

AMENDED IN SENATE AUGUST 24, 2016

AMENDED IN SENATE AUGUST 15, 2016

AMENDED IN ASSEMBLY MAY 31, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1795**

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**Introduced by Assembly Member Atkins**  
**(Principal coauthor: Assembly Member Cristina Garcia)**  
(Principal coauthor: Senator Pan)  
**(Coauthor: Assembly Member Gonzalez)**

February 4, 2016

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An act to amend Sections 104150 and 104161.1 of the Health and Safety Code, relating to health care programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1795, as amended, Atkins. Health care programs: cancer.

Existing law requires the State Department of Health Care Services to perform various health functions, including providing breast and cervical cancer screening and treatment for low-income individuals. Existing law defines "period of coverage" as beginning when an individual is made eligible for a covered condition and not to exceed 18 or 24 months, respectively, for a diagnosis of breast cancer or a diagnosis of cervical cancer.

This bill would provide that an individual of any age who is symptomatic, as defined, or an individual whose age is within the age range for routine breast cancer screening, as specified, and who meets all other eligibility requirements is eligible for breast cancer screening

and diagnostic services pursuant to these provisions. The bill would also provide that if an individual is diagnosed with a reoccurrence of breast cancer or cervical cancer, whether at the original cancer site or a different cancer site, *and meets all other applicable eligibility requirements*, the individual shall be eligible for coverage, ~~as long as the individual continues to meet all other eligibility requirements and as long as the individual has not exhausted the period of coverage an additional period of treatment coverage~~, as described above.

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 104150 of the Health and Safety Code  
2 is amended to read:  
3 104150. (a) (1) A provider or entity that participates in the  
4 grant made to the department by the federal Centers for Disease  
5 Control and Prevention breast and cervical cancer early detection  
6 program established under Title XV of the federal Public Health  
7 Service Act (42 U.S.C. Sec. 300k et seq.) in accordance with  
8 requirements of Section 1504 of that act (42 U.S.C. Sec. 300n)  
9 may only render screening services under the grant to an individual  
10 if the provider or entity determines that the individual's family  
11 income does not exceed 200 percent of the federal poverty level.  
12 (2) Providers, or the enrolling entity, shall make available to all  
13 applicants and beneficiaries, prior to or concurrent with enrollment,  
14 information on the manner in which to apply for insurance  
15 affordability programs, in a manner determined by the State  
16 Department of Health Care Services. The information shall include  
17 the manner in which applications can be submitted for insurance  
18 affordability programs, information about the open enrollment  
19 periods for the California Health Benefit Exchange, and the  
20 continuous enrollment aspect of the Medi-Cal program.  
21 (b) (1) The department shall provide for breast cancer and  
22 cervical cancer screening services under the grant at the level of  
23 funding budgeted from state and other resources during the fiscal  
24 year in which the Legislature has appropriated funds to the  
25 department for this purpose. These screening services shall not be  
26 deemed to be an entitlement.

1 (2) The following individuals shall be eligible for breast cancer  
2 screening and diagnostic services pursuant to this section if they  
3 meet all other eligibility requirements:

4 (A) An individual of any age who is symptomatic.

5 (B) An individual whose age is within the age range for routine  
6 breast cancer screening, as recommended by the United States  
7 Preventive Services Task Force, subject to any federal action  
8 relating to breast cancer screening that overrides those  
9 recommendations.

10 (3) For purposes of this section, “symptomatic” means an  
11 individual presenting with an abnormality or change in the look  
12 or feel of the breast, including, but not limited to, a lump, a hard  
13 knot, thickening or swelling of the breast tissue, a change in the  
14 color, size, or shape of the breast, or any discharge from the nipple.

15 (c) To implement the federal breast and cervical cancer early  
16 detection program specified in this section, the department may  
17 contract, to the extent permitted by Section 19130 of the  
18 Government Code, with public and private entities, or utilize  
19 existing health care service provider enrollment and payment  
20 mechanisms, including the Medi-Cal program’s fiscal intermediary.  
21 However, the Medi-Cal program’s fiscal intermediary shall only  
22 be utilized if services provided under the program are specifically  
23 identified and reimbursed in a manner that does not claim federal  
24 financial reimbursement. Any contracts with, and the utilization  
25 of, the Medi-Cal program’s fiscal intermediary shall not be subject  
26 to Chapter 3 (commencing with Section 12100) of Part 2 of  
27 Division 2 of the Public Contract Code. Contracts to implement  
28 the federal breast and cervical cancer early detection program  
29 entered into by the department with entities other than the Medi-Cal  
30 program’s fiscal intermediary shall not be subject to Part 2  
31 (commencing with Section 10100) of Division 2 of the Public  
32 Contract Code.

33 (d) The department shall enter into an interagency agreement  
34 with the State Department of Health Care Services to transfer that  
35 portion of the grant made to the department by the federal Centers  
36 for Disease Control and Prevention breast and cervical cancer early  
37 detection program established under Title XV of the federal Public  
38 Health Service Act (42 U.S.C. Sec. 300k et seq.) to the State  
39 Department of Health Care Services. The department shall have

1 no other liability to the State Department of Health Care Services  
2 under this article.

3 SEC. 2. Section 104161.1 of the Health and Safety Code is  
4 amended to read:

5 104161.1. (a) When an individual is made eligible for treatment  
6 services under this article due to a diagnosis of breast cancer, the  
7 period of coverage shall not exceed ~~18 months~~. *months of*  
8 *treatment*. After 18 months, the individual's eligibility for treatment  
9 services for the cancer condition that made this individual eligible  
10 concludes.

11 (b) When an individual is made eligible for treatment services  
12 under this article due to a diagnosis of cervical cancer, the period  
13 of coverage shall not exceed ~~24 months~~. *months of treatment*. After  
14 24 months, the individual's eligibility for treatment services for  
15 the cancer condition that made this individual eligible concludes.

16 (c) If an individual is diagnosed with a reoccurrence of breast  
17 cancer or cervical cancer, whether at the original cancer site or a  
18 different cancer site, *and meets all other applicable eligibility*  
19 *requirements*, the individual shall be eligible for *an additional*  
20 *period of treatment* coverage, ~~as long as the individual continues~~  
21 ~~to meet all other eligibility requirements and as long as the~~  
22 ~~individual has not exhausted the period of coverage~~ described in  
23 subdivision (a) or (b), respectively.