

AMENDED IN ASSEMBLY MARCH 5, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1774

Introduced by Assembly Members Lieber and De Leon
(Coauthors: Assembly Members Dymally, Evans, Fuentes, and Laird)
(Coauthor: Senator Cedillo)

January 14, 2008

An act to add Section 1367.655 to the Health and Safety Code, and to add Section 10123.182 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 1774, as amended, Lieber. Health care coverage: ~~uterine and ovarian~~ *gynecological* cancer screening tests.

Existing law, the Knox-Keene Health Care Services 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, a health care service plan and a health insurer are deemed to provide coverage for all generally medically accepted cancer screening tests.

This bill would specifically require that a health care service plan contract and a health insurance policy be deemed to provide coverage for ~~annual uterine and ovarian cancer screening tests~~ *any test necessary for the screening and diagnosis of gynecological cancers when ordered by a physician, nurse practitioner, or certified nurse midwife, as specified.*

Because the bill would specify an additional requirement for a health care service plan, the willful violation of which would be a crime, it 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 1367.655 is added to the Health and
2 Safety Code, to read:

3 1367.655. ~~(a) Every individual or group health care service~~
4 ~~plan contract, except for a specialized health care service plan~~
5 ~~contract, that is issued, amended, or renewed, on or after January~~
6 ~~1, 2009, shall be deemed to provide coverage for annual uterine~~
7 ~~and ovarian cancer screening tests, including, but not limited to,~~
8 ~~the appropriate blood tests, a transvaginal ultrasound, and a~~
9 ~~rectovaginal pelvic examination consistent with good professional~~
10 ~~practice; any test necessary for the screening and diagnosis of~~
11 ~~gynecological cancers when ordered by a physician, nurse~~
12 ~~practitioner, or certified nurse midwife in whose judgment the test~~
13 ~~would assist or facilitate the diagnosis of cancer.~~

14 SEC. 2. Section 10123.182 is added to the Insurance Code, to
15 read:

16 10123.182. (a) Every individual or group policy of health
17 insurance that is issued, amended, or renewed, on or after January
18 1, 2009, shall be deemed to provide coverage for ~~annual uterine~~
19 ~~and ovarian cancer screening tests, including, but not limited to,~~
20 ~~the appropriate blood tests, a transvaginal ultrasound, and a~~
21 ~~rectovaginal pelvic examination consistent with good professional~~
22 ~~practice; any test necessary for the screening and diagnosis of~~
23 ~~gynecological cancers when ordered by a physician, nurse~~
24 ~~practitioner, or certified nurse midwife in whose judgment the test~~
25 ~~would assist or facilitate the diagnosis of cancer.~~

26 (b) This section shall not apply to Medicare supplement,
27 vision-only, dental-only, or Champus-supplement insurance, or to

1 hospital indemnity, accident-only, or specified disease insurance
2 that does not pay benefits on a fixed-benefit, cash payment only
3 basis.

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

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