

Introduced by Senator Portantino

February 10, 2022

An act to amend Section 1367.65 of the Health and Safety Code, and to amend Section 10123.81 of the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

SB 974, as introduced, Portantino. Health care coverage: diagnostic imaging.

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 provides for the regulation of health insurers by the Department of Insurance. Existing law requires a health care service plan contract issued, amended, delivered, or renewed on or after January 1, 2000, or an individual or group policy of disability insurance or self-insured employee welfare benefit plan to provide coverage for mammography for screening or diagnostic purposes upon referral by specified professionals. Under existing law, mammography performed pursuant to those requirements or that meets the current recommendations of the United States Preventive Services Task Force is provided to an enrollee or an insured without cost sharing.

This bill would require a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2023, to provide coverage without imposing cost sharing for medically necessary diagnostic breast imaging, including diagnostic breast imaging following an abnormal mammography result.

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 1367.65 of the Health and Safety Code
2 is amended to read:

3 ~~1367.65. (a) On or after January 1, 2000, each health care~~
4 ~~service plan contract, except a specialized health care service plan~~
5 ~~contract, that is issued, amended, delivered, or renewed shall be~~
6 ~~deemed to~~

7 1367.65. (a) (1) A health care service plan contract issued,
8 amended, or renewed on or after January 1, 2000, excluding a
9 specialized health care service plan contract, shall provide
10 coverage for mammography for screening or diagnostic purposes
11 upon referral by a participating nurse practitioner, participating
12 certified nurse-midwife, participating physician assistant, or
13 participating physician, providing care to the patient and operating
14 within the scope of practice provided under existing law.

15 ~~(b) This section~~

16 (2) This subdivision does not prevent application of copayment
17 or deductible provisions in a plan, nor shall this ~~section~~ subdivision
18 be construed to require that a plan be extended to cover any other
19 procedures under an individual or a group health care service plan
20 contract. ~~This~~

21 (b) A health care service plan contract issued, amended, or
22 renewed on or after January 1, 2023, excluding a specialized
23 health care service plan contract, shall provide coverage without
24 imposing cost sharing for medically necessary diagnostic breast
25 imaging, including diagnostic breast imaging following an
26 abnormal mammography result. Diagnostic breast imaging
27 includes breast magnetic resonance imaging and breast ultrasound.

28 (c) This section does not authorize a ~~plan~~ an enrollee to receive
29 the services required to be covered by this section if those services
30 are furnished by a nonparticipating provider, unless the ~~plan~~

1 enrollee is referred to that provider by a participating physician,
2 nurse practitioner, or certified nurse-midwife providing care.

3 SEC. 2. Section 10123.81 of the Insurance Code is amended
4 to read:

5 10123.81. (a) (1) An individual or group policy of disability
6 insurance or self-insured employee welfare benefit plan shall be
7 deemed to provide coverage for mammography for screening or
8 diagnostic purposes upon the referral of a participating nurse
9 practitioner, participating certified nurse-midwife, participating
10 physician assistant, or participating physician, providing care to
11 the patient and operating within the scope of practice provided
12 under existing law.

13 ~~(b) This section~~

14 (2) *This subdivision* does not prevent the application of
15 copayment or deductible provisions in a policy, nor does this
16 section require that a policy be extended to cover any other
17 procedures under an individual or a group policy. ~~This~~

18 (b) *A health insurance policy issued, amended, or renewed on*
19 *or after January 1, 2023, shall provide coverage without imposing*
20 *cost sharing for medically necessary diagnostic breast imaging,*
21 *including diagnostic breast imaging following an abnormal*
22 *mammography result. Diagnostic breast imaging includes breast*
23 *magnetic resonance imaging and breast ultrasound.*

24 (c) *This section* does not authorize a policyholder to receive
25 the services required to be covered by this section if those services
26 are furnished by a nonparticipating provider, unless the
27 policyholder is referred to that provider by a participating
28 physician, nurse practitioner, or certified nurse-midwife providing
29 care.

30 ~~(e)~~

31 (d) ~~This section shall~~ *does not* apply to specialized health
32 insurance, Medicare supplement insurance, CHAMPUS supplement
33 insurance, or TRI-CARE supplement insurance, or to hospital
34 indemnity, accident-only, or specified disease insurance.

35 SEC. 3. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district will be incurred because this act creates a new crime or
39 infraction, eliminates a crime or infraction, or changes the penalty
40 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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