

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2810

Introduced by Assembly Member Eggman
(Coauthor: Senator Wolk)

February 19, 2016

An act to add and repeal Article 6.3 (commencing with Section 14196.50) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to prescription drugs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2810, as amended, Eggman. Aid-in-dying prescription ~~drugs~~.
drugs: coverage for Medi-Cal beneficiaries.

Under the End of Life Option Act, an adult who meets certain qualifications and who has been determined by his or her attending physician to be suffering from a terminal disease, as defined, is authorized to make a request for a drug prescribed pursuant to these provisions for the purpose of ending his or her life. *The act is repealed on January 1, 2026.*

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income persons receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law provides for a schedule of benefits under the Medi-Cal program, which includes prescription drugs, as specified.

Existing federal law prohibits the expenditure of funds appropriated by Congress for the provision of health care services under the Medicaid Program from being used (1) to provide or pay for any health care item or service furnished for the purpose of causing, or for the purpose of

assisting in causing, the death of any individual, as specified; or (2) to pay for health benefit coverage that includes any coverage of the item or service or of any expenses relating to the item or service.

~~This bill would declare the intent of the Legislature to enact legislation relating to health care coverage and payment for aid-in-dying prescription drugs.~~ *add to the schedule of benefits under the Medi-Cal program coverage for aid-in-dying drugs, as defined. The bill would require coverage for an aid-in-dying drug prescription to be provided to a Medi-Cal beneficiary who meets the qualifications of the End of Life Option Act and who requests a prescription in accordance with that act, and would require the cost for those services to be provided with state-only funds. The bill would authorize the department to implement, interpret, or make specific its provisions by all-county letters or similar instructions, without taking regulatory action, until the time regulations are adopted, as specified. The bill's provisions would be repealed on January 1, 2026.*

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

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

1 SECTION 1. Article 6.3 (commencing with Section 14196.50)
2 is added to Chapter 7 of Part 3 of Division 9 of the Welfare and
3 Institutions Code, to read:

4

5 Article 6.3. Coverage for Aid-in-Dying Drugs

6

7 14196.50. (a) Aid-in-dying drugs, as defined in Section 443.1
8 of the Health and Safety Code are covered under the Medi-Cal
9 program.

10 (b) Notwithstanding any other law, a beneficiary who is a
11 qualified person, as defined in Section 443.1 of the Health and
12 Safety Code, and who requests a prescription for an aid-in-dying
13 drug in accordance with the End of Life Option Act (Part 1.85
14 (commencing with Section 443) of the Health and Safety Code)
15 shall receive coverage for any drug prescribed for this purpose
16 as provided by this article.

17 14196.51. (a) The cost for services under this article shall be
18 provided with state-only funds.

1 (b) (1) Notwithstanding Chapter 3.5 (commencing with Section
 2 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
 3 the department may implement, interpret, or make specific this
 4 section by all-county letters or similar instructions from the
 5 director, without taking regulatory action, until the time regulations
 6 are adopted.

7 (2) The department shall adopt emergency regulations pursuant
 8 to Chapter 3.5 (commencing with Section 11340) of Part 1 of
 9 Division 3 of Title 2 of the Government Code no later than January
 10 1, 2018. The department may readopt any emergency regulation
 11 authorized by this section that is the same as, or substantially
 12 equivalent to, an emergency regulation previously adopted under
 13 this section. The initial adoption of emergency regulations and
 14 one readoption of emergency regulations implementing this section
 15 shall be deemed an emergency and necessary for the immediate
 16 preservation of the public peace, health, safety, or general welfare.

17 (3) Initial emergency regulations and the one readoption of
 18 emergency regulations authorized by this section shall be exempt
 19 from review by the Office of Administrative Law. The initial
 20 emergency regulations and the one readoption of emergency
 21 regulations shall be submitted to the Office of Administrative Law
 22 for filing with the Secretary of State and each shall remain in effect
 23 for no more than 180 days, by which time final regulations may
 24 be adopted.

25 14196.52. This article shall remain in effect only until January
 26 1, 2026, and as of that date is repealed, unless a later enacted
 27 statute, that is enacted before January 1, 2026, deletes or extends
 28 that date.

29 ~~SECTION 1. It is the intent of the Legislature to enact~~
 30 ~~legislation relating to health care coverage and payment for~~
 31 ~~aid-in-dying prescription drugs.~~