

AMENDED IN ASSEMBLY AUGUST 31, 2009

AMENDED IN ASSEMBLY JUNE 17, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

SENATE BILL

No. 158

Introduced by Senator Wiggins

(Coauthors: Assembly Members Evans, Huffman, and Lieu, and
Lieutenant Governor Salas)

February 12, 2009

An act to amend Section 1367.66 of the Health and Safety Code, and to amend Section 10123.18 of the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

SB 158, as amended, Wiggins. Health care coverage: *cervical cancer screening*; human papillomavirus vaccination.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, health care service plan contracts and health insurance policies that include coverage for the treatment or surgery of cervical cancer are deemed to provide coverage for an annual cervical cancer screening test, upon the referral of ~~specified persons~~ *the patient's physician and surgeon, nurse practitioner, or certified nurse midwife, as specified.*

This bill would *make those provisions apply if the referral is made by a physician assistant, as specified. In addition, the bill would require*

those plan contracts and insurance policies to ~~also~~ provide coverage for a human papillomavirus vaccination, as specified.

Because a willful violation of the bill's requirements by a health care service plan would be a crime, the bill would impose 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. Section 1367.66 of the Health and Safety Code
2 is amended to read:

3 1367.66. (a) Every individual or group health care service plan
4 contract, except for a specialized health care service plan contract,
5 that is issued, amended, or renewed, on or after January 1, ~~2002~~
6 *2010*, and that includes coverage for treatment or surgery of
7 cervical cancer shall also be deemed to provide coverage for an
8 annual cervical cancer screening test *and a human papillomavirus*
9 *vaccination* upon the referral of the patient's physician and surgeon,
10 a nurse practitioner, *a physician assistant*, or certified nurse
11 midwife, providing care to the patient and operating within the
12 scope of practice otherwise permitted for the licensee.

13 The coverage for an annual cervical cancer screening test
14 provided pursuant to this section shall include the conventional
15 Pap test, a human papillomavirus screening test that is approved
16 by the federal Food and Drug Administration, and the option of
17 any cervical cancer screening test approved by the federal Food
18 and Drug Administration, upon the referral of the patient's health
19 care provider.

20 ~~(b) Every individual or group health care service plan contract,~~
21 ~~except for a specialized health care service plan contract, that is~~
22 ~~issued, amended, or renewed on or after January 1, 2010, and that~~
23 ~~includes coverage for treatment or surgery of cervical cancer shall~~
24 ~~also be deemed to provide coverage for a human papillomavirus~~
25 ~~vaccination upon the referral of the patient's physician and surgeon,~~

1 ~~a nurse practitioner, a physician assistant, or a certified nurse~~
2 ~~midwife, providing care to the patient and operating within the~~
3 ~~scope of practice otherwise permitted for the licensee.~~

4 (c)

5 (b) Nothing in this section shall be construed to establish a new
6 mandated benefit or to prevent application of deductible or
7 copayment provisions in an existing plan contract. The Legislature
8 intends in this section to provide that cervical cancer screening
9 services and a human papillomavirus vaccination are deemed to
10 be covered if the plan contract includes coverage for cervical cancer
11 treatment or surgery.

12 SEC. 2. Section 10123.18 of the Insurance Code is amended
13 to read:

14 10123.18. (a) Every individual or group policy of health
15 insurance that is issued, amended, or renewed on or after January
16 1, ~~2002~~ 2010, and that includes coverage for treatment or surgery
17 of cervical cancer shall also be deemed to provide coverage, upon
18 the referral of a patient's physician and surgeon, a nurse
19 practitioner, *a physician assistant*, or a certified nurse midwife,
20 providing care to the patient and operating within the scope of
21 practice otherwise permitted for the licensee, for an annual cervical
22 cancer screening test *and a human papillomavirus vaccination*.

23 The coverage for an annual cervical cancer screening test
24 provided pursuant to this section shall include the conventional
25 Pap test, a human papillomavirus screening test that is approved
26 by the federal Food and Drug Administration, and the option of
27 any cervical cancer screening test approved by the federal Food
28 and Drug Administration, upon the referral of the patient's health
29 care provider.

30 ~~(b) Every individual or group policy of health insurance that is~~
31 ~~issued, amended, or renewed on or after January 1, 2010, and that~~
32 ~~includes coverage for treatment or surgery of cervical cancer shall~~
33 ~~also be deemed to provide coverage for a human papillomavirus~~
34 ~~vaccination upon the referral of a patient's physician and surgeon,~~
35 ~~a nurse practitioner, a physician assistant, or a certified nurse~~
36 ~~midwife, providing care to the patient and operating within the~~
37 ~~scope of practice otherwise permitted for the licensee.~~

38 (c)

39 (b) Nothing in this section shall be construed to require an
40 individual or group policy to cover treatment or surgery for cervical

1 cancer or to prevent application of deductible or copayment
2 provisions contained in the policy or certificate, nor shall this
3 section be construed to require that coverage under an individual
4 or group policy be extended to any other procedures.

5 ~~(d)~~

6 (c) This section shall not apply to specialized health insurance,
7 Medicare supplement, short-term limited duration health insurance,
8 CHAMPUS-supplement insurance, TRI-CARE supplement, or to
9 hospital indemnity, accident-only, and specified disease insurance.

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