

ASSEMBLY BILL

No. 228

**Introduced by Assembly Member Koretz
(Principal coauthor: Assembly Member Pavley)
(Coauthors: Assembly Members Goldberg, Laird, and Leno)**

February 3, 2005

An act to add Section 1374.17 to the Health and Safety Code, and to add Section 10123.21 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 228, as introduced, Koretz. Transplantation services: human immunodeficiency virus.

Existing law, the Knox-Keene Health Care Service Plan 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 licensure and regulation of health insurers by the Department of Insurance.

This bill would prohibit a health care service plan and a health insurer from denying coverage for the costs of organ or tissue transplantation services on the basis that the enrollee, subscriber, insured, or policyholder is infected with the human immunodeficiency virus, if that person is deemed an acceptable transplant candidate by the person's physicians.

Because the violation of this requirement 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 1374.17 is added to the Health and
2 Safety Code, to read:

3 1374.17. A health care service plan shall not deny coverage
4 that is otherwise available under the plan contract for the costs of
5 solid organ or other tissue transplantation services based upon the
6 enrollee or subscriber being infected with the human
7 immunodeficiency virus, if the enrollee or subscriber is deemed
8 to be an acceptable transplant candidate by his or her attending
9 physician and surgeon and by the physician and surgeon who
10 will perform the transplantation services.

11 SEC. 2. Section 10123.21 is added to the Insurance Code, to
12 read:

13 10123.21. A health insurer shall not deny coverage that is
14 otherwise available under the policy for the costs of solid organ
15 or other tissue transplantation services based upon the insured or
16 policyholder being infected with the human immunodeficiency
17 virus, if the insured or policyholder is deemed to be an
18 acceptable transplant candidate by his or her attending physician
19 and surgeon and by the physician and surgeon who will perform
20 the transplantation services.

21 SEC. 3. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the
26 penalty for a crime or infraction, within the meaning of Section
27 17556 of the Government Code, or changes the definition of a
28 crime within the meaning of Section 6 of Article XIII B of the
29 California Constitution.

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