

AMENDED IN SENATE AUGUST 31, 2015

AMENDED IN SENATE JULY 14, 2015

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1162**

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**Introduced by Assembly Member Holden**

February 27, 2015

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An act to add Section 14134.25 to the Welfare and Institutions Code, relating to Medi-Cal.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1162, as amended, Holden. Medi-Cal: tobacco cessation.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law provides for a schedule of benefits under the Medi-Cal program. Existing law requires that preventive services assigned a grade of A or B by the United States Preventive Services Task Force be provided to Medi-Cal beneficiaries without any cost sharing by the beneficiary in order for the state to receive increased federal contributions for those services, as specified.

This bill would provide~~that that~~, *only to the extent that federal financial participation is available and any necessary federal approvals have been obtained*, tobacco cessation services are covered~~benefits~~ *benefits, subject to utilization controls*, under the Medi-Cal program,

*and would require that those services include, to include all intervention recommendations, as periodically updated, assigned a grade A or B by the United States Preventive Services Task Force, and, at a minimum, 4 quit attempts per year, and would year. The bill would also require require, only to the extent consistent with the recommendations of the United States Preventive Services Task Force, tobacco cessation services to include at least 4 counseling sessions per quit attempt and a 90-day 12-week treatment regimen of any medication approved by the federal Food and Drug Administration for tobacco cessation that is covered under the Medi-Cal program as of January 1, 2015: cessation. The bill would require the department to seek any federal approvals necessary to implement those provisions.*

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

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

1 SECTION 1. Section 14134.25 is added to the Welfare and  
2 Institutions Code, to read:  
3 14134.25. (a) Tobacco cessation services are covered benefits  
4 under the Medi-Cal program and shall, at a minimum, include  
5 program, subject to utilization controls. Tobacco cessation services  
6 shall include all intervention recommendations, as periodically  
7 updated, assigned a grade A or B by the United States Preventive  
8 Services Task Force. In addition, tobacco cessation services shall  
9 include a minimum of four quit attempts per year, with no required  
10 break between attempts, for all beneficiaries of any age 18 years  
11 of age and older who use tobacco. For beneficiaries under 18  
12 years of age, tobacco cessation services shall be provided in  
13 accordance with the American Academy of Pediatrics guidelines  
14 and the intervention recommendations, as periodically updated,  
15 assigned a grade A or B by the United States Preventive Services  
16 Task Force.  
17 (b) For purposes of this section, in addition to the services  
18 described in subdivision (a) and only to the extent consistent with  
19 the intervention recommendations, as periodically updated,  
20 assigned a grade A or B by the United States Preventive Services  
21 Task Force, tobacco cessation services shall include:

1 (1) At least four tobacco cessation counseling sessions per quit  
2 attempt, which may be conducted in person or by telephone and  
3 individually or as part of a group, at the beneficiary's option.

4 (2) (A) ~~A 90-day~~ 12-week treatment regimen of any medication  
5 approved by the federal Food and Drug Administration for tobacco  
6 cessation, including prescription and over-the-counter medications.

7 (B) At least one prescription medication and all over-the-counter  
8 medications shall be available without prior authorization.

9 (C) A prescription from a provider with authority to prescribe  
10 and proof of Medi-Cal coverage shall be sufficient documentation  
11 to fill a prescription for over-the-counter tobacco cessation  
12 medications.

13 ~~(D) Except as provided in subparagraph (B), coverage described~~  
14 ~~in this paragraph shall not be subject to any barriers, requirements,~~  
15 ~~or restrictions.~~

16 ~~(E) This paragraph shall apply to medications approved by the~~  
17 ~~federal Food and Drug Administration and that are covered under~~  
18 ~~the Medi-Cal program as of January 1, 2015.~~

19 (c) Beneficiaries who are covered under this section shall not  
20 be required to receive a particular form of tobacco cessation service  
21 as a condition of receiving any other form of tobacco cessation  
22 service.

23 (d) *Effective January 1, 2016, the department shall seek any*  
24 *federal approvals necessary to implement this section that the*  
25 *department determines are necessary to implement this section.*

26 (e) *This section shall be implemented only to the extent that*  
27 *federal financial participation is available, and any necessary*  
28 *federal approvals have been obtained.*