

AMENDED IN SENATE AUGUST 12, 1998

AMENDED IN SENATE JULY 6, 1998

AMENDED IN ASSEMBLY MAY 18, 1998

AMENDED IN ASSEMBLY MAY 6, 1998

AMENDED IN ASSEMBLY APRIL 21, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2438

Introduced by Assembly Member Murray

February 20, 1998

An act to add Section 1367.54 to the Health and Safety Code, and to add Section 10123.184 to the Insurance Code, relating to health ~~care service plans~~ *insurance*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2438, as amended, Murray. Health care service plans: maternal and child health services.

Existing law governing health care service plans and disability insurance imposes certain requirements relating to coverage for maternity benefits and access to obstetrician-gynecologists. The willful violation of the law relating to health care service plans is a crime.

This bill would require ~~any certain group and individual health care service plan contract~~ *contracts*, except for a specialized health care service plan ~~contract~~ *contracts*, and ~~any certain disability insurance policy~~ *policies*, that ~~eovers hospital, medical, or surgical expenses that is~~ *are* issued,

amended, renewed, or delivered on or after January 1, 1999, or such a contract or policy that is of a type and form first offered for sale on or after January 1, 1999, to provide coverage for services relating to breast-feeding and lactation on referral by a primary care provider or physician, and participation in the state prenatal diagnostic testing program administered by the State Department of Health Services, as specified, under general terms and conditions applicable to all benefits participation in the statewide prenatal testing program administered by the State Department of Health Services known as the Expanded Alpha Protein program. The bill would also prohibit a health care service plan or a disability insurer from requiring participation in the program as a prerequisite to eligibility for or receipt of any other service. ~~This~~ By expanding coverage responsibilities of health care service plans, this bill would impose a state-mandated local program by changing the definition of an existing crime.

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 1367.54 is added to the Health
 2 and Safety Code, to read:
 3 1367.54. Every group health care service plan
 4 contract *that provides maternity benefits*, except for a
 5 specialized health care service plan contract, that is
 6 issued, amended, renewed, or delivered on or after
 7 January 1, 1999, and every individual health care service
 8 plan contract of a type and form first offered for sale on
 9 or after January 1, 1999, *that provides maternity benefits*,
 10 except a specialized health care service plan contract,
 11 shall provide coverage for all of the following, under
 12 ~~general terms and conditions applicable to all benefits:~~



1 ~~(a) Services relating to breast-feeding and lactation~~
2 ~~provided by qualified health care professionals, on~~
3 ~~referral by a primary care provider or physician.~~

4 ~~(b) Participation in the state prenatal diagnostic~~
5 ~~testing program administered by the State Department~~
6 ~~of Health Services. *for participation in the Expanded*~~
7 ~~*Alpha Protein (AFP) program, which is a statewide*~~
8 ~~*prenatal testing program administered by the State*~~
9 ~~*Department of Health Services. Notwithstanding any*~~
10 ~~*other provision of law, a health care service plan that*~~
11 ~~*provides maternity benefits shall not require*~~
12 ~~*participation in the statewide prenatal testing program*~~
13 ~~*administered by the State Department of Health Services*~~
14 ~~*as a prerequisite to eligibility for, or receipt of, any other*~~
15 ~~*service.*~~

16 SEC. 2. Section 10123.184 is added to the Insurance
17 Code, immediately following Section 10123.18, to read:

18 10123.184. Every group policy of disability insurance
19 that covers hospital, medical, or surgical expenses,
20 *including maternity benefits*, that is issued, amended,
21 renewed, or delivered on or after January 1, 1999, and
22 every individual policy of disability insurance that covers
23 hospital, medical, or surgical expenses, *including*
24 *maternity benefits*, that is of a type and form first offered
25 for sale on or after January 1, 1999, shall provide coverage
26 for ~~the following, under general terms and conditions~~
27 ~~applicable to all benefits:~~

28 ~~(a) Services relating to breast-feeding and lactation~~
29 ~~provided by qualified health care professionals, on~~
30 ~~referral by a primary care provider or physician.~~

31 ~~(b) Participation in the state prenatal diagnostic~~
32 ~~testing program administered by the State Department~~
33 ~~of Health Services. *participation in the Expanded Alpha*~~
34 ~~*Protein (AFP) program, which is a statewide prenatal*~~
35 ~~*testing program administered by the State Department*~~
36 ~~*of Health Services. Notwithstanding any other provision*~~
37 ~~*of law, a disability insurer that provides coverage for*~~
38 ~~*maternity benefits shall not require participation in the*~~
39 ~~*statewide prenatal testing program administered by the*~~



1 *State Department of Health Services as a prerequisite to*
2 *eligibility for, or receipt of, any other service.*

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

13 Notwithstanding Section 17580 of the Government
14 Code, unless otherwise specified, the provisions of this act
15 shall become operative on the same date that the act
16 takes effect pursuant to the California Constitution.

