

Senate Bill No. 353

Passed the Senate September 10, 2013

Secretary of the Senate

Passed the Assembly September 9, 2013

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 1367.041 to the Health and Safety Code, and to add Section 10133.10 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

SB 353, Lieu. Health care coverage: language assistance.

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. A willful violation of the act is a crime. Existing law provides for the regulation of health insurers by the Department of Insurance.

Existing law requires the departments to adopt regulations establishing standards and requirements to provide enrollees and insureds with access to language assistance in obtaining health care services. Existing law requires health care service plans and health insurers, if they exceed certain enrollment thresholds, to implement programs to assess the needs of enrollees and insureds, and to provide translation and interpretation for medical services and translation of vital documents, as defined, to enrollees and insureds, and to report to the respective departments regarding internal policies and procedures related to cultural appropriateness. Existing law provides that a health care service plan is in compliance with the requirements if it is required to meet and meets the same or similar standards, as imposed by the Medi-Cal program.

This bill would require a health care service plan, as specified, that advertises or markets products in the individual or small group health care service plan markets, or that allows others to market or advertise on its behalf in those markets, in a non-English language, as provided, and that does not meet certain requirements, to translate into that language specified documents. The bill would also require an insurer that markets, advertises, or allows others to market or advertise on its behalf, or produces educational materials for health insurance policies, in the individual or small group health insurance markets, in a non-English language and that does not meet certain requirements, to translate specified

documents into that language. The bill would require both those health care service plans and insurers to use trained and qualified translators.

By placing additional requirements on health care service plans, 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 1367.041 is added to the Health and Safety Code, to read:

1367.041. (a) A health care service plan that advertises or markets products in the individual or small group health care service plan markets, or allows any other person or business to market or advertise on its behalf in the individual or small group health care service plan markets, in a non-English language that does not meet the requirements set forth in Sections 1367.04 and 1367.07, shall provide the following documents in the same non-English language:

- (1) Welcome letters or notices of initial coverage, if provided.
- (2) Applications for enrollment and any information pertinent to eligibility or participation.
- (3) Notices advising limited-English-proficient persons of the availability of no-cost translation and interpretation services.
- (4) Notices pertaining to the right and instructions on how an enrollee may file a grievance.
- (5) The uniform summary of benefits and coverage required pursuant to subparagraph (A) of paragraph (3) of subdivision (b) of Section 1363.

(b) A health care service plan shall use a trained and qualified translator for all written translations of marketing and advertising materials relating to health care service plan products, and for all of the documents specified in subdivision (a).

(c) This section shall not apply to a specialized health care service plan that does not offer an essential health benefit as defined in Section 1367.005.

SEC. 2. Section 10133.10 is added to the Insurance Code, to read:

10133.10. (a) An insurer that markets, advertises, or produces educational materials for a health insurance policy, as defined in Section 106, in the individual or small group health insurance markets, or allows any other person or business to market or advertise on its behalf in the individual or small group health insurance markets, in a non-English language that does not meet the requirements set forth in Sections 10133.8 and 10133.9, shall provide the following documents in the same non-English language:

(1) Welcome letters or notices of initial coverage, if applicable.

(2) Applications for health insurance and any information pertinent to eligibility or participation.

(3) Notices advising limited-English-proficient persons of the availability of no-cost translation and interpretation services.

(4) Notices pertaining to the right and instructions on how an insured may file a grievance.

(5) The uniform summary of benefits and coverage required pursuant to paragraph (2) of subdivision (a) of Section 10603.

(b) An insurer shall use trained and qualified translators for the translation of all marketing and advertising materials relating to health insurance products and for all of the documents specified in subdivision (a).

(c) This section shall not apply to a specialized health insurance policy that does not offer an essential health benefit as defined in Section 10112.27.

SEC. 3. 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.

Approved _____, 2013

Governor