

AMENDED IN SENATE AUGUST 15, 2016

AMENDED IN SENATE JUNE 27, 2016

AMENDED IN ASSEMBLY MAY 31, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

AMENDED IN ASSEMBLY MARCH 7, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 1696**

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

January 21, 2016

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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 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.~~ *and include quit attempts based upon medical necessity, as specified.* 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 *and that is a covered Medi-Cal benefit* 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 and would require the department to 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 its 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,~~ *based on medical necessity, as defined in Section 14059.5,*
- 10 *and consistent with United States Preventive Services Task Force*
- 11 *grade A and B recommendations,* with no required break between

1 attempts, for all beneficiaries 18 years of age and older who use  
2 tobacco. For beneficiaries under 18 years of age, tobacco cessation  
3 services shall be provided in accordance with *both* the American  
4 Academy of Pediatrics ~~guidelines and the intervention~~  
5 ~~recommendations~~, *Bright Futures periodicity schedule and*  
6 *anticipatory guidance* as periodically updated, *as well as services*  
7 assigned a grade A or B by the United States Preventive Services  
8 Task Force.

9 (b) For purposes of this section, in addition to the services  
10 described in subdivision (a) and only to the extent consistent with  
11 the intervention recommendations, as periodically updated,  
12 assigned a grade A or B by the United States Preventive Services  
13 Task Force, tobacco cessation services *for beneficiaries 18 years*  
14 *of age and older* shall include:

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

18 (2) (A) ~~A 12-week tobacco cessation~~ treatment regimen of any  
19 medication approved by the federal Food and Drug ~~Administration~~  
20 ~~Administration~~, *and that is a covered Medi-Cal benefit*, for tobacco  
21 cessation, including prescription and over-the-counter ~~medications.~~  
22 *medications, in accordance with United States Preventive Services*  
23 *Task Force grade A and B recommendations.*

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

26 ~~(C)~~

27 (B) A prescription from a provider with authority to prescribe  
28 and proof of Medi-Cal coverage shall be sufficient documentation  
29 to fill a prescription for over-the-counter tobacco cessation  
30 medications.

31 (c) Beneficiaries who are covered under this section shall not  
32 be required to receive a particular form of tobacco cessation service  
33 as a condition of receiving any other form of tobacco cessation  
34 service.

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

38 (e) ~~(1) By December 31, 2017, the department shall issue~~  
39 ~~guidelines and enter into an agreement that authorizes the~~  
40 ~~California Smokers' Helpline or its successor, as administered by~~

1 the State Department of Public Health, to directly furnish at least  
2 one form of over-the-counter nicotine replacement therapy, as  
3 described by the United States Preventive Services Task Force  
4 (USPSTF), to Medi-Cal beneficiaries enrolled in smoking cessation  
5 services provided by the helpline.  
6 (2) For purposes of this subdivision, “directly furnish” means  
7 to provide directly to the beneficiary by mail with no further action  
8 required on the part of the beneficiary.  
9 (f) By December 31, 2017, the department shall include medical  
10 assistance with smoking and tobacco use cessation rates among  
11 adults enrolled in Medi-Cal managed care plans in its Healthcare  
12 Effectiveness Data and Information Set (HEDIS). The department  
13 may use data collected pursuant to this subdivision for quality  
14 improvement projects to increase cessation by Medi-Cal enrollees  
15 who use tobacco products. Tobacco use status shall not be used  
16 by the department or the managed care plan to deny coverage or  
17 treatment of tobacco-related illnesses.  
18 (g)  
19 (e) This section shall be implemented only to the extent that  
20 federal financial participation is available and not otherwise  
21 jeopardized, and any necessary federal approvals have been  
22 obtained.