

ASSEMBLY BILL

No. 1894

Introduced by Assembly Member Krekorian

February 7, 2008

An act to add Sections 1367.46 and 120897 to the Health and Safety Code, to add Section 10123.91 to the Insurance Code, and to add Section 14132.33 to the Welfare and Institutions Code, relating to HIV testing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1894, as introduced, Krekorian. HIV testing.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the regulation of health care service plans by the Department of Managed Health Care. Existing law requires a health care service plan to provide specified coverage to its enrollees and subscribers. Existing law provides that a willful violation of the act is a crime.

Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires a health insurance policy to provide specified coverage to insureds.

This bill would require health care service plans and health insurers, on or after January 1, 2009, to offer testing for human immunodeficiency virus (HIV) antibodies and for acquired immune deficiency syndrome (AIDS) regardless of whether the testing is related to a primary diagnosis.

Because this bill would place additional requirements on health care service plans, the violation of which would be a crime, the bill would impose a state-mandated local program.

Under existing law, the State Department of Public Health is responsible for the licensure and regulation of health facilities, including general acute care hospitals, as defined, and health clinics.

This bill would require every general acute care hospital or health clinic that provides emergency medical care to offer patients testing for the HIV antibodies and for AIDS regardless of whether the testing is related to a primary diagnosis.

Existing law, the Medi-Cal Act, establishes the Medi-Cal program to provide health care benefits and services to low-income persons who meet specified eligibility criteria.

This bill would include testing for HIV antibodies and for AIDS as a covered service within the Medi-Cal 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 1367.46 is added to the Health and Safety
2 Code, to read:

3 1367.46. Every individual or group health care service plan
4 contract that is issued, amended, or renewed on or after January
5 1, 2009, that covers hospital, medical, or surgery expenses shall
6 provide coverage for the testing for human immunodeficiency
7 virus (HIV) antibodies and for acquired immune deficiency
8 syndrome (AIDS) regardless of whether the testing is related to a
9 primary diagnosis.

10 SEC. 2. Section 120897 is added to the Health and Safety Code,
11 to read:

12 120897. Every general acute care hospital or health clinic that
13 provides emergency medical care shall offer patients testing for
14 the human immunodeficiency virus (HIV) antibodies and for
15 acquired immune deficiency syndrome (AIDS), regardless of
16 whether the testing is related to a primary diagnosis.

17 SEC. 3. Section 10123.91 is added to the Insurance Code, to
18 read:

1 10123.91. (a) On or after January 1, 2009, every insurer that
2 issues, amends, or renews an individual or group policy of health
3 insurance that covers hospital, medical, or surgical expenses shall
4 offer coverage for the testing for human immunodeficiency virus
5 (HIV) antibodies and for acquired immune deficiency syndrome
6 (AIDS) regardless of whether the testing is related to a primary
7 diagnosis.

8 (b) It shall remain within the sole discretion of the health insurer
9 as to the provider of the testing with which it chooses to contract.
10 Reimbursement shall be provided according to the respective
11 principles and policies of the health insurer.

12 SEC. 4. Section 14132.33 is added to the Welfare and
13 Institutions Code, to read:

14 14132.33. The testing of human immunodeficiency virus (HIV)
15 antibodies and for acquired immune deficiency syndrome (AIDS)
16 regardless of whether the testing is related to a primary diagnosis
17 is a covered service under this chapter.

18 SEC. 5. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.

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