

ASSEMBLY BILL

No. 428

Introduced by Assembly Member Portantino

February 14, 2011

An act to add Section 1374.551 to the Health and Safety Code, and to add Section 10119.61 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 428, as introduced, Portantino. Health care coverage: fertility preservation.

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 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 required to offer group coverage for the treatment of infertility, as defined.

This bill would require a health care service plan and a health insurer to provide, on a group and individual basis, coverage for medically necessary expenses for standard fertility preservation services when a necessary medical treatment may directly or indirectly cause iatrogenic infertility to an enrollee or insured.

Because the bill would specify additional requirements for a health care service plan under the act, the violation of which 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 1374.551 is added to the Health and
2 Safety Code, to read:

3 1374.551. Every group or individual health care service plan
4 that is issued, amended, or renewed on and after January 1, 2012,
5 that provides hospital, medical, or surgical coverage shall include
6 coverage for medically necessary expenses for standard fertility
7 preservation services when a necessary medical treatment may
8 directly or indirectly cause iatrogenic infertility to an enrollee.

9 SEC. 2. Section 10119.61 is added to the Insurance Code, to
10 read:

11 10119.61. Every health insurer that issues, amends, or renews
12 a policy on and after January 1, 2012, that covers hospital, medical,
13 or surgical expenses on a group or individual basis shall offer
14 coverage for medically necessary expenses for standard fertility
15 preservation services when a necessary medical treatment may
16 directly or indirectly cause iatrogenic infertility to an insured.

17 SEC. 3. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

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