

AMENDED IN SENATE MAY 8, 2013
AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 799

Introduced by Senator Calderon

February 22, 2013

An act to add Section 1367.667 to, and to add Article 4 (commencing with Section 104201) to Chapter 2 of Part 1 of Division 103 of, the Health and Safety Code, and to add Section 10123.22 to the Insurance Code, relating to health care coverage, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 799, as amended, Calderon. Health care coverage: colorectal cancer: genetic testing and screening.

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 also provides for the regulation of health insurers by the Department of Insurance. Existing law requires individual and group health care service plan contracts and health insurance policies to provide coverage for all generally medically accepted cancer screening tests and requires those contracts and policies to also provide coverage for the treatment of breast cancer. Existing law requires an individual or small group health care service plan contract or insurance policy issued, amended, or renewed on or after January 1, 2014, to, at a minimum, include coverage for essential health benefits, which includes preventive services, pursuant to the federal Patient Protection and Affordable Care Act.

This bill would require a health care service plan contract or a health insurance policy, except as specified, that is issued, amended, or renewed on or after January 1, 2014, to provide coverage for genetic testing for hereditary nonpolyposis colorectal cancer (HNPCC) and ~~screening~~ *annual screenings* for colorectal cancer under specified circumstances. Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program.

This bill would also require a physician and surgeon who makes a diagnosis that a patient has colorectal cancer to provide the patient with specified information.

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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. 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 1367.667 is added to the Health and
- 2 Safety Code, to read:
- 3 1367.667. Every health care service plan contract, except a
- 4 specialized health care service plan contract, that is issued,
- 5 amended, or renewed on or after January 1, 2014, shall provide
- 6 coverage for all of the following:
- 7 (a) Genetic testing for hereditary nonpolyposis colorectal cancer
- 8 (HNPCC) for an enrollee who is under 50 years of age and has
- 9 been diagnosed with colorectal cancer.
- 10 (b) Genetic testing for HNPCC for an enrollee who is the child
- 11 or sibling of an individual who has been diagnosed with colorectal
- 12 cancer and has tested positive for the gene mutation for HNPCC.
- 13 (c) ~~Frequent~~ *Annual* screenings, including colonoscopies, for
- 14 an enrollee who has tested positive for the gene mutation for
- 15 HNPCC, and is the child or sibling of an individual who has been
- 16 diagnosed with colorectal cancer and has tested positive for the
- 17 gene mutation for HNPCC.

1 SEC. 2. Article 4 (commencing with Section 104201) is added
2 to Chapter 2 of Part 1 of Division 103 of the Health and Safety
3 Code, to read:

4
5 Article 4. Colorectal Cancer
6

7 104201. If a physician and surgeon makes a diagnosis that a
8 patient has colorectal cancer, the physician and surgeon shall
9 recommend that the patient be tested for the genetic mutation for
10 hereditary nonpolyposis colorectal cancer (HNPCC). The physician
11 and surgeon shall also inform the patient that genetic testing for
12 HNPCC may be covered by the patient's health care coverage,
13 and that genetic testing and screening for his or her children or
14 siblings may be covered by the children's or siblings' health care
15 coverage if the patient tests positive for the HNPCC gene mutation.

16 SEC. 3. Section 10123.22 is added to the Insurance Code, to
17 read:

18 10123.22. Every health insurance policy, except a specialized
19 health insurance policy, that is issued, amended, or renewed on or
20 after January 1, 2014, shall provide coverage for all of the
21 following:

22 (a) Genetic testing for hereditary nonpolyposis colorectal cancer
23 (HNPCC) for an insured who is under 50 years of age and has
24 been diagnosed with colorectal cancer.

25 (b) Genetic testing for HNPCC for an insured who is the child
26 or sibling of an individual who has been diagnosed with colorectal
27 cancer and has tested positive for the gene mutation for HNPCC.

28 (c) ~~Frequent~~ Annual screenings, including colonoscopies, for
29 an insured who has tested positive for the gene mutation for
30 HNPCC, and is the child or sibling of an individual who has been
31 diagnosed with colorectal cancer and has tested positive for the
32 gene mutation for HNPCC.

33 SEC. 4. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section 17556 of
39 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

3 *SEC. 5. This act is an urgency statute necessary for the*
4 *immediate preservation of the public peace, health, or safety within*
5 *the meaning of Article IV of the Constitution and shall go into*
6 *immediate effect. The facts constituting the necessity are:*

7 *In order to protect the health of all Californians at the earliest*
8 *possible time, it is necessary that this act take effect immediately.*

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