

AMENDED IN SENATE JUNE 15, 1998
AMENDED IN ASSEMBLY APRIL 21, 1998
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CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2003

**Introduced by Assembly Member Strom-Martin
(Coauthor: Assembly Member Pacheco)**

February 18, 1998

An act to add Section 1367.71 to the Health and Safety Code, and to add Section 10119.9 to the Insurance Code, relating to health coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 2003, as amended, Strom-Martin. Health coverage: dental treatments: anesthesia.

Existing law provides for the licensure and regulation of health care service plans administered by the Commissioner of Corporations. Under existing law, willful violation of any of these provisions is a crime. Existing law also provides for the regulation of policies of disability insurance administered by the Insurance Commissioner.

This bill would ~~require~~ *provide that* specified health care service plans and disability insurers *are deemed, commencing January 1, 2000,* to cover general anesthesia and associated facility charges for dental ~~treatment~~ *procedures* for ~~patients~~ *enrollees and insureds* under 7 years of age, ~~patients~~ *or* who are developmentally disabled, ~~and patients~~ *or* for whom

general anesthesia is medically necessary, ~~when~~ if rendered in a hospital or surgery center setting, when the ~~mental or physical~~ *clinical status or underlying medical* condition of the patient or insured requires dental ~~treatment~~ *procedures that ordinarily would not require general anesthesia* to be rendered in a hospital or surgery center setting. The bill would authorize the health care service plan or disability insurer to require prior authorization of general anesthesia and associated charges required for dental care procedures in the same manner that prior authorization is required for other covered diseases or conditions. Since the willful violation of the provisions relating to health care service plans is a crime, this 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. Section 1367.71 is added to the Health
 2 and Safety Code, to read:
 3 1367.71. (a) ~~A~~ *Every* health care service plan, *other*
 4 *than a specialized health care service plan*, that is issued,
 5 amended, renewed, or delivered on or after January 1,
 6 2000, shall *be deemed to* cover general anesthesia and
 7 associated facility charges for dental ~~treatment~~ ~~when~~
 8 *procedures* rendered in a hospital or surgery center
 9 setting, when the ~~mental or physical~~ *clinical status or*
 10 *underlying medical* condition of the patient requires
 11 dental ~~treatment~~ *procedures that ordinarily would not*
 12 *require general anesthesia* to be rendered in a hospital or
 13 surgery center setting. The health care service plan may
 14 require prior authorization of general anesthesia and
 15 associated charges required for dental care procedures in



1 the same manner that prior authorization is required for
2 other covered diseases or conditions.

3 (b) *This section shall apply only to general anesthesia*
4 *and associated facility charges for all of the following*
5 *enrollees, provided the enrollees meet the criteria in*
6 *subdivision (a):*

7 (1) *Enrollees who are under seven years of age.*

8 (2) *Enrollees who are developmentally disabled,*
9 *regardless of age.*

10 (3) *Enrollees whose health is compromised and for*
11 *whom general anesthesia is medically necessary,*
12 *regardless of age.*

13 (c) *Nothing in this section shall require the health care*
14 *service plan to cover any charges for the dental*
15 *procedure itself, including, but not limited to, the*
16 *professional fee of the dentist. Coverage for anesthesia*
17 *and associated facility charges pursuant to this section*
18 *shall be subject to all other terms and conditions of the*
19 *plan that apply generally to other benefits.*

20 (d) *Nothing in this section shall require health care*
21 *service plans to cover anesthesia or related facility*
22 *charges for dental procedures that ordinarily would*
23 *require general anesthesia and that do not meet the*
24 *criteria specified in subdivision (a), (b), or (c).*

25 (e) A health care service plan may include coverage
26 specified in subdivision (a) at any time prior to January
27 1, 2000.

28 ~~(e) This section shall apply only to general anesthesia~~
29 ~~for any of the following:~~

30 ~~(1) Patients who are under seven years of age.~~

31 ~~(2) Patients who are developmentally disabled,~~
32 ~~regardless of age.~~

33 ~~(3) Patients whose health is compromised and for~~
34 ~~whom general anesthesia is medically necessary,~~
35 ~~regardless of age.~~

36 SEC. 2. Section 10119.9 is added to the Insurance
37 Code, to read:

38 10119.9. (a) A disability insurance policy or
39 certificate covering hospital, surgical, or medical
40 expenses, that meets the definition of "health benefit



1 *plan*” in subdivision (a) of Section 10198.6, that is issued,
 2 amended, renewed, or delivered on or after January 1,
 3 2000, shall *be deemed to* cover general anesthesia and
 4 associated facility charges for dental ~~treatment~~ ~~when~~
 5 *procedures* rendered in a hospital or surgery center
 6 setting, when the ~~mental~~ ~~or~~ ~~physical~~ *clinical status* or
 7 *underlying medical* condition of the insured requires
 8 dental ~~treatment~~ *procedures that ordinarily would not*
 9 *require general anesthesia* to be rendered in a hospital or
 10 surgery center setting. The disability insurance policy or
 11 *certificate* may require prior authorization of general
 12 anesthesia and associated charges required for dental
 13 care procedures in the same manner that prior
 14 authorization is required for other covered diseases or
 15 conditions.

16 (b) *This section shall apply only to general anesthesia*
 17 *and associated facility charges for all of the following*
 18 *insureds, provided the insureds meet the criteria in*
 19 *subdivision (a):*

20 (1) *Insureds who are under seven years of age.*

21 (2) *Insureds who are developmentally disabled,*
 22 *regardless of age.*

23 (3) *Insureds whose health is compromised and for*
 24 *whom general anesthesia is medically necessary,*
 25 *regardless of age.*

26 (c) *Nothing in this section shall require insureds to*
 27 *cover any charges for the dental procedure itself,*
 28 *including the professional fee of the dentist. Coverage for*
 29 *anesthesia and associated facility charges pursuant to this*
 30 *section shall be subject to all other terms and conditions*
 31 *of the policy or certificate that apply generally to other*
 32 *benefits.*

33 (d) *Nothing in this section shall require insurers to*
 34 *cover anesthesia or related facility charges for dental*
 35 *procedures that ordinarily would require general*
 36 *anesthesia and that do not meet the requirements of*
 37 *subdivision (a), (b), or (c).*

38 (e) A disability insurance policy may include coverage
 39 specified in subdivision (a) at any time prior to January
 40 1, 2000.



1 ~~(c) This section shall apply only to general anesthesia~~
2 ~~for the following:~~

3 ~~(1) Patients who are under seven years of age.~~

4 ~~(2) Patients who are developmentally disabled,~~
5 ~~regardless of age.~~

6 ~~(3) Patients whose health is compromised and for~~
7 ~~whom general anesthesia is medically necessary,~~
8 ~~regardless of age.~~

9 SEC. 3. No reimbursement is required by this act
10 pursuant to Section 6 of Article XIII B of the California
11 Constitution because the only costs that may be incurred
12 by a local agency or school district will be incurred
13 because this act creates a new crime or infraction,
14 eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section
16 17556 of the Government Code, or changes the definition
17 of a crime within the meaning of Section 6 of Article
18 XIII B of the California Constitution.

19 Notwithstanding Section 17580 of the Government
20 Code, unless otherwise specified, the provisions of this act
21 shall become operative on the same date that the act
22 takes effect pursuant to the California Constitution.

