

AMENDED IN ASSEMBLY MAY 31, 2016  
AMENDED IN ASSEMBLY MARCH 28, 2016  
AMENDED IN ASSEMBLY MARCH 7, 2016  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1696**

---

---

**Introduced by Assembly Member Holden**  
*(Coauthor: Assembly Member Wood)*

January 21, 2016

---

---

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1696, as amended, Holden. Medi-Cal: tobacco cessation services. 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, only to the extent that federal financial participation is available and not otherwise jeopardized, and any necessary federal approvals have been obtained, tobacco cessation services are covered benefits, subject to utilization controls, under the Medi-Cal program and would require those services 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. The bill also would 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 12-week treatment regimen of any medication approved by the federal Food and Drug Administration for tobacco cessation.

The bill would require the department to issue guidelines and enter into agreements to allow a specified state smoker’s helpline to furnish nicotine replacement therapy to beneficiaries participating in the helpline’s smoking cessation ~~services~~, *services* and would require the department to ~~issue other guidelines to beneficiaries and managed care programs in connection with the provision and evaluation of tobacco cessation services pursuant to the bill.~~ *include medical assistance with smoking and tobacco use cessation rates among adult Medi-Cal enrollees in its Healthcare Effectiveness Data and Information Set, as specified.* 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, subject to utilization controls.  
 5 Tobacco cessation services shall include all intervention  
 6 recommendations, as periodically updated, assigned a grade A or  
 7 B by the United States Preventive Services Task Force. Tobacco  
 8 cessation services shall include a minimum of four quit attempts  
 9 per year, with no required break between attempts, for all  
 10 beneficiaries 18 years of age and older who use tobacco. For  
 11 beneficiaries under 18 years of age, tobacco cessation services  
 12 shall be provided in accordance with the American Academy of  
 13 Pediatrics guidelines and the intervention recommendations, as  
 14 periodically updated, assigned a grade A or B by the United States  
 15 Preventive Services Task Force.

1 (b) For purposes of this section, in addition to the services  
2 described in subdivision (a) and only to the extent consistent with  
3 the intervention recommendations, as periodically updated,  
4 assigned a grade A or B by the United States Preventive Services  
5 Task Force, tobacco cessation services shall include:

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

9 (2) (A) A 12-week treatment regimen of any medication  
10 approved by the federal Food and Drug Administration for tobacco  
11 cessation, including prescription and over-the-counter medications.

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

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

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

22 (d) Effective January 1, 2017, the department shall seek any  
23 federal approvals necessary to implement this section that the  
24 department determines are necessary to implement this section.

25 (e) (1) By December 31, 2017, the department shall issue  
26 guidelines and enter into an agreement that authorizes the  
27 California Smokers' Helpline or its successor, as administered by  
28 the State Department of Public Health, to directly furnish *at least*  
29 *one form of over-the-counter nicotine replacement therapy*,  
30 *as described by the United States Preventive Services Task Force*  
31 *(USPSTF)*, to Medi-Cal beneficiaries enrolled in smoking cessation  
32 services provided by the helpline. *At a minimum, the guidelines*  
33 *shall address requirements for pharmacists and physicians in*  
34 *furnishing nicotine replacement products pursuant to this section,*  
35 *which shall be consistent with the requirements of Section 4052.9*  
36 *of the Business and Professions Code.*

37 (2) *For purposes of this subdivision, "directly furnish" means*  
38 *to provide directly to the beneficiary by mail with no further action*  
39 *required on the part of the beneficiary.*

1 ~~(f) By July 1, 2018, the department shall issue guidelines to~~  
2 ~~provide incentives to adult Medi-Cal beneficiaries who use tobacco~~  
3 ~~products in order to motivate them to enroll in and participate in~~  
4 ~~evidence-based tobacco use cessation services.~~

5 ~~(g) By December 31, 2017, the department shall issue guidelines~~  
6 ~~to managed care plans that provide instructions on requirements~~  
7 ~~to annually report tobacco use rates among adults enrolled in the~~  
8 ~~Medi-Cal managed care plan.~~

9 ~~(1) Tobacco use status may be collected at the time of enrollment~~  
10 ~~in the managed care plan. Tobacco use status of other adult family~~  
11 ~~members may be reported via proxy by the primary enrollee.~~

12 ~~(2) The department shall publish and post on its Internet Web~~  
13 ~~site adult tobacco use rates for each managed care plan on an~~  
14 ~~annual basis.~~

15 ~~(3) Tobacco~~

16 ~~(f) By December 31, 2017, the department shall include medical~~  
17 ~~assistance with smoking and tobacco use cessation rates among~~  
18 ~~adults enrolled in Medi-Cal managed care plans in its Healthcare~~  
19 ~~Effectiveness Data and Information Set (HEDIS). The department~~  
20 ~~may use data collected pursuant to this subdivision for quality~~  
21 ~~improvement projects to increase cessation by Medi-Cal enrollees~~  
22 ~~who use tobacco products. Tobacco use status shall not be used~~  
23 ~~by the department or the managed care plan to deny coverage or~~  
24 ~~treatment of tobacco-related illnesses.~~

25 ~~(h)~~

26 ~~(g) This section shall be implemented only to the extent that~~  
27 ~~federal financial participation is available and not otherwise~~  
28 ~~jeopardized, and any necessary federal approvals have been~~  
29 ~~obtained.~~