

AMENDED IN ASSEMBLY MAY 28, 1999  
AMENDED IN ASSEMBLY MARCH 4, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 40**

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**Introduced by Assembly Member Wayne  
(Principal coauthor: Assembly Member Alquist)**  
**(Coauthors: Assembly Members Cedillo, Corbett, Cunneen,  
Davis, Dutra, Firebaugh, Hertzberg, Honda, Jackson,  
Knox, Kuehl, Lempert, Longville, Mazzoni, Romero,  
Nakano, Romero, Scott, Shelley, Steinberg, Strickland,  
Thomson, Washington, and Wildman)**  
(Coauthors: Senators Alpert, Costa, Escutia, Karnette,  
Perata, Sher, and Solis)

December 7, 1998

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An act to add Article 1.5 (commencing with Section 104160) to Chapter 2 of Part 1 of Division 103 of the Health and Safety Code, relating to health, ~~making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 40, as amended, Wayne. Breast cancer: treatment.

Existing law establishes the Breast Cancer Control Program, which provides early breast cancer detection services for uninsured and underinsured women.

This bill would establish the Breast Cancer Treatment Program for purpose of providing breast cancer treatment

services to uninsured and underinsured women with incomes at or below 200% of the federal poverty level, and would require the State Department of Health Services, only when the Legislature has appropriated funds for the program, to administer the program ~~and any funds appropriated for the program~~. It would further require the department to award the contract for operation of the program to a bidder that meets specified eligibility criteria.

In addition, the bill would require the organization awarded the contract to encourage recipients of benefits under this program to seek more comprehensive health coverage through the Major Risk Medical Insurance Program, and would authorize the contracting organization, in lieu of providing reimbursement for breast cancer treatment services, to provide incentives for recipients to enroll in the Major Risk Medical Insurance Program by providing funds to reduce the individuals' cost of participation.

~~This bill would appropriate the sum of \$3,000,000 from the General Fund to the State Department of Health Services for the provision of breast cancer treatment services in accordance with the bill's provisions.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$  majority. Appropriation: yes no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Article 1.5 (commencing with Section  
2 104160) is added to Chapter 2 of Part 1 of Division 103 of  
3 the Health and Safety Code, to read:

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5 Article 1.5. Breast Cancer Treatment Program

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7 104160. The Breast Cancer Treatment Program is  
8 hereby established for the purpose of providing breast  
9 cancer treatment services to uninsured and underinsured  
10 women with incomes at or below 200 percent of the  
11 federal poverty level. These services shall include, but  
12 shall not be limited to, lumpectomy, mastectomy,



1 chemotherapy, hormone therapy, radiotherapy,  
2 reconstructive surgery, and breast implant surgery.

3 104161. The program and its funding shall be  
4 administered by the State Department of Health  
5 Services. The department shall ~~be obligated to administer~~  
6 ~~the program and funds for~~ *implement* the program only  
7 during a fiscal year in which the Legislature has  
8 appropriated funds to the department for this purpose.

9 104162. The department shall award a contract to  
10 operate the program to a bidder that is a nonprofit  
11 organization established under Section 501(c)(3) of the  
12 Internal Revenue Code and that meets the following  
13 additional eligibility criteria:

14 (a) The organization has at least two consecutive years  
15 of successful administration of a breast cancer treatment  
16 program, or the equivalent, operated on a statewide  
17 level, or servicing a population of at least 500 patients.

18 (b) The organization has experience operating a  
19 program dedicated to providing services to residents of  
20 California diagnosed with primary breast cancer, who are  
21 18 years of age or older, at or below 200 percent of the  
22 federal poverty level, and who are uninsured or  
23 underinsured.

24 (c) The organization has operated the treatment  
25 program with administrative costs no higher than 10  
26 percent of appropriated program funds, or can  
27 demonstrate the ability to do so.

28 (d) The organization has not operated a treatment  
29 program designed to maximize the patient population  
30 and make treatment choices largely based on pecuniary  
31 factors, or that optimizes billing patients for service costs  
32 above the established statewide Medi-Cal base rates of  
33 reimbursement.

34 (e) The organization has demonstrated ability to  
35 accomplish recruitment and commitment of breast  
36 cancer treatment providers to work with the program to  
37 provide care at or below established statewide Medi-Cal  
38 base rates of reimbursement.



1 104163. The breast cancer treatment program shall be  
2 modeled after other statewide treatment programs and  
3 shall include, but shall not be limited to, the following:

4 (a) Coordination of patient services at or below  
5 Medi-Cal rates of reimbursement, without collecting  
6 premiums from patients, mandating copayments from  
7 patients, or balance billing of patients.

8 (b) Statewide availability of services to both women  
9 and men.

10 (c) Operation of the program with administrative  
11 costs no higher than 10 percent of appropriated program  
12 funds.

13 (d) Coordination with the Breast Cancer Control  
14 Program established pursuant to Section 30461.6 of the  
15 Revenue and Taxation Code.

16 (e) Provision of case management for each patient, or  
17 assurance that case management services are  
18 incorporated in provider services for a patient.

19 (f) The establishment of an advisory committee to  
20 facilitate, guide, and provide oversight of the program.

21 104164. The contracting organization shall encourage  
22 recipients of benefits under this article to seek more  
23 comprehensive health coverage through the Major Risk  
24 Medical Insurance Program established by Part 6.5  
25 (commencing with Section 12700) of Division 2 of the  
26 Insurance Code. The contracting organization may, in  
27 lieu of providing reimbursement for breast cancer  
28 treatment services, provide incentives for recipients to  
29 enroll in the Major Risk Medical Insurance Program by  
30 providing funds to reduce the individual's cost of  
31 participation.

32 ~~SEC. 2. The sum of three million dollars (\$3,000,000)~~  
33 ~~is hereby appropriated from the General Fund to the~~  
34 ~~State Department of Health Services for the provision of~~  
35 ~~breast cancer treatment services in accordance with this~~  
36 ~~act.~~

37 ~~SEC. 3. This act is an urgency statute necessary for the~~  
38 ~~immediate preservation of the public peace, health, or~~  
39 ~~safety within the meaning of Article IV of the~~



1 ~~Constitution and shall go into immediate effect. The facts~~  
2 ~~constituting the necessity are:~~

3 ~~In order to provide timely service to those in need of~~  
4 ~~breast cancer treatment services, and because current~~  
5 ~~funding will be exhausted by the end of the 1998-99 fiscal~~  
6 ~~year, it is necessary that this act take effect immediately.~~

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