

AMENDED IN SENATE APRIL 27, 2015

SENATE BILL

No. 464

Introduced by Senator Hernandez

February 25, 2015

~~An act to amend Section 14102.5 of the Welfare and Institutions Code relating to health care coverage. An act to amend Section 2242.1 of the Business and Professions Code, relating to healing arts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 464, as amended, Hernandez. ~~Health care coverage: enrollment reporting.~~ *Healing arts: self-reporting tools.*

The Medical Practice Act provides for licensure and regulation of physicians and surgeons by the Medical Board of California, and authorizes a physician and surgeon to, among other things, use drugs or devices in or upon human beings. The act prohibits, with specified exceptions, a person or entity from prescribing, dispensing, or furnishing, or causing to be prescribed, dispensed, or furnished, dangerous drugs or dangerous devices on the Internet for delivery to a person in California without an appropriate prior examination and medical indication.

This bill would authorize the board to consider the use of self-reporting tools by licensees, as that use may be allowed by law.

~~Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law, the federal Patient Protection and Affordable Care Act (PPACA), requires each state to establish an American Health Benefit Exchange that facilitates the~~

~~purchase of qualified health plans by qualified individuals and qualified small employers, and meets certain other requirements. Existing law creates the California Health Benefit Exchange for the purpose of facilitating the enrollment of qualified individuals and qualified small employers in qualified health plans as required under PPACA. Existing law requires the department, in collaboration with the exchange, to prepare reports that include specified information about the enrollment process for insurance affordability programs, and to make those reports public on at least a quarterly basis, for the purpose of informing specified entities about the enrollment process for those programs.~~

~~This bill would make technical, nonsubstantive changes to the latter provision.~~

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

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

1 SECTION 1. Section 2242.1 of the Business and Professions
 2 Code is amended to read:

3 2242.1. (a) No person or entity may prescribe, dispense, or
 4 furnish, or cause to be prescribed, dispensed, or furnished,
 5 dangerous drugs or dangerous devices, as defined in Section 4022,
 6 on the Internet for delivery to any person in this state, without an
 7 appropriate prior examination and medical indication, except as
 8 authorized by Section 2242.

9 (b) Notwithstanding any other provision of law, a violation of
 10 this section may subject the person or entity that has committed
 11 the violation to either a fine of up to twenty-five thousand dollars
 12 (\$25,000) per occurrence pursuant to a citation issued by the board
 13 or a civil penalty of twenty-five thousand dollars (\$25,000) per
 14 occurrence.

15 (c) The Attorney General may bring an action to enforce this
 16 section and to collect the fines or civil penalties authorized by
 17 subdivision (b).

18 (d) For notifications made on and after January 1, 2002, the
 19 Franchise Tax Board, upon notification by the Attorney General
 20 or the board of a final judgment in an action brought under this
 21 section, shall subtract the amount of the fine or awarded civil
 22 penalties from any tax refunds or lottery winnings due to the person
 23 who is a defendant in the action using the offset authority under

1 Section 12419.5 of the Government Code, as delegated by the
2 Controller, and the processes as established by the Franchise Tax
3 Board for this purpose. That amount shall be forwarded to the
4 board for deposit in the Contingent Fund of the Medical Board of
5 California.

6 (e) If the person or entity that is the subject of an action brought
7 pursuant to this section is not a resident of this state, a violation
8 of this section shall, if applicable, be reported to the person's or
9 entity's appropriate professional licensing authority.

10 (f) Nothing in this section shall prohibit the board from
11 commencing a disciplinary action against a physician and surgeon
12 pursuant to Section 2242.

13 (g) *The board may consider the use of self-screening tools by*
14 *a licensee, as that use may be allowed by law.*

15 ~~SECTION 1. Section 14102.5 of the Welfare and Institutions~~
16 ~~Code is amended to read:~~

17 ~~14102.5. (a) The department shall, in collaboration with the~~
18 ~~Exchange, the counties, consumer advocates, and the Statewide~~
19 ~~Automated Welfare System consortia, develop and prepare one or~~
20 ~~more reports that shall be issued on at least a quarterly basis and~~
21 ~~shall be made public within 30 days following the end of each~~
22 ~~quarter, for the purpose of informing the California Health and~~
23 ~~Human Services Agency, the Exchange, the Legislature, and the~~
24 ~~public about the enrollment process for insurance affordability~~
25 ~~programs. The reports shall comply with federal reporting~~
26 ~~requirements and shall, at a minimum, include the following~~
27 ~~information, to be derived from, as appropriate depending on the~~
28 ~~data element, CalHEERS, MEDS, or the Statewide Automated~~
29 ~~Welfare System:~~

30 ~~(1) For applications received for insurance affordability~~
31 ~~programs through any venue, all of the following:~~

32 ~~(A) The number of applications received through each venue.~~

33 ~~(B) The number of applicants included on those applications.~~

34 ~~(C) Applicant demographics, including, but not limited to,~~
35 ~~gender, age, race, ethnicity, and primary language.~~

36 ~~(D) The disposition of applications, including all of the~~
37 ~~following:~~

38 ~~(i) The number of eligibility determinations that resulted in an~~
39 ~~approval for coverage.~~

- 1 (ii) ~~The program or programs for which the individuals in clause~~
2 ~~(i) were determined eligible.~~
- 3 (iii) ~~The number of applications that were denied for any~~
4 ~~coverage and the reason or reasons for the denials.~~
- 5 (E) ~~The number of days for eligibility determinations to be~~
6 ~~completed.~~
- 7 (2) ~~With regard to health plan selection, all of the following:~~
- 8 (A) ~~The health plans that are selected by applicants enrolled in~~
9 ~~an insurance affordability program, reported by the program.~~
- 10 (B) ~~The number of Medi-Cal enrollees who do not select a health~~
11 ~~plan but are defaulted into a plan.~~
- 12 (3) ~~For annual redeterminations conducted for beneficiaries, all~~
13 ~~of the following:~~
- 14 (A) ~~The number of redeterminations processed.~~
- 15 (B) ~~The number of redeterminations that resulted in continued~~
16 ~~eligibility for the same insurance affordability program.~~
- 17 (C) ~~The number of redeterminations that resulted in a change~~
18 ~~in eligibility to a different insurance affordability program.~~
- 19 (D) ~~The number of redeterminations that resulted in a finding~~
20 ~~of ineligibility for any program and the reason or reasons for the~~
21 ~~findings of ineligibility.~~
- 22 (E) ~~The number of days for redeterminations to be completed.~~
- 23 (4) ~~With regard to disenrollments not related to a~~
24 ~~redetermination of eligibility, all of the following:~~
- 25 (A) ~~The number of beneficiary disenrollments.~~
- 26 (B) ~~The reasons for the disenrollments.~~
- 27 (C) ~~The number of disenrollments that are caused by an~~
28 ~~individual disenrolling from one insurance affordability program~~
29 ~~and enrolling into another.~~
- 30 (5) ~~The number of applications for insurance affordability~~
31 ~~programs that were filed with the help of an assister or navigator.~~
- 32 (6) ~~The total number of grievances and appeals filed by~~
33 ~~applicants and enrollees regarding eligibility for insurance~~
34 ~~affordability programs, the basis for the grievance, and the~~
35 ~~outcomes of the appeals.~~
- 36 (b) ~~The department shall collect the information necessary for~~
37 ~~these reports and develop these reports using data obtained from~~
38 ~~the Statewide Automated Welfare System, CalHEERS, MEDS,~~
39 ~~and any other appropriate state information management systems.~~

1 ~~(e) For purposes of this section, the following definitions shall~~
2 ~~apply:~~

3 ~~(1) “CalHEERS” means the California Healthcare Eligibility,~~
4 ~~Enrollment, and Retention System developed under Section 15926.~~

5 ~~(2) “Exchange” means the California Health Benefit Exchange~~
6 ~~established pursuant to Title 22 (commencing with Section 100500)~~
7 ~~of the Government Code.~~

8 ~~(3) “Statewide Automated Welfare System” means the system~~
9 ~~developed pursuant to Section 10823.~~

10 ~~(4) “MEDS” means the Medi-Cal Eligibility Data System that~~
11 ~~is maintained by the department.~~

12 ~~(d) Notwithstanding Chapter 3.5 (commencing with Section~~
13 ~~11340) of Part 1 of Division 3 of Title 2 of the Government Code,~~
14 ~~the department, without taking any further regulatory action, shall~~
15 ~~implement, interpret, or make specific this section by means of~~
16 ~~all-county letters, plan letters, plan or provider bulletins, or similar~~
17 ~~instructions until the time regulations are adopted. Thereafter, the~~
18 ~~department shall adopt regulations in accordance with the~~
19 ~~requirements of Chapter 3.5 (commencing with Section 11340) of~~
20 ~~Part 1 of Division 3 of Title 2 of the Government Code. Beginning~~
21 ~~six months after the effective date of this section, and~~
22 ~~notwithstanding Section 10231.5 of the Government Code, the~~
23 ~~department shall provide a status report to the Legislature on a~~
24 ~~semiannual basis until regulations have been adopted.~~

25 ~~(e) This section shall become operative on January 1, 2014.~~

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