

Introduced by Senator CalderonFebruary 21, 2014

An act to add Section 1367.667 to, and to add Article 4 (commencing with Section 104201) to Chapter 2 of Part 1 of Division 103 of, the Health and Safety Code, and to add Section 10123.22 to the Insurance Code, relating to health care coverage, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1279, as introduced, Calderon. Marcella Calderon Lynch Syndrome Prevention Act.

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 also provides for the regulation of health insurers by the Department of Insurance. Existing law requires individual and group health care service plan contracts and health insurance policies to provide coverage for all generally medically accepted cancer screening tests and requires those contracts and policies to also provide coverage for the treatment of breast cancer. Existing law requires an individual or small group health care service plan contract or insurance policy issued, amended, or renewed on or after January 1, 2014, to, at a minimum, include coverage for essential health benefits, which includes preventive services, pursuant to the federal Patient Protection and Affordable Care Act.

This bill would require a health care service plan contract or a health insurance policy, except as specified, that is issued, amended, or renewed on or after January 1, 2015, to provide coverage for genetic testing for Lynch syndrome and annual screenings for Lynch Syndrome under

specified circumstances. Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program.

This bill would also require a physician and surgeon who makes a diagnosis that a patient has Lynch syndrome to provide the patient with specified information.

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.

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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 Marcella Calderon Lynch Syndrome Prevention Act.
- 3 SEC. 2. Section 1367.667 is added to the Health and Safety
4 Code, to read:
- 5 1367.667. (a) Every health care service plan contract, except
6 a specialized health care service plan contract, that is issued,
7 amended, or renewed on or after January 1, 2015, shall provide
8 coverage for all of the following:
- 9 (1) Genetic testing for Lynch Syndrome for an enrollee who
10 has been diagnosed with Lynch Syndrome.
- 11 (2) Genetic testing for Lynch Syndrome for an enrollee who is
12 the child or sibling of an individual who has been diagnosed with
13 Lynch Syndrome and has tested positive for the gene mutation for
14 Lynch Syndrome.
- 15 (3) Annual screens, including colonoscopies, for an enrollee
16 who has tested positive for the gene mutation for Lynch Syndrome,
17 and is the child or sibling of an individual who has been diagnosed
18 with Lynch Syndrome and has tested positive for the gene mutation
19 for Lynch Syndrome.
- 20 (b) Notwithstanding subdivision (f) of Section 100503 of the
21 Government Code and subdivision (c) of Section 1366.6, to the
22 extent that this section requires health benefits to be provided that

1 exceed the essential health benefits required to be provided under
2 Section 18022 of Title 42 of the United States Code by qualified
3 health plans offering those benefits in the California Health Benefit
4 Exchange (Exchange) pursuant to Title 22 (commencing with
5 Section 100500) of the Government Code, the specific benefits
6 that exceed the federally required essential health benefits are not
7 required to be provided when offered by a health care service plan
8 contract through the Exchange. However, those specific benefits
9 are required to be provided if offered by a health care service plan
10 contract outside of the Exchange.

11 SEC. 3. Article 4 (commencing with Section 104201) is added
12 to Chapter 2 of Part 1 of Division 103 of the Health and Safety
13 Code, to read:

14
15 Article 4. Lynch Syndrome

16
17 104201. If a physician and surgeon makes a diagnosis that a
18 patient has Lynch Syndrome, the physician and surgeon shall
19 recommend that the patient be tested for the genetic mutation for
20 Lynch Syndrome. The physician and surgeon shall also inform the
21 patient that genetic testing for Lynch Syndrome may be covered
22 by the patient's health care coverage, and that genetic testing and
23 screening for his or her children or siblings may be covered by the
24 children's or siblings' health care coverage if the patient tests
25 positive for the Lynch Syndrome gene mutation.

26 SEC. 4. Section 10123.22 is added to the Insurance Code, to
27 read:

28 10123.22. (a) Every health insurance policy, except a
29 specialized health insurance policy, that is issued, amended, or
30 renewed on or after January 1, 2015, shall provide coverage for
31 all of the following:

32 (1) Genetic testing for Lynch Syndrome for an insured who has
33 been diagnosed with Lynch Syndrome.

34 (2) Genetic testing for Lynch Syndrome for an insured who is
35 the child or sibling of an individual who has been diagnosed with
36 Lynch Syndrome and has tested positive for the gene mutation for
37 Lynch Syndrome.

38 (3) Annual screens, including colonoscopies, for an insured who
39 has tested positive for the gene mutation for Lynch Syndrome, and
40 is the child or sibling of an individual who has been diagnosed

1 with Lynch Syndrome and has tested positive for the gene mutation
2 for Lynch Syndrome.

3 (b) Notwithstanding subdivision (f) of Section 100503 of the
4 Government Code and subdivision (c) of Section 10112.3, to the
5 extent that this section requires health benefits to be provided that
6 exceed the essential health benefits required to be provided under
7 Section 18022 of Title 42 of the United States Code by qualified
8 health plans offering those benefits in the California Health Benefit
9 Exchange (Exchange) pursuant to Title 22 (commencing with
10 Section 100500) of the Government Code, the specific benefits
11 that exceed the federally required essential health benefits are not
12 required to be provided when offered by a health insurance policy
13 through the Exchange. However, those specific benefits are
14 required to be provided if offered by a health insurance policy
15 outside of the Exchange.

16 SEC. 5. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

25 SEC. 6. This act is an urgency statute necessary for the
26 immediate preservation of the public peace, health, or safety within
27 the meaning of Article IV of the Constitution and shall go into
28 immediate effect. The facts constituting the necessity are:

29 In order to protect the health of all Californians at the earliest
30 possible time, it is necessary that this act take effect immediately.