

AMENDED IN ASSEMBLY MAY 1, 1997
AMENDED IN ASSEMBLY APRIL 17, 1997
AMENDED IN ASSEMBLY APRIL 7, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 833

Introduced by Assembly ~~Member Ortiz~~ Members *Ortiz and Perata*

February 27, 1997

An act to amend Section 1367.66 of, and to add ~~Article 2 (commencing with Section 104150) to Chapter 2 of Part 1 of Division 103 of Sections 138.4, 138.5, and 138.6 to~~, the Health and Safety Code, to amend Section 10123.18 of the Insurance Code, and to amend Section 14132.17 of the Welfare and Institutions Code, relating to ovarian cancer.

LEGISLATIVE COUNSEL'S DIGEST

AB 833, as amended, Ortiz. Ovarian cancer.

(1) Existing law, known as the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of specified health care service plans, administered by the Commissioner of Corporations. Existing law also provides for the regulation of policies of disability insurance administered by the Insurance Commissioner.

Existing law requires that health care service plan contracts and disability insurance policies provide coverage for prescribed services and treatments. It provides that any of these plans and policies, except for a specialized health care

service plan, issued, amended, or renewed on or after January 1, 1991, that include coverage for treatment or surgery of cervical cancer also include coverage for an annual cervical cancer screening test upon certain referrals.

This bill would provide, with certain exceptions, that a health care service plan contract and disability insurance policy that is issued, amended, or renewed on or after January 1, 1998, that includes coverage for treatment or surgery of ovarian cancer also includes coverage for an ~~annual~~ ovarian cancer screening test upon certain referrals. The bill would provide, with regard to disability insurers, that the bill's requirements apply regardless of the situs of the contract. The bill would provide that the ~~annual~~ tests are a covered benefit under Medi-Cal as prescribed by the bill.

(2) ~~Under existing law, Existing law establishes the Office of Women's Health within the State Department of Health Services is responsible for the administration and oversight of various health care programs. The functions of the office, include, among others, to communicate and disseminate information and perform a liaison function within the department and to providers of health, social, educational, and support services to women.~~

This bill would establish within the ~~department office~~ the Ovarian Cancer Information Program to provide information for consumers, patients, and health care providers relating to ovarian cancer. The bill would require the ~~department office~~, in consultation with certain persons, to produce, make available to others for reproduction, or contract with others to develop the materials required by this provision, as the ~~State Director of Health Services office~~ deems appropriate, to be made available to the public free of charge. The bill would require the ~~director office~~ to require, where appropriate, health care providers to provide or make available these materials to patients.

The bill would require every medical care provider primarily responsible for providing to a patient an annual gynecological examination to notify that patient ~~in writing~~ during the annual examination that Pap smears often do not detect ovarian cancer and include in the notice a description of the symptoms of ovarian cancer.



The bill would also require the department to direct a study of the effectiveness of the CA-125 assay as a mechanism to diagnose ovarian cancer ~~and would request the University of California to conduct the study.~~

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 138.4 is added to the Health and*
2 *Safety Code, to read:*
3 *138.4. (a) There is hereby established within the*
4 *office, the Ovarian Cancer Information Program. The*
5 *program shall provide information to consumers,*
6 *patients, and health care providers regarding ovarian*
7 *cancer, including, signs and symptoms, risk factors, the*
8 *benefits of early detection through appropriate*
9 *diagnostic testing, and treatment options.*
10 *(b) The program may include, but is not limited to, the*
11 *following elements:*
12 *(1) Educational and informational materials in print,*
13 *audio, video, electronic, or other media.*
14 *(2) Public service announcements and*
15 *advertisements.*
16 *(3) The establishment of toll-free telephone hotlines*
17 *to provide information.*
18 *(c) (1) The office shall produce, make available to*
19 *others for reproduction, or contract with others to*
20 *develop the materials described in this section as the*
21 *director deems appropriate. These materials shall be*
22 *made available to the public free of charge.*
23 *(2) The office shall require, as it deems appropriate,*
24 *health care providers to make these materials available to*
25 *patients.*
26 *(d) In exercising the powers under this section, the*
27 *office shall consult with appropriate health care*
28 *professionals and providers, consumers, and patients, or*
29 *organizations representing them.*
30 *(e) The office shall appoint an Ovarian Cancer*
31 *Information Advisory Council which shall include*

1 representation from health care professionals and
2 providers, consumers, patients, and other appropriate
3 interests. The members of the council shall receive no
4 compensation for their services, but shall be allowed their
5 actual and necessary expenses incurred in the
6 performance of their duties.

7 (f) In addition to any state funds appropriated for the
8 program, the office may accept grants from public or
9 private sources for the program. The office, in
10 administering this section, shall seek to coordinate the
11 program with other public and private efforts and may
12 undertake joint or cooperative programs with other
13 public or private entities.

14 (g) The office may adopt any regulations necessary
15 and appropriate for the implementation of this section.

16 SEC. 2. Section 138.5 is added to the Health and Safety
17 Code, to read:

18 138.5. (a) The medical care provider primarily
19 responsible for providing to a patient an annual
20 gynecological examination shall provide to that patient
21 during the annual examination notice of all of the
22 following:

23 (1) Inform the patient that PAP-smears often do not
24 detect ovarian cancer.

25 (2) Provide the patient with a description of the
26 symptoms of ovarian cancer.

27 (b) For the purposes of this section, “medical care
28 provider” means a health care professional licensed
29 pursuant to Division 2 (commencing with Section 500) of
30 the Business and Professions Code or pursuant to an
31 initiative act referred to in that division providing
32 medical care within his or her lawful scope of practice.

33 SEC. 3. Section 138.6 is added to the Health and Safety
34 Code, to read:

35 138.6. The office shall direct a study of the
36 effectiveness of the CA-125 assay as a mechanism to
37 diagnose ovarian cancer as compared to nonuse of
38 CA-125.

39 SEC. 4. Section 1367.66 of the Health and Safety Code
40 is amended to read:



1 1367.66. (a) Every individual or group health care
 2 service plan contract, except for a specialized health care
 3 service plan, which is issued, amended, or renewed, on or
 4 after January 1, 1991, and which includes coverage for
 5 treatment or surgery of cervical cancer shall also be
 6 deemed to provide coverage for an annual cervical
 7 cancer screening test upon the referral of the patient's
 8 physician, a nurse practitioner, or certified nurse
 9 midwife, providing care to the patient and operating
 10 within the scope of practice otherwise permitted for the
 11 licensee.

12 (b) Every individual or group health care service plan
 13 contract, except for a specialized health care service plan,
 14 which is issued, amended, or renewed on or after January
 15 1, 1998, and which includes coverage for treatment or
 16 surgery of ovarian cancer shall also be deemed to provide
 17 coverage for an ~~annual~~ ovarian cancer screening test
 18 upon the referral of the patient's physician, a nurse
 19 practitioner, or certified nurse midwife providing care to
 20 the patient and operating within the scope of practice
 21 otherwise permitted for the licensee.

22 (c) Nothing in this section shall be construed to
 23 establish a new mandated benefit or to prevent
 24 application of deductible or copayment provisions in an
 25 existing policy or plan. The Legislature intends in this
 26 section to provide that cervical or ovarian cancer
 27 screening services are deemed to be covered if the policy
 28 includes coverage for cervical or ovarian cancer
 29 treatment or surgery.

30 ~~SEC. 2. Article 2 (commencing with Section 104150)~~
 31 ~~is added to Chapter 2 of Part 1 of Division 103 of the~~
 32 ~~Health and Safety Code, to read:~~

33

34 ~~Article 2. Ovarian Cancer Information Program~~

35

36 ~~104150. (a) There is hereby established within the~~
 37 ~~department, the Ovarian Cancer Information Program.~~
 38 ~~The program shall provide information to consumers,~~
 39 ~~patients, and health care providers regarding ovarian~~
 40 ~~cancer, including, signs and symptoms, risk factors, the~~



1 ~~benefits of early detection through appropriate~~
2 ~~diagnostic testing, and treatment options.~~

3 ~~(b) The program may include, but is not limited to, the~~
4 ~~following elements:~~

5 ~~(1) Educational and informational materials in print,~~
6 ~~audio, video, electronic, or other media.~~

7 ~~(2) Public service announcements and~~
8 ~~advertisements.~~

9 ~~(3) The establishment of toll-free telephone hotlines~~
10 ~~to provide information.~~

11 ~~(e) (1) The department shall produce, make~~
12 ~~available to others for reproduction, or contract with~~
13 ~~others to develop the materials described in this section~~
14 ~~as the director deems appropriate. These materials shall~~
15 ~~be made available to the public free of charge.~~

16 ~~(2) The director shall require, as he or she deems~~
17 ~~appropriate, health care providers to make these~~
18 ~~materials available to patients.~~

19 ~~(d) In exercising his or her powers under this section,~~
20 ~~the director shall consult with appropriate health care~~
21 ~~professionals and providers, consumers, and patients, or~~
22 ~~organizations representing them.~~

23 ~~(e) The director shall appoint an Ovarian Cancer~~
24 ~~Information Advisory Council which shall include~~
25 ~~representation from health care professionals and~~
26 ~~providers, consumers, patients, and other appropriate~~
27 ~~interests. The members of the council shall receive no~~
28 ~~compensation for their services, but shall be allowed their~~
29 ~~actual and necessary expenses incurred in the~~
30 ~~performance of their duties.~~

31 ~~(f) In addition to any state funds appropriated for the~~
32 ~~program, the director may accept grants from public or~~
33 ~~private sources for the program. The director, in~~
34 ~~administering this section, shall seek to coordinate the~~
35 ~~program with other public and private efforts and may~~
36 ~~undertake joint or cooperative programs with other~~
37 ~~public or private entities.~~

38 ~~(g) The director may adopt any regulations necessary~~
39 ~~and appropriate for the implementation of this section.~~



1 ~~104152.~~ (a) For the purposes of this section, “medical
2 care provider” means a health care professional licensed
3 pursuant to Division 2 (commencing with Section 500) of
4 the Business and Professions Code or pursuant to an
5 initiative act referred to in that division providing
6 medical care within his or her lawful scope of practice.

7 (b) The medical care provider primarily responsible
8 for providing to a patient an annual gynecological
9 examination shall provide to that patient during the
10 annual examination notice in writing of all of the
11 following:

12 (1) Inform the patient that Pap smears often do not
13 detect ovarian cancer.

14 (2) Provide the patient with a description of the
15 symptoms of ovarian cancer.

16 ~~104154.~~ The department shall direct a study of the
17 effectiveness of the CA-125 assay as a mechanism to
18 diagnose ovarian cancer as compared to nonuse of
19 CA-125. The Legislature hereby requests the University
20 of California to conduct the study as directed by the
21 department.

22 ~~SEC. 3.~~

23 *SEC. 5.* Section 10123.18 of the Insurance Code is
24 amended to read:

25 10123.18. (a) Every individual or group policy of
26 disability insurance, regardless of the situs of the contract,
27 which is issued, amended, or renewed, on or after January
28 1, 1991, and which includes coverage for treatment or
29 surgery of cervical cancer shall also be deemed to provide
30 coverage, upon the referral of a patient’s physician, a
31 nurse practitioner, or a certified nurse midwife,
32 providing care to the patient and operating within the
33 scope of practice otherwise permitted for the licensee, for
34 an annual cervical cancer screening test.

35 (b) Every individual or group policy of disability
36 insurance, regardless of the situs of the contract, which is
37 issued, amended, or renewed on or after January 1, 1998,
38 and which includes coverage for treatment or surgery of
39 ovarian cancer shall also be deemed to provide coverage,
40 upon the referral of a patient’s physician, a nurse



1 practitioner, or a certified nurse midwife providing care
 2 to the patient and operating within the scope of practice
 3 otherwise permitted for the licensee, for an ~~annual~~
 4 ovarian cancer screening test.

5 (c) Nothing in this section shall be construed to
 6 require an individual or group policy to cover treatment
 7 or surgery for cervical or ovarian cancer or to prevent
 8 application of deductible or copayment provisions
 9 contained in the policy or plan, nor shall this section be
 10 construed to require that coverage under an individual or
 11 group policy be extended to any other procedures.

12 (d) Nothing in this section shall be construed to apply
 13 to a policy of disability insurance that only covers a
 14 specified disease, specified accidents, or any accidents, if
 15 the disability insurer at the time of issuance of the policy
 16 and annually thereafter determines whether each
 17 insured or person covered by the policy also has coverage
 18 for an annual cervical ~~or-ovarian~~ cancer screening test
 19 from another disability insurer, a nonprofit hospital
 20 service plan, or a health care service plan, and provided
 21 that any insured or person covered by the policy who does
 22 not have other coverage for annual cervical ~~or-ovarian~~
 23 cancer screening shall have that coverage under the
 24 policy.

25 ~~SEC. 4.~~

26 *SEC. 6.* Section 14132.17 of the Welfare and
 27 Institutions Code is amended to read:

28 14132.17. (a) Annual cervical cancer tests for
 29 screening or diagnostic purposes, upon the referral of a
 30 patient's physician, is a covered benefit under this
 31 chapter, on or after January 1, 1991, to the extent required
 32 or permitted by federal law.

33 (b) ~~Annual-ovarian~~ *Ovarian* cancer tests for screening
 34 or diagnostic purposes upon the referral of a patient's
 35 physician, is a covered benefit under this chapter, on or
 36 after January 1, 1998, to the extent required or permitted
 37 by federal law.

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