

AMENDED IN SENATE SEPTEMBER 8, 1999

AMENDED IN SENATE AUGUST 24, 1999

AMENDED IN SENATE JULY 2, 1999

AMENDED IN ASSEMBLY APRIL 28, 1999

AMENDED IN ASSEMBLY MARCH 25, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 285**

**Introduced by Assembly Member Corbett**

February 4, 1999

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An act to add ~~Article 25 (commencing with Section 2525)~~  
~~to Chapter 5 of Chapter 15 (commencing with Section 4999)~~  
to Division 2 of the Business and Professions Code, to add  
Section 1348.8 to the Health and Safety Code, and to add  
Section 10279 to the Insurance Code, relating to health care  
services.

LEGISLATIVE COUNSEL'S DIGEST

AB 285, as amended, Corbett. Health care coverage:  
~~Medical~~ *medical* advice services.

Under existing law, the Knox-Keene Health Care Service  
Plan Act of 1975, health care service plans are regulated by the  
Department of Corporations. Under existing law, the willful  
violation of these provisions is a crime. Existing law also  
provides for the regulation of insurers by the Department of  
Insurance.

This bill would require every health care service plan, and every disability insurer that provides coverage for hospital, medical, and surgical expenses, that ~~provide~~ *provides, operates, or contracts for* telephone medical advice ~~or telephone medical triage~~ services to require that the staff employed to provide the services ~~to a patient at a California address~~ hold a valid ~~California~~ license ~~as a registered nurse, physician assistant, or physician and surgeon, registration, or certification, in any of specified health professions.~~ The bill would require that a physician and surgeon be available to the telephone medical advice service on an on-call basis at all times *the service is advertised to be available.*

The bill would prohibit a health care service plan and certain disability insurers from operating, or contracting with ~~a~~ *an in-state or out-of-state* telephone medical advice ~~or telephone medical triage~~ service to operate, a telephone medical advice ~~or telephone medical triage~~ service ~~that is not unless the service is registered as provided under the bill and if certain other conditions are met.~~

Existing law, ~~the Medical Practice Act,~~ provides for the licensure, certification ~~and, or~~ regulation of physicians and surgeons *and other health care professionals* by ~~the Medical Board of California~~ *various boards under the jurisdiction of the Department of Consumer Affairs.*

This bill would provide for the registration of telephone medical advice ~~or telephone medical triage~~ services with the ~~board~~ *department* and would authorize the ~~board~~ *Director of Consumer Affairs* to set fees for this purpose. The bill would prohibit, on and after January 1, 2000, ~~a person located outside California~~ *an in-state or out-of-state business entity* from providing telephone medical advice ~~or telephone medical triage~~ services to a patient at a California address unless the person is registered with the ~~board~~ *department.*

*The bill would also impose various related duties upon health care service plans and disability insurers, as well as the state agencies charged with their regulation.*

Because this bill would change the requirements of health care service plans, this bill would change the definition of a crime, thereby imposing 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.— Article 25 (commencing with Section~~  
2 *SECTION 1. Chapter 15 (commencing with Section*  
3 *4999) is added to Division 2 of the Business and*  
4 *Professions Code, to read:*

5  
6 *CHAPTER 15. TELEPHONE MEDICAL ADVICE SERVICES*  
7

8 *4999. (a) On and after January 1, 2000, no in-state or*  
9 *out-of-state business entity shall engage in the business of*  
10 *providing telephone medical advice services to a patient*  
11 *at a California address unless the business is registered*  
12 *with the Department of Consumer Affairs.*

13 *(b) Any in-state or out-of-state business entity*  
14 *required to be registered under subdivision (a) that*  
15 *submits proof of accreditation by the American*  
16 *Accreditation Healthcare Commission, URAC, the*  
17 *National Committee for Quality Assurance, the National*  
18 *Quality Health Council, or the Joint Commission on*  
19 *Accreditation of Healthcare Organizations shall be*  
20 *deemed provisionally registered by the board until the*  
21 *earlier of the following:*

22 *(1) December 31, 2000.*

23 *(2) The granting or denial of an application for*  
24 *registration pursuant to subdivision (a).*

25 *(c) This article shall not apply to individuals licensed*  
26 *pursuant to any other provision of this division who*  
27 *provide telephone medical advice that is incidental to the*  
28 *primary focus of their medical advice activities in their*  
29 *professional practices.*



1 4999.1. Application for registration as an in-state or  
2 out-of-state telephone medical advice service shall be  
3 made on a form prescribed by the department,  
4 accompanied by the fee prescribed pursuant to Section  
5 4999.5. The department shall make application forms  
6 available no later than July 1, 2000. Applications shall  
7 contain all of the following:

8 (a) The signature of the individual owner of the  
9 in-state or out-of-state telephone medical advice service,  
10 or of all of the partners if the service is a partnership, or  
11 of the president or secretary if the service is a corporation.  
12 The signature shall be accompanied by a resolution or  
13 other written communication identifying the individual  
14 whose signature is on the form as owner, partner,  
15 president, or secretary.

16 (b) The name under which the person applying for  
17 the in-state or out-of-state telephone medical advice  
18 service proposes to do business.

19 (c) The physical address, mailing address, and  
20 telephone number of the business entity.

21 (d) The designation of an agent for service of process  
22 in California.

23 (e) A list of all in-state or out-of-state staff providing  
24 telephone medical advice services that are required to be  
25 licensed, registered, or certified pursuant to this chapter.  
26 This list shall be submitted to the department on a  
27 quarterly basis on a form to be prescribed by the  
28 department and shall include, but not be limited to, the  
29 name, address, state of licensure, category of license, and  
30 license number.

31 (f) The department shall be notified within 30 days of  
32 any change of name, location of business, corporate  
33 officer, or agent of service.

34 4999.2. (a) In order to obtain and maintain a  
35 registration, in-state or out-of-state telephone medical  
36 advice services shall comply with the requirements  
37 established by the department. Those requirements shall  
38 include, but shall not be limited to, all of the following:

39 (1) (A) Ensuring that all staff who provide medical  
40 advice services are appropriately licensed, certified, or



1 registered as a physician and surgeon pursuant to  
2 Chapter 5 (commencing with Section 2000), as a dentist  
3 pursuant to Chapter 4 (commencing with Section 1600),  
4 as a dental hygienist pursuant to Section 1758 et seq., as  
5 a psychologist pursuant to Chapter 6.6 (commencing  
6 with Section 2900), as a marriage, family and child  
7 counselor pursuant to Chapter 13 (commencing with  
8 Section 4980), as an optometrist pursuant to Chapter 7  
9 (commencing with Section 3000), as a chiropractor  
10 pursuant to the Chiropractic Initiative Act or as an  
11 osteopath pursuant to the Osteopathic Initiative Act, and  
12 operating consistent with the laws governing their  
13 respective scopes of practice in the state within which  
14 they provide telephone medical advice services, except  
15 as provided in paragraph (2).

16 (B) Ensuring that all staff who provide telephone  
17 medical advice services from an out-of-state location are  
18 health care professionals as identified in subparagraph  
19 (A) that are licensed, registered, or certified in the state  
20 within which they are providing the telephone medical  
21 advice services and operating consistent with the laws  
22 governing their respective scopes of practice.

23 (2) Ensuring that all registered nurses providing  
24 telephone medical advice services to both in-state and  
25 out-of-state business entities registered pursuant to this  
26 chapter shall be licensed pursuant to Chapter 6  
27 (commencing with Section 2700).

28 (3) Ensuring that the telephone medical advice  
29 provided is consistent with good professional practice.

30 (4) Maintaining records of telephone medical advice  
31 services, including records of complaints, provided to  
32 patients in California for a period of at least five years.

33 (5) Complying with all directions and requests for  
34 information made by the department.

35 (b) To the extent permitted by Article VII of the  
36 California Constitution, the department may contract  
37 with a private nonprofit accrediting agency to evaluate  
38 the qualifications of applicants for registration pursuant  
39 to this chapter, and to make recommendations to the  
40 department.

1 4999.3. (a) The department may suspend, revoke, or  
2 otherwise discipline a registrant or deny an application  
3 for registration as an in-state or out-of-state telephone  
4 medical advice service based on any of the following:

5 (1) Incompetence, gross negligence, or repeated  
6 similar negligent acts performed by the registrant or any  
7 employee of the registrant.

8 (2) An act of dishonesty or fraud by the registrant or  
9 any employee of the registrant.

10 (3) The commission of any act, or being convicted of  
11 a crime, that constitutes grounds for denial or revocation  
12 of licensure pursuant to any provision of this division.

13 (b) The proceedings shall be conducted in accordance  
14 with Chapter 5 (commencing with Section 11500) of Part  
15 1 of Division 3 of Title 2 of the Government Code, and the  
16 department shall have all powers granted therein.

17 (c) Copies of any complaint against an in-state or  
18 out-of-state telephone medical advice service shall be  
19 forwarded to the Department of Managed Care.

20 (d) The department shall forward a copy of any  
21 complaint submitted to the department pursuant to this  
22 chapter to the entity that issued the license to the licensee  
23 involved in the advice provided to the patient.

24 4999.4. (a) Every registration issued to an in-state or  
25 out-of-state telephone medical advice service shall expire  
26 24 months after the initial date of issuance.

27 (b) To renew an unexpired registration, the registrant  
28 shall, before the time at which the license registration  
29 would otherwise expire, apply for renewal on a form  
30 prescribed by the department, and pay the renewal fee  
31 authorized by Section 4999.5.

32 4999.5. The department may set fees for registration,  
33 as an in-state or out-of-state telephone medical advice  
34 service sufficient to pay the costs of administration of this  
35 chapter.

36 4999.6. The department may adopt, amend, or repeal  
37 any rules and regulations that are reasonably necessary to  
38 carry out this chapter.

39 4999.7. (a) Nothing in this section shall limit,  
40 preclude, or otherwise interfere with the practices of



1 other persons licensed or otherwise authorized to  
2 practice, under any other provision of this division,  
3 telephone medical advice services consistent with the  
4 laws governing their respective scopes of practice, or  
5 licensed under the Osteopathic Initiative Act or the  
6 Chiropractic Initiative Act and operating consistent with  
7 the laws governing their respective scopes of practice.

8 (b) For the purposes of this section, “medical advice”  
9 means any activity that would require licensure under  
10 this division, the Osteopathic Initiative Act, or the  
11 Chiropractic Initiative Act.

12 4999.8. (a) The department shall conduct a study of  
13 issues pertaining to the provision of telephone medical  
14 advice services provided by registered and provisionally  
15 registered telephone medical advice services providers  
16 to patients in California by health care professionals  
17 licensed, certified, or registered in other states. All data  
18 required for the study shall be submitted to the  
19 department within 30 days of the end of each calendar  
20 quarter. The study shall be based upon information of  
21 telephone medical advice service activities occurring  
22 between January 1, 2000, and December 31, 2000. The  
23 study shall include, and not be limited to, all of the  
24 following:

25 (1) The number of complaints that were filed with the  
26 telephone medical advice service.

27 (2) The number of complaints that involved health  
28 care professionals licensed in other states.

29 (3) The number of complaints referred to licensing  
30 entities in California and other states.

31 (4) The disposition of complaints filed with the  
32 department pursuant to this chapter.

33 (5) Complaint information submitted by the Director  
34 of the Department of Managed Care pursuant to  
35 subdivision (b) of Section 1348.8.

36 (6) Any other information the department  
37 determines to be necessary to evaluate the impact of  
38 out-of-state licensees providing telephone medical advice  
39 services on the quality of care provided to patients in  
40 California.



1 (b) On or before March 1, 2001, the department shall  
2 deliver a report summarizing the findings of the study to  
3 both the Assembly Committee on Rules and the Senate  
4 Committee on Rules, which shall refer the report to  
5 appropriate policy committees. The report shall be  
6 prepared utilizing existing agency resources.

7 (c) The department shall conduct a study of issues  
8 pertaining to the provision of medical advice services  
9 provided by registered telephone medical advice  
10 services to patients in California by health care  
11 professionals licensed, certified, or registered in other  
12 states. All data required for the study shall be submitted  
13 to the department within 30 days of the end of each  
14 calendar quarter. The study shall be based upon  
15 information of telephone medical advice service  
16 activities occurring between January 1, 2001, and  
17 December 31, 2001, and shall include, but not limited to,  
18 the following:

19 (1) The number of complaints that were filed with the  
20 telephone medical advice service.

21 (2) The number of complaints that were filed with the  
22 department pursuant to this chapter.

23 (3) The number of complaints that involved health  
24 care professionals licensed in other states.

25 (4) The number of complaints referred to licensing  
26 entities in California and other states.

27 (5) The disposition of complaints filed with the  
28 department pursuant to this chapter.

29 (6) Complaint information submitted by the Director  
30 of the Department of Managed Care pursuant to  
31 subdivision (b) of Section 1348.8.

32 (7) Any other information the department  
33 determines to be necessary to evaluate the impact of  
34 out-of-state licensees providing telephone medical advice  
35 services on the quality of care provided to patients in  
36 California.

37 (d) On or before March 1, 2002, the department shall  
38 deliver a report summarizing the findings of the study to  
39 both the Assembly Committee on Rules and the Senate  
40 Committee on Rules, which shall refer the report to



1 appropriate policy committees. The report shall be  
2 prepared from then existing agency resources.

3 4999.9. The director shall, on or before June 30, 2000,  
4 adopt emergency regulations to implement this chapter  
5 in accordance with the Administrative Procedure Act  
6 (Chapter 3.5 (commencing with Section 11340) of Part 1  
7 of Division 3 of Title 2 of the Government Code).

8 The adoption of emergency regulations described in  
9 this section shall be deemed to be an emergency and  
10 necessary for the immediate preservation of the public  
11 peace, health and safety, or general welfare. Emergency  
12 regulations adopted pursuant to this section shall be  
13 exempt from review by the Office of Administrative Law.  
14 The emergency regulations authorized by this section  
15 shall be submitted to the Office of Administrative Law for  
16 filing with the Secretary of State and publication in the  
17 California Code of Regulations and shall remain in effect  
18 for no more than 180 days.

19 SEC. 2. Section 1348.8 is added to the Health and  
20 Safety Code, to read:

21 1348.8. (a) Every health care service plan that  
22 provides, operates, or contracts for, telephone medical  
23 advice services to its enrollees and subscribers shall do all  
24 of the following:

25 (1) Ensure that the in-state or out-of-state telephone  
26 medical advice service is registered pursuant to Chapter  
27 15 (commencing with Section 4999) of Division 2 of the  
28 Business and Professions Code.

29 (2) Ensure that the staff providing telephone medical  
30 advice services for the in-state or out-of-state telephone  
31 medical advice service are licensed as follows:

32 (A) For full service health care service plans, the staff  
33 hold a valid California license as a registered nurse or a  
34 valid license in the state within which they provide  
35 telephone medical advice services as a physician and  
36 surgeon or physician assistant and are operating  
37 consistent with the laws governing their respective  
38 scopes of practice.

39 (B) (i) For specialized health care service plans  
40 providing, operating, or contracting with a telephone



1 *medical advice service in California, the staff shall be*  
2 *appropriately licensed, registered, or certified as a*  
3 *physician and surgeon pursuant to Chapter 5*  
4 *(commencing with Section 2000) of Division 2 of the*  
5 *Business and Professions Code, as a registered nurse*  
6 *pursuant to Chapter 6 (commencing with Section 2700)*  
7 *of Division 2 of the Business and Professions Code, as a*  
8 *dentist pursuant to Chapter 4 (commencing with Section*  
9 *1600) of Division 2 of the Business and Professions Code,*  
10 *as a dental hygienist pursuant to Section 1758 et seq. of the*  
11 *Business and Professions Code, as a psychologist pursuant*  
12 *to Chapter 6.6 (commencing with Section 2900) of*  
13 *Division 2 of the Business and Professions Code, as a*  
14 *marriage, family and child counselor pursuant to Chapter*  
15 *13 (commencing with Section 4980) of Division 2 of the*  
16 *Business and Professions Code, as an optometrist*  
17 *pursuant to Chapter 7 (commencing with Section 3000)*  
18 *of Division 2 of the Business and Professions Code, as a*  
19 *chiropractor pursuant to the Chiropractic Initiative Act,*  
20 *or as an osteopath pursuant to the Osteopathic Initiative*  
21 *Act and operating consistent with the laws governing*  
22 *their respective scopes of practice.*

23 *(ii) For specialized health care service plans*  
24 *providing, operating, or contracting with an out-of-state*  
25 *telephone medical advice service, the staff shall be health*  
26 *care professionals, as identified in clause (i) that are*  
27 *licensed, registered, or certified in the state within which*  
28 *they are providing the telephone medical advice services*  
29 *and operating consistent with the laws governing their*  
30 *respective scopes of practice. All registered nurses*  
31 *providing telephone medical advice services to both*  
32 *in-state and out-of-state business entities registered*  
33 *pursuant to this chapter shall be licensed pursuant to*  
34 *Chapter 6 (commencing with Section 2700) of Division*  
35 *2 of the Business and Professions Code.*

36 *(3) Ensure that every full service health care service*  
37 *plan provides for a physician and surgeon who is available*  
38 *on an on-call basis at all times the service is advertised to*  
39 *be available to enrollees and subscribers.*



1 (4) Ensure that the in-state or out-of-state telephone  
2 medical advice service designates an agent for service of  
3 process in California and files this designation with the  
4 director.

5 (5) Requires that the in-state or out-of-state telephone  
6 medical advice service makes and maintains records for  
7 a period of five years after the telephone medical advice  
8 services are provided, including, but not limited to, oral  
9 or written transcripts of all medical advice conversations  
10 with the health care service plan's enrollees or  
11 subscribers in California and copies of all complaints. If  
12 the records of telephone medical advice services are kept  
13 out of state, the health care service plan shall, upon the  
14 request of the director, provide the records to the  
15 director within 10 days of the request.

16 (6) Ensures that the telephone medical advice  
17 services are provided consistent with good professional  
18 practice.

19 (b) The director shall forward to the Department of  
20 Consumer Affairs, within 30 days of the end of each  
21 calendar quarter, data regarding complaints filed with  
22 the department concerning telephone medical advice  
23 services.

24 SEC. 3. Section 10279 is added to the Insurance Code,  
25 to read:

26 10279. (a) Every disability insurer that provides  
27 group or individual policies of disability, or both, that  
28 provides, operates, or contracts for, telephone medical  
29 advice services to its insureds shall do all of the following:

30 (1) Ensure that the in-state or out-of-state telephone  
31 medical advice service is registered pursuant to Chapter  
32 15 (commencing with Section 4999) of Division 2 of the  
33 Business and Professions Code.

34 (2) Ensure that the staff providing telephone medical  
35 advice services for the in-state or out-of-state telephone  
36 medical advice service hold a valid California license as  
37 a registered nurse or a valid license in the state within  
38 which they provide telephone medical advice services as  
39 a physician and surgeon or physician assistant and are



1 operating consistent with the laws governing their  
2 respective scopes of practice.

3 (3) Ensure that a physician and surgeon is available on  
4 an on-call basis at all times the service is advertised to be  
5 available to enrollees and subscribers.

6 (4) Ensure that the in-state or out-of-state telephone  
7 medical advice service designates an agent for service of  
8 process in California and files this designation with the  
9 commissioner.

10 (5) Require that the in-state or out-of-state telephone  
11 medical advice service makes and maintains records for  
12 a period of five years after the telephone medical advice  
13 services are provided, including, but not limited to, oral  
14 or written transcripts of all medical advice conversations  
15 with the disability insurer's insureds in California and  
16 copies of all complaints. If the records of telephone  
17 medical advice services are kept out of state, the insurer  
18 shall, upon the request of the director, provide the  
19 records to the director within 10 days of the request.

20 (6) Ensure that the telephone medical advice services  
21 are provided consistent with good professional practice.

22 (b) The commissioner shall forward to the  
23 Department of Consumer Affairs, within 30 days of the  
24 end of each calendar quarter, data regarding complaints  
25 filed with the department concerning telephone medical  
26 advice services.

27 ~~2525) is added to Chapter 5 of Division 2 of the Business  
28 and Professions Code, to read:~~

29

30 ~~Article 25.— Telephone Medical Advice or Telephone  
31 Medical Triage Services~~

32

33 ~~2525.— (a) On and after January 1, 2000, no business  
34 shall provide telephone medical advice or telephone  
35 medical triage services to a patient at a California address  
36 unless the business is registered with the Medical Board  
37 of California.~~

38 ~~(b) Any business entity required to be registered  
39 under subdivision (a) that submits proof of accreditation  
40 by the American Accreditation Healthcare Commission~~



1 ~~URAC, the National Committee for Quality Assurance,~~  
2 ~~the National Quality Health Council, or the Joint~~  
3 ~~Commission on Accreditation of Healthcare~~  
4 ~~Organizations shall be deemed provisionally registered~~  
5 ~~by the board until the earlier of the following:~~

6 ~~(1) December 31, 2000.~~

7 ~~(2) The granting or denial of an application for~~  
8 ~~registration pursuant to subdivision (a):~~

9 ~~2525.1. Application for registration as a telephone~~  
10 ~~medical advice or telephone medical triage service shall~~  
11 ~~be made on forms prescribed by the board, accompanied~~  
12 ~~by the fee prescribed by this article, and shall contain all~~  
13 ~~of the following:~~

14 ~~(a) The signature of the individual owner of a~~  
15 ~~telephone medical advice or telephone medical triage~~  
16 ~~service, or of all of the partners if the service is a~~  
17 ~~partnership, or of the president or secretary if the service~~  
18 ~~is a corporation.~~

19 ~~(b) The name under which the person applying for~~  
20 ~~the telephone advice or telephone medical triage service~~  
21 ~~proposes to do business.~~

22 ~~(c) The location of the business.~~

23 ~~(d) The designation of an agent for service of process~~  
24 ~~in California.~~

25 ~~2525.3. (a) In order to obtain and maintain~~  
26 ~~registration, a telephone medical advice or telephone~~  
27 ~~medical triage service shall comply with requirements~~  
28 ~~established by the board. Those requirements shall~~  
29 ~~include, but shall not be limited to, all of the following:~~

30 ~~(1) Employing a registered nurse, physician assistant,~~  
31 ~~or physician and surgeon who is licensed in California and~~  
32 ~~in good standing to provide telephone medical advice or~~  
33 ~~telephone medical triage services.~~

34 ~~(2) Complying with all directions and requests for~~  
35 ~~information made by the board as authorized under this~~  
36 ~~article.~~

37 ~~(3) Maintaining records of advice services provided to~~  
38 ~~patients in California for a period of at least five years.~~

39 ~~(b) The board may contract with a private nonprofit~~  
40 ~~accrediting agency to evaluate the qualifications of~~



1 applicants for registration pursuant to this article and  
2 make recommendations to the board.

3 2525.5. A registration issued pursuant to this article  
4 may be denied, suspended, revoked, or otherwise  
5 subjected to discipline for any of the following:

6 (a) Incompetence, gross negligence, or repeated  
7 similar negligent acts performed by the registrant or any  
8 employee of the registrant.

9 (b) An act of dishonesty or fraud by the registrant or  
10 any employee of the registrant.

11 (c) The commission of any act, or being convicted of  
12 a crime, constituting grounds for denial or revocation of  
13 licensure as a physician and surgeon, physician assistant,  
14 or registered nurse in California.

15 2525.7. (a) Every registration issued to a telephone  
16 medical advice or telephone medical triage service shall  
17 expire 24 months after the initial date of issuance.

18 (b) To renew an unexpired registration, the registrant  
19 shall, before the time at which the registration would  
20 otherwise expire, apply for renewal on a form prescribed  
21 by the board, and pay the renewal fee authorized by this  
22 article.

23 2525.9. The board may set fees for registration as a  
24 telephone medical advice or telephone medical triage  
25 service sufficient to pay the costs of administration of this  
26 article.

27 2525.11. The board may adopt, amend, or repeal any  
28 rules and regulations that are reasonably necessary to  
29 carry out this article.

30 SEC. 2. Section 1348.8 is added to the Health and  
31 Safety Code, to read:

32 1348.8. (a) Every health care service plan that  
33 provides telephone medical advice or telephone medical  
34 triage services to its enrollees and subscribers shall  
35 require that the staff employed to provide the telephone  
36 medical advice or telephone medical triage services shall  
37 hold a valid California license as a registered nurse,  
38 physician assistant, or physician and surgeon. A physician  
39 and surgeon shall be available on an on-call basis at all  
40 times.



1 ~~(b) Nothing in this article shall limit, preclude, or~~  
2 ~~otherwise interfere with the practices of other persons~~  
3 ~~licensed or otherwise authorized to practice under this~~  
4 ~~division in telephone medical advice or telephone~~  
5 ~~medical triage services consistent with the laws~~  
6 ~~governing their respective scopes of practice.~~

7 ~~(c) No health care service plan shall operate or~~  
8 ~~contract with a telephone medical advice or telephone~~  
9 ~~medical triage service that is not registered pursuant to~~  
10 ~~Article 25 (commencing with Section 2525) of Chapter 5~~  
11 ~~of Division 2 of the Business and Professions Code.~~

12 ~~SEC. 3. Section 10279 is added to the Insurance Code,~~  
13 ~~to read:~~

14 ~~10279. (a) Every disability insurer that provides~~  
15 ~~group or individual, or both policies of disability~~  
16 ~~insurance that provides a hospital, medical, or surgical~~  
17 ~~benefit, that is issued, amended, delivered, or renewed on~~  
18 ~~or after January 1, 2000, and that provides telephone~~  
19 ~~medical advice or telephone medical triage services shall~~  
20 ~~require that the staff employed to provide the telephone~~  
21 ~~medical advice or telephone medical triage services shall~~  
22 ~~hold a valid California license as a registered nurse,~~  
23 ~~physician assistant, or physician and surgeon. A physician~~  
24 ~~and surgeon shall be available on an on-call basis at all~~  
25 ~~times.~~

26 ~~(b) Nothing in this chapter shall limit, preclude, or~~  
27 ~~otherwise interfere with the practices of other persons~~  
28 ~~licensed or otherwise authorized to practice under this~~  
29 ~~division in telephone medical advice or telephone~~  
30 ~~medical triage services consistent with the laws~~  
31 ~~governing their respective scopes of practice.~~

32 ~~(c) No disability insurer that provides group,~~  
33 ~~individual, or both policies of disability insurance that~~  
34 ~~provides hospital, medical, or surgical benefits shall~~  
35 ~~operate or contract with a telephone medical advice or~~  
36 ~~telephone medical triage service that is not registered~~  
37 ~~pursuant to Article 25 (commencing with Section 2525)~~  
38 ~~of Chapter 5 of Division 2 of the Business and Professions~~  
39 ~~Code.~~



1 ~~(d) This section shall not apply to vision-only,~~  
2 ~~dental-only, accident-only, specified disease, hospital~~  
3 ~~indemnity, Medicare supplement, long-term care, or~~  
4 ~~disability income insurance.~~

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

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