

**ASSEMBLY BILL**

**No. 438**

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**Introduced by Assembly Member Lieber**

February 14, 2003

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An act to amend Section 1367.67 of the Health and Safety Code and to amend Section 10123.185 of the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 438, as introduced, Lieber. Health care coverage: osteoporosis screening.

Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and for the regulation of insurers by the Department of Insurance. Under existing law, a willful violation of the provisions relating to health care service plans is a crime.

Existing law deems health care service plan contracts, nonprofit hospital service plan contracts, and, specified disability insurance policies and certificates of group disability insurance that are issued, amended, delivered, or renewed in this state, to provide coverage for osteoporosis services.

This bill would, on and after January 1, 2005, require osteoporosis coverage to include osteoporosis screening for female patients 50 years of age and older.

By creating new requirements for health care service plans, the willful violation of which would be a crime, this 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. The Legislature hereby finds and declares the  
2 following:

3 (a) According to a report by the University of California, San  
4 Francisco, approximately \$2.4 billion was spent in one year by the  
5 state of California on care and treatment for osteoporosis. Hip  
6 fractures accounted for 64 percent of the total cost, due to costs for  
7 hospitalization and nursing home care.

8 (b) More than 5 million Californians are affected by  
9 osteoporosis. One out of every two women and one out of every  
10 eight men will be affected by osteoporosis in their lifetimes.

11 (c) Having osteoporosis puts people at higher risk for painful  
12 fractures, can be disfiguring, and reduces a person’s ability to lead  
13 an active life.

14 (d) When women reach menopause, they automatically lose 10  
15 to 12 percent of their bone mass, unless they have estrogen  
16 supplements or some form of hormone replacement therapy under  
17 the supervision of a physician. A woman’s risk of hip fracture is  
18 equal to her combined risk of breast, uterine, and ovarian cancers.

19 (e) The human suffering osteoporosis causes can be curtailed  
20 by early detection, and, although there is no cure for osteoporosis,  
21 the disease is preventable with early detection.

22 SEC. 2. It is the intent of the Legislature to provide women  
23 who reach menopause with access to osteoporosis screening,  
24 which can lead to the early detection and prevention of  
25 osteoporosis, under the supervision of a physician.

26 SEC. 3. Section 1367.67 of the Health and Safety Code is  
27 amended to read:

28 1367.67. (a) Every health care service plan contract that  
29 provides hospital, medical, or surgical coverage, that is issued,  
30 amended, delivered, or renewed in this state on or after January 1,  
31 1994, shall be deemed to include coverage for services related to



1 diagnosis, treatment, and appropriate management of  
2 osteoporosis. The services may include, but need not be limited to,  
3 all Food and Drug Administration approved technologies,  
4 including bone mass measurement technologies as deemed  
5 medically appropriate.

6 *(b) On and after January 1, 2005, osteoporosis coverage shall*  
7 *include osteoporosis screening for female patients 50 years of age*  
8 *and older.*

9 SEC. 4. Section 10123.185 of the Insurance Code is amended  
10 to read:

11 10123.185. (a) Every policy of disability insurance that  
12 covers hospital, medical, or surgical expenses and is issued,  
13 amended, delivered, or renewed in this state and certificate of  
14 group disability insurance issued, amended, delivered, or renewed  
15 in this state pursuant to a master group policy issued, amended,  
16 delivered, or renewed in another state on or after January 1, 1994,  
17 shall be deemed to include coverage for services related to  
18 diagnosis, treatment, and appropriate management of  
19 osteoporosis. The services may include, but need not be limited to,  
20 all Food and Drug Administration approved technologies,  
21 including bone mass measurement technologies as deemed  
22 medically appropriate.

23 (b) This section shall not apply to specified accident, specified  
24 disease, hospital indemnity, Medicare supplement, or long-term  
25 care health insurance policies.

26 *(c) On and after January 1, 2005, osteoporosis coverage shall*  
27 *include osteoporosis screening for female patients 50 year of age*  
28 *and older.*

29 SEC. 5. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 the only costs that may be incurred by a local agency or school  
32 district will be incurred because this act creates a new crime or  
33 infraction, eliminates a crime or infraction, or changes the penalty  
34 for a crime or infraction, within the meaning of Section 17556 of  
35 the Government Code, or changes the definition of a crime within  
36 the meaning of Section 6 of Article XIII B of the California  
37 Constitution.

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