

AMENDED IN ASSEMBLY JUNE 2, 2009

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 359

Introduced by Assembly Member Nava
(Coauthor: Assembly Member Blakeslee)
(Coauthors: Senators Maldonado and Strickland)

February 23, 2009

An act to amend Section 104150 of the Health and Safety Code, and to *amend Section 14105.18 of*, and to add Section 14132.165 to, the Welfare and Institutions Code, relating to cancer.

LEGISLATIVE COUNSEL'S DIGEST

AB 359, as amended, Nava. Breast and cervical cancer: early detection screening: digital mammography: reimbursement rates.

Under existing law, the State Department of Public Health participates in a grant program through the federal Centers for Disease Control and Prevention to provide breast and cervical cancer early detection screening. Providers participating in the grant program may only provide screening services to individuals whose family income does not exceed 200% of the federal poverty level.

This bill would, *until January 1, 2014*, require digital mammography screening to be covered when analog mammography services are not available from the provider, *to be reimbursed at the Medi-Cal analog rate*. ~~It would permit coverage of digital mammography screening where digital and analog mammography are both available.~~

Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified

low-income persons are provided with health care services, including breast and cervical cancer services.

This bill would authorize digital screening eligibility and reimbursement under these programs only for those screenings where the provider agrees to receive reimbursement in full at the analog rate.

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 104150 of the Health and Safety Code
2 is amended to read:

3 104150. (a) A provider or entity that participates in the grant
4 made to the department by the federal Centers for Disease Control
5 and Prevention breast and cervical cancer early detection program
6 established under Title XV of the Public Health Service Act (42
7 U.S.C. Sec. 300k et seq.) in accordance with requirements of
8 Section 1504 of that act (42 U.S.C. Sec. 300n) may only render
9 screening services under the grant to an individual if the provider
10 or entity determines that the individual's family income does not
11 exceed 200 percent of the federal poverty level.

12 (b) (1) The department shall provide for breast cancer and
13 cervical cancer screening services under the grant at the level of
14 funding budgeted from state and other resources during the fiscal
15 year in which the Legislature has appropriated funds to the
16 department for this purpose. These screening services shall not be
17 deemed to be an entitlement.

18 ~~(2) Digital mammography screening shall be covered when~~
19 ~~analog mammography services are not available from the provider.~~
20 ~~The department may authorize coverage of digital mammography~~
21 ~~screening where digital and analog mammography are both~~
22 ~~available from the provider. Digital mammography screening is~~
23 ~~covered under this section, and may be reimbursed only if the~~
24 ~~provider agrees to receive reimbursement in full at the analog rate.~~

25 (2) *For all mammography screening procedures conducted*
26 *prior to January 1, 2014, the following provisions apply:*

27 (A) *A provider may employ digital mammography technology*
28 *for the purposes of this section when analog mammography*
29 *technology is not available.*

(B) *The mammography screening reimbursement rate under this section shall be limited to the Medi-Cal reimbursement rate for analog mammography screening.*

(c) To implement the federal breast and cervical cancer early detection program specified in this section, the department may contract, to the extent permitted by Section 19130 of the Government Code, with public and private entities, or utilize existing health care service provider enrollment and payment mechanisms, including the Medi-Cal program's fiscal intermediary. However, the Medi-Cal program's fiscal intermediary shall only be used if services provided under the program are specifically identified and reimbursed in a manner that does not claim federal financial reimbursement. Any contracts with, and the utilization of, the Medi-Cal program's fiscal intermediary shall not be subject to Chapter 3 (commencing with Section 12100) of Part 2 of Division 2 of the Public Contract Code. Contracts to implement the federal breast and cervical cancer early detection program entered into by the department with entities other than the Medi-Cal program's fiscal intermediary shall not be subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.

SEC. 2. Section 14105.18 of the Welfare and Institutions Code, as added by Section 2 of Chapter 496 of the Statutes of 2008, is amended to read:

14105.18. (a) Notwithstanding any other provision of law, provider rates of payment for services rendered in all of the following programs shall be identical to the rates of payment for the same service performed by the same provider type pursuant to the Medi-Cal program.

(1) The California Children's Services Program established pursuant to Article 5 (commencing with Section 123800) of Chapter 3 of Part 2 of Division 106 of the Health and Safety Code.

(2) The Genetically Handicapped Person's Program established pursuant to Article 1 (commencing with Section 125125) of Chapter 2 of Part 5 of Division 106 of the Health and Safety Code.

(3) ~~The~~ *Except as specified in Section 14132.165, the Breast and Cervical Cancer Early Detection Program established pursuant to Article 1.5 (commencing with Section 104150) of Chapter 2 of Part 1 of Division 103 of the Health and Safety Code and the breast*

1 cancer programs specified in Section 30461.6 of the Revenue and
2 Taxation Code.

3 (4) The State-Only Family Planning Program established
4 pursuant to Division 24 (commencing with Section 24000).

5 (5) The Family Planning, Access, Care, and Treatment (Family
6 PACT) Waiver Program established pursuant to subdivision (aa)
7 of Section 14132.

8 (b) The director may identify in regulations other programs not
9 listed in subdivision (a) in which providers shall be paid rates of
10 payment that are identical to the rates of payments in the Medi-Cal
11 program pursuant to subdivision (a).

12 (c) Notwithstanding subdivision (a), services provided under
13 ~~any of~~ the programs described in subdivisions (a) and (b) may be
14 reimbursed at rates greater than the Medi-Cal rate that would
15 otherwise be applicable if those rates are adopted by the director
16 in regulations.

17 (d) This section shall become operative on January 1, 2010.

18 ~~SEC. 2.~~

19 *SEC. 3.* Section 14132.165 is added to the Welfare and
20 Institutions Code, immediately following Section 14132.16, to
21 read:

22 14132.165. Digital mammography screening may be
23 reimbursed pursuant to Section 14132.16, but only at the analog
24 rate and only if the provider agrees to receive reimbursement in
25 full at the analog rate.