirements adopted pursuant to this subdivision
36 shall, at a minimum, include the following:

37 (1) A requirement that a carrier meet a minimum net asset
38 threshold as determined by the Council to ensure that it is both
39 well established and can demonstrate that it offers a proven model
40 for providing vision care coverage in California. The Council may

1 also consider the usefulness of setting a minimum annual premium
2 revenue as evidence of the soundness of the carrier.

3 (2) A requirement that a carrier have, and continuously maintain,
4 an established Internet Web site.

5 (3) A requirement that a carrier demonstrate to the Council
6 adequate vision care coverage networks sufficient to ensure
7 convenient geographic access to vision care in California.

8 (4) A requirement that a carrier demonstrate to the Council
9 adequate, multilingual consumer service and benefit delivery
10 capabilities.

11 (5) Any other requirements determined necessary by the board
12 based on input from health care consumer advocacy organizations,
13 representatives of the optometry and ophthalmology industries,
14 health insurers, ~~and~~ health care service plans, *and licensed agents*.

15 (f) Require vision plans offered in the marketplace to do both
16 of the following:

17 (1) (A) Make available to the public, and the Insurance
18 Commissioner or the Department of Managed Health Care, as
19 applicable, accurate and timely disclosure of the following
20 information:

21 (i) Claims payment policies and practices.

22 (ii) Periodic financial disclosures.

23 (iii) Data on enrollment.

24 (iv) Data on disenrollment.

25 (v) Data on the number of claims that are denied.

26 (vi) Information on cost sharing and payments with respect to
27 any out-of-network coverage.

28 (B) The information required under subparagraph (A) shall be
29 provided in plain language.

30 (2) Permit individuals to learn, in a timely manner upon the
31 request of the individual, the amount of cost sharing, including,
32 but not limited to, deductibles, copayments, and coinsurance, under
33 the individual's plan or coverage that the individual would be
34 responsible for paying with respect to the furnishing of a specific
35 item or service by a participating provider. At a minimum, this
36 information shall be made available to the individual through an
37 Internet Web site, *through licensed agents*, and through other
38 means for individuals without access to the Internet.

39 (g) Provide for the operation of a toll-free telephone hotline to
40 respond to requests for assistance.

1 (h) Establish and make available by electronic means a
2 calculator to determine the actual cost of a vision plan for a
3 consumer.

4 (i) Conduct public education activities to raise awareness of the
5 availability of vision plans through the Council.

6 (j) Distribute fair and impartial information concerning
7 enrollment in coverage offered through the Council.

8 (k) Facilitate enrollment of qualified individuals and qualified
9 employers in vision plans offered through the Council *by licensed*
10 *agents*.

11 (l) Provide referrals to any applicable office of health insurance
12 consumer assistance or health insurance ombudsman, or any other
13 appropriate state agency or agencies, for any enrollee with a
14 grievance, complaint, or question regarding a participating carrier,
15 coverage purchased pursuant to this title, or a determination by
16 the carrier or under that coverage.

17 (m) Provide information in a manner that is culturally and
18 linguistically appropriate to the needs of the population being
19 served by the Council *using the services of licensed agents*.

20 (n) Undertake activities necessary to market and publicize the
21 availability of vision plans through the Council, ensuring clear
22 communication to consumers that federal subsidies are not
23 available for this coverage. The board shall also undertake outreach
24 and enrollment activities ~~that seek~~ *using licensed agents* to assist
25 enrollees and potential enrollees with enrolling and reenrolling in
26 the coverage offered by the Council in the least burdensome
27 manner, including populations that may experience barriers to
28 enrollment, such as the disabled and those with limited English
29 language proficiency.

30 (o) Employ necessary staff *to the extent not provided pursuant*
31 *to the interagency agreements established under Section 100601*.

32 (p) Assess a charge on the vision plans offered by participating
33 carriers through the marketplace that is reasonable and necessary
34 to support the development, operations, and prudent cash
35 management of the Council.

36 (q) Authorize expenditures, as necessary, from the fund to pay
37 program expenses to administer the Council.

38 (r) Keep an accurate accounting of all activities, receipts, and
39 expenditures, and annually publish a report concerning that
40 accounting.

1 (s) (1) Annually publish a report on the implementation and
2 performance of the Council functions during the preceding fiscal
3 year, that shall be made available to the public on the Internet Web
4 site of the Council.

5 (2) In addition to the report described in paragraph (1), the
6 Council shall be responsive to requests for additional information
7 from the Legislature, including providing testimony and
8 commenting on proposed state legislation or policy issues.

9 (t) Exercise all powers reasonably necessary to carry out and
10 comply with the duties, responsibilities, and requirements of this
11 act.

12 (u) Consult with stakeholders relevant to carrying out the
13 activities under this title, including, but not limited to, all of the
14 following:

15 (1) Health care consumers who are enrolled in vision plans.

16 (2) Individuals and entities with experience in facilitating
17 enrollment in vision plans.

18 (3) Representatives of small businesses and self-employed
19 individuals.

20 (4) *Licensed agents.*

21 (v) Require participating carriers to regularly, as determined by
22 the Council, provide the Council with enrollment or disenrollment
23 data.

24 (w) Ensure that the Council provides oral interpretation services
25 in any language for individuals seeking coverage through the
26 Council and makes available a toll-free telephone number for the
27 hearing and speech impaired. The Council shall ensure that written
28 information made available by the Council is presented in a plainly
29 worded, easily understandable format and made available in
30 California's prevalent languages.

31 (x) Provide a choice of carrier in each region of the state.

32 (y) (1) Require, as a condition of participation in the Council,
33 carriers that sell vision products outside the Council to do both of
34 the following:

35 (A) Fairly and affirmatively offer, market, and sell all products
36 made available to individuals in the marketplace to individuals
37 purchasing coverage outside the Council. The products available
38 *to individuals* in the marketplace shall be the same individual
39 ~~product~~ *products* as offered outside the Council *through licensed*
40 *agents.*

1 (B) Fairly and affirmatively offer, market, and sell all products
2 made available to employers in the marketplace to employers
3 purchasing coverage outside the Council. The products available
4 *to employers* in the marketplace shall be the same employer
5 coverage products as offered outside the Council *through licensed*
6 *agents*.

7 (2) For purposes of this subdivision, “product” does not include
8 contracts entered into pursuant to Part 6.2 (commencing with
9 Section 12693) of Division 2 of the Insurance Code between the
10 Managed Risk Medical Insurance Board and carriers for enrolled
11 Healthy Families beneficiaries or contracts entered into pursuant
12 to Chapter 7 (commencing with Section 14000) of, or Chapter 8
13 (commencing with Section 14200) of, Part 3 of Division 9 of the
14 Welfare and Institutions Code between the State Department of
15 Health Care Services and carriers for enrolled Medi-Cal
16 beneficiaries.

17 (z) Determine and approve cost-sharing provisions for carriers.

18 (aa) Standardize products to be offered through the Council.

19 (ab) Share information with relevant state departments,
20 consistent with the confidentiality provisions in Section 1411 of
21 the federal act, necessary for the administration of the Council.

22 (ac) Collect only that information from individuals or designees
23 of individuals as is necessary to administer the Council and
24 consistent with the federal act.

25 100605. The Council may do any of the following:

26 (a) Enter into contracts.

27 (b) Adopt an official seal.

28 (c) Sue and be sued.

29 (d) Receive and accept gifts, grants, or donations of moneys
30 from any agency of the United States, any agency of the state, any
31 municipality, county, or other political subdivision of the state.

32 (e) Receive and accept gifts, grants, or donations from
33 individuals, associations, private foundations, or corporations, in
34 compliance with the conflict-of-interest provisions to be adopted
35 by the board at a public meeting.

36 (f) Adopt rules and regulations as necessary.

37 100606. (a) A participating carrier shall submit to the Council
38 a written justification for a premium increase prior to implementing
39 the increase.

1 (b) A participating carrier shall utilize a standardized format
2 for presenting vision plan options to the Council.

3 (c) The Council shall refer questions from consumers regarding
4 eligibility and enrollment options for Medi-Cal or through the
5 Exchange to the Exchange *and to licensed agents*.

6 (d) (1) The Council shall require a participating carrier to make
7 available to consumers and regularly update an electronic directory
8 of contracting vision care providers in the carrier's network.

9 (2) The Council may also require a participating carrier to
10 provide regularly updated information to the Council as to whether
11 a health care provider is accepting new patients for a particular
12 vision plan.

13 (3) The Council may provide an integrated and uniform
14 consumer directory of health care providers indicating which
15 participating carriers the providers contract with and whether the
16 providers are currently accepting new patients.

17 (4) The Council may establish methods by which health care
18 providers may transmit relevant information directly to the Council,
19 rather than through a participating carrier.

20 100607. (a) Notwithstanding any other provision of law, the
21 Council shall not be subject to licensure or regulation by the
22 Department of Insurance or the Department of Managed Health
23 Care.

24 (b) Carriers that contract with the Council shall have and
25 maintain a license or certificate of authority from, and shall be in
26 good standing with, their respective regulatory agencies.

27 100609. Records of the Council that reveal any of the following
28 shall be exempt from disclosure under the California Public
29 Records Act (Chapter 3.5 (commencing with Section 6250) of
30 Division 7 of Title 1):

31 (a) The deliberative processes, discussions, communications,
32 or any other portion of the negotiations with entities contracting
33 or seeking to contract with the Council, entities with which the
34 Council is considering a contract, or entities with which the Council
35 is considering or enters into any other arrangement under which
36 the Council provides, receives, or arranges services or
37 reimbursement.

38 (b) The impressions, opinions, recommendations, meeting
39 minutes, research, work product, theories, or strategy of the board

1 or its staff, or records that provide instructions, advice, or training
2 to employees.

3 100620. (a) The California Vision Care Access Trust Fund is
4 hereby created in the State Treasury for the purpose of this title.
5 Moneys collected pursuant to this title shall be deposited in the
6 fund. Notwithstanding Section 13340, all moneys in the fund shall
7 be continuously appropriated without regard to fiscal year for the
8 purposes of this title. Any moneys in the fund that are unexpended
9 or unencumbered at the end of a fiscal year may be carried forward
10 to the next succeeding fiscal year.

11 (b) Notwithstanding any other ~~provision~~ of law, moneys
12 deposited in the fund shall not be loaned to, or borrowed by, any
13 other special fund or the General Fund, or a county general fund
14 or any other county fund.

15 (c) The Council shall establish and maintain a prudent reserve
16 in the fund.

17 (d) The board or staff of the Council shall not utilize any funds
18 intended for the administrative and operational expenses of the
19 Council for staff retreats, promotional giveaways, excessive
20 executive compensation, or promotion of federal or state legislative
21 or regulatory modifications.

22 (e) Notwithstanding Section 16305.7, all interest earned on the
23 moneys that have been deposited into the fund shall be retained
24 in the fund and used for purposes consistent with the fund.

25 (f) (1) State General Fund moneys shall not be used for any
26 purpose under this title.

27 (2) *Federal money paid to the state for the purpose of*
28 *establishing an American Health Benefit Exchange, as described*
29 *in Section 1311 of the federal act, and charges assessed by the*
30 *Exchange pursuant to subdivision (n) of Section 100503 of the*
31 *Government Code, shall not be used for purposes of this title.*

32 ~~(2)~~

33 (3) Any costs associated with the implementation of this title,
34 including, but not limited to, the proportionate cost of Exchange
35 resources used for purposes of this title, shall be paid from the
36 fund.

37 100621. (a) The implementation of the provisions of this title,
38 other than this section and Sections ~~100601 and 100601~~, 100605,
39 and 100620, shall be contingent on a determination by the board

1 that at least two hundred fifty thousand dollars (\$250,000) exists
2 in the fund.

3 (b) The board shall provide notice to the Joint Legislative Budget
4 Committee and the Director of Finance when the financial
5 threshold set forth in subdivision (a) has been reached.

6 SEC. 4. The Legislature finds and declares that Section 3 of
7 this act, which adds Section 100609 to the Government Code,
8 imposes a limitation on the public's right of access to the meetings
9 of public bodies or the writings of public officials and agencies
10 within the meaning of Section 3 of Article I of the California
11 Constitution. Pursuant to that constitutional provision, the
12 Legislature makes the following findings to demonstrate the interest
13 protected by this limitation and the need for protecting that interest:

14 In order to ensure that the California Vision Care Access Council
15 is not constrained in exercising its fiduciary powers and obligations
16 to provide consumers with the most accessible and affordable
17 vision care benefits augmenting the benefits available through the
18 California Health Benefit Exchange, the limitations on the public's
19 right of access imposed by Section 3 of this act are necessary.

20 SEC. 5. This act is an urgency statute necessary for the
21 immediate preservation of the public peace, health, or safety within
22 the meaning of Article IV of the Constitution and shall go into
23 immediate effect. The facts constituting the necessity are:

24 In order to provide Californians an organized, transparent
25 marketplace for the purchase of affordable, quality vision care
26 coverage, augmenting and supplementing the essential health
27 benefits available through the California Health Benefit Exchange
28 in a manner consistent with evolving federal rules, regulations,
29 and official guidance implementing the federal Patient Protection
30 and Affordable Care Act (Public Law 111-148), as amended by
31 the federal Health Care and Education Reconciliation Act of 2010
32 (Public Law 111-152), it is necessary that this act take effect
33 immediately.

O