

AMENDED IN SENATE AUGUST 25, 1998

AMENDED IN SENATE JULY 15, 1998

AMENDED IN ASSEMBLY APRIL 14, 1998

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

ASSEMBLY BILL

No. 2387

Introduced by Assembly Member Baugh

February 20, 1998

An act to add ~~Section 14124.12 to~~ *and repeal Section 14124.12 of* the Welfare and Institutions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2387, as amended, Baugh. Medi-Cal reimbursement: disciplined licensees.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services. Existing law also specifies that participation in the Medi-Cal program by a provider of service is subject to suspension in order to protect the health of service recipients and those funds appropriated to support the program.

This bill would prohibit the State Department of Health Services, *until July 1, 2003*, upon *receipt of written* notice from any of certain specified regulatory boards of an order of probation with respect to *the license of* a health care provider, from reimbursing any Medi-Cal claim for ~~services~~ *the type of*

service or procedure that gave rise to the probation that are was performed by the disciplined provider on or after the effective date of probation and until termination of any all probationary restriction on the performance of the invasive procedure terms and conditions or until the probationary period has ended, whichever occurs first the probationary period has ended, except in the case of a regulatory board determination of compelling circumstances.

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 14124.12 is added to the Welfare
2 and Institutions Code, to read:
3 14124.12. (a) Upon receipt of written notice from the
4 Medical Board of California, the Osteopathic Medical
5 Board of California, or the Board of Dental Examiners of
6 California, that a licensee’s license has been placed on
7 ~~probation as a result of a disciplinary action taken with~~
8 ~~respect to the licensee’s performance of any type of~~
9 ~~surgical service or other invasive procedure, and if the~~
10 ~~relevant licensing board has restricted the licensee from~~
11 ~~performing the same invasive procedure as a condition of~~
12 ~~probation, the department shall not reimburse any~~
13 ~~Medi-Cal claim for that same type of surgical service or~~
14 ~~invasive procedure, including any dental surgery or~~
15 ~~invasive procedure, that was performed by the licensee~~
16 ~~on or after the effective date of probation and until the~~
17 ~~termination of any probationary restriction on the~~
18 ~~performance of the invasive procedure or until the~~
19 ~~probationary period has ended, whichever occurs first,~~
20 ~~except in any case in which the relevant licensing board~~
21 ~~determines, during the process of disciplining the~~
22 ~~licensee, that compelling circumstances warrant the~~
23 ~~continued reimbursement during the probationary~~
24 ~~period of any Medi-Cal claim, including any claim for~~
25 ~~dental services, as so described.~~ *probation as a result of a*
26 *disciplinary action, the department may not reimburse*
27 *any Medi-Cal claim for the type of surgical service or*



1 *invasive procedure that gave rise to the probation,*
2 *including any dental surgery or invasive procedure, that*
3 *was performed by the licensee on or after the effective*
4 *date of probation and until the termination of all*
5 *probationary terms and conditions or until the*
6 *probationary period has ended, whichever occurs first.*
7 *This section shall apply except in any case in which the*
8 *relevant licensing board determines that compelling*
9 *circumstances warrant the continued reimbursement*
10 *during the probationary period of any Medi-Cal claim,*
11 *including any claim for dental services, as so described. In*
12 *such a case, the department shall continue to reimburse*
13 *the licensee for all procedures, except for those invasive*
14 *or surgical procedures for which the licensee was placed*
15 *on probation.*

16 (b) The Medical Board of California, the Osteopathic
17 Medical Board of California, and the Board of Dental
18 Examiners of California, shall work in conjunction with
19 the State Department of Health Services to provide all
20 information that is necessary to implement this section.
21 These boards and the department shall annually report to
22 the Legislature by no later than March 1 that number of
23 licensees of these boards, placed on probation during the
24 immediately preceding calendar year, who are:

25 (1) Not receiving Medi-Cal reimbursement for certain
26 surgical services or invasive procedures, including dental
27 surgeries or invasive procedures, as a result of subdivision
28 (a).

29 (2) Continuing to receive Medi-Cal reimbursement
30 for certain surgical or invasive procedures, including
31 dental surgeries or invasive procedures, as a result of a
32 determination of compelling circumstances made in
33 accordance with subdivision (a).

34 (c) *This section shall become inoperative on July 1,*
35 *2003, and, as of January 1, 2004, is repealed, unless a later*
36 *enacted statute that is enacted before January 1, 2004,*
37 *deletes or extends the dates on which it becomes*
38 *inoperative and is repealed.*

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