

AMENDED IN ASSEMBLY MAY 28, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1640**

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**Introduced by Assembly Members Evans and Nava**

*(Principal coauthor: Senator Oropeza)*

**(Coauthors: Assembly Members Hall, Jones, Saldana, and Torres)**

*(Coauthor: Senator Wiggins)*

January 11, 2010

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An act to amend Section 104150 of , *and to add Section 104151 to*, the Health and Safety Code, relating to cancer screening, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1640, as amended, Evans. Breast and cervical cancer screening.

Existing law requires the State Department of Public Health to provide breast cancer and cervical cancer screening services to eligible low-income individuals under a federal grant made under the federal Centers for Disease Control and Prevention breast and cervical cancer early detection program. Funding for these services is provided by a combination of federal and state moneys.

Existing law requires these services to be provided at the level of funding budgeted from state and other resources during the fiscal year in which the Legislature has appropriated funds to the department for this purpose.

This bill would express the intent of the Legislature that the screening services meet the demand based on eligibility requirements in place as of December 31, 2009, and would require the department to notify the Joint Legislative Budget Committee at least 90 days prior to changing

eligibility requirements for services or reducing access to screening services.

~~This bill would also appropriate an unspecified amount to the department to fund the program specify that funding for the program is contingent upon an appropriation by the Legislature.~~

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. The Legislature finds and declares all of the  
2 following:

3 (a) The Every Woman Counts program provides breast and  
4 cervical cancer screening services to low-income, uninsured  
5 women.

6 (b) The State Department of Public Health estimates that the  
7 program serves approximately 350,000 women per year.

8 (c) In December 2009, the department announced the following  
9 significant policy changes that went into effect January 1, 2010:

10 (1) The minimum age to receive breast cancer screening services  
11 has been raised from 40 years of age to 50 years of age.

12 (2) All new enrollment has been frozen for the first six months  
13 of 2010.

14 (d) The two changes set out in subdivision (c) will deny or delay  
15 services to approximately 100,000 women, putting an estimated  
16 1,000 lives at risk by delaying breast cancer diagnosis.

17 SEC. 2. Section 104150 of the Health and Safety Code is  
18 amended to read:

19 104150. (a) A provider or entity that participates in the grant  
20 made to the department by the federal Centers for Disease Control  
21 and Prevention breast and cervical cancer early detection program  
22 established under Title XV of the Public Health Service Act (42  
23 U.S.C. Sec. 300k et seq.) in accordance with requirements of  
24 Section 1504 of that act (42 U.S.C. Sec. 300n) may only render  
25 screening services under the grant to an individual if the provider  
26 or entity determines that the individual's family income does not  
27 exceed 200 percent of the federal poverty level.

28 (b) The department shall provide for breast cancer and cervical  
29 cancer screening services under the grant at the level of funding  
30 budgeted from state and other resources during the fiscal year in

1 which the Legislature has appropriated funds to the department  
2 for this purpose. These screening services shall not be deemed to  
3 be an entitlement.

4 (c) It is the intent of the Legislature that the screening services  
5 provided under this section fully meet the demand based on  
6 eligibility restrictions in place as of December 31, 2009. The  
7 department shall provide notification to the Joint Legislative  
8 Budget Committee at least 90 days prior to changing eligibility  
9 requirements for services or reducing access to screening services.

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

28 ~~SEC. 3. There is hereby appropriated the sum of \_\_\_\_ dollars~~  
29 ~~(\$\_\_\_\_) to the State Department of Public Health to fund the breast~~  
30 ~~and cervical cancer early detection program created in Article 1.3~~  
31 ~~(commencing with Section 104150) of Chapter 2 of Part 1 of~~  
32 ~~Division 103 of the Health and Safety Code.~~

33 *SEC. 3. Section 104151 is added to the Health and Safety Code,*  
34 *to read:*

35 *104151. Funding for the program provided for under this*  
36 *article is contingent on an appropriation in the annual Budget Act*  
37 *or other measure.*