

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY APRIL 13, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1954

Introduced by Assembly Member Burke

February 12, 2016

An act to add Section 1367.31 to the Health and Safety Code, and to add Section 10123.202 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 1954, as amended, Burke. Health care coverage: reproductive health care services.

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 provides for the regulation of health insurers by the Department of Insurance.

This bill would prohibit every health care service plan contract or health insurance policy issued, amended, renewed, or delivered on or after January 1, 2017, with exceptions, from requiring an enrollee or insured to receive a referral in order to receive reproductive or sexual health care services, as defined. Because a willful violation of these provisions by a health care service plan would be a crime, the bill would impose a state-mandated local program.

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.

Vote: majority. 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 Direct Access to Reproductive Health Care Act.

3 SEC. 2. (a) The Legislature hereby finds and declares all of
4 the following:

5 (1) For many women, reproductive health care is primary health
6 care.

7 (2) According to the Guttmacher Institute, one-half of all
8 pregnancies in the United States each year, more than three million
9 pregnancies, are unintended. By 45 years of age, more than one-half
10 of all women in the United States will have experienced an
11 unintended pregnancy, and three in 10 will have had an abortion.

12 (3) The inability to access comprehensive reproductive health
13 care in a timely manner can lead to negative health ~~outcomes~~
14 *outcomes*, including increased risk for unintended pregnancy,
15 sexually transmitted diseases, and delayed care for critical and
16 time-sensitive reproductive health services.

17 (4) Providing timely access to comprehensive reproductive
18 health services is cost effective.

19 (5) California has a long history of, and commitment to,
20 expanding access to services that aim to reduce the risk of
21 unintended pregnancies, improve reproductive and sexual health
22 outcomes, and reduce costs.

23 (6) The Legislature has also passed measures to help health plan
24 enrollees and insureds access timely health care by setting
25 standards and policies regarding wait times for an appointment.

26 (b) It is hereby the intent of the Legislature in enacting this act
27 to build on current state and federal law to increase timely, equal,
28 and direct access to time-sensitive and comprehensive reproductive
29 and sexual health care services for enrollees in health care service
30 plans or insureds under health insurance policies by prohibiting
31 health care service plans or insurers from requiring an enrollee or
32 insured to secure a referral from a primary care provider prior to
33 receiving in-network reproductive and sexual health care services.

1 SEC. 3. Section 1367.31 is added to the Health and Safety
2 Code, to read:

3 1367.31. (a) Every health care service plan contract issued,
4 amended, renewed, or delivered on or after January 1, 2017, shall
5 be prohibited from requiring an enrollee to receive a referral prior
6 to receiving coverage or services for reproductive and sexual health
7 care.

8 (b) (1) For the purposes of this section, “reproductive and sexual
9 health care services” are all reproductive and sexual health services
10 described in Sections 6924, 6925, 6926, 6927, 6928, and 6929 of
11 the Family Code, or Sections 121020 and 124260 of the Health
12 and Safety Code, obtained by a ~~patient at or above the minimum~~
13 ~~age specified in that section.~~ *patient.*

14 (2) *This section applies whether or not the patient is a minor.*

15 (c) This section shall not apply to specialized health care service
16 plan contracts or any health care service plan that is governed by
17 Section 14131 of the Welfare and Institutions Code.

18 SEC. 4. Section 10123.202 is added to the Insurance Code, to
19 read:

20 10123.202. (a) Every health insurance policy issued, amended,
21 renewed, or delivered on or after January 1, 2017, excluding
22 specialized health insurance policies, shall be prohibited from
23 requiring an insured to receive a referral prior to receiving coverage
24 or services for reproductive and sexual health care.

25 (b) (1) For the purposes of this section, “reproductive and
26 sexual health care services” are all reproductive and sexual health
27 services described in Sections 6924, 6925, 6926, 6927, 6928, and
28 6929 of the Family Code, or Sections 121020 and 124260 of the
29 Health and Safety Code, obtained by a ~~patient at or above the~~
30 ~~minimum age specified in that section.~~ *patient.*

31 (2) *This section applies whether or not the patient is a minor.*

32 SEC. 5. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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