



Maternal and Child Health Related Final Legislation California State Legislature 2009 Session

Background

The following are some of the Maternal and Child Health bills presented for this session, 2009. Of the 707 bills sent to the Governor's desk in the final days of the regular session, he signed 478. This year was the first year of a two year session (2009 – 2010), so keep an eye out for new bills to be introduced and old bills that did not make it to the Governor's desk to be discussed in further detail (and possibly reintroduced) in 2010. **Please let us know of bills we may have missed! See our contact information below. To read the full text of bills, go to www.leginfo.ca.gov to "Bill Information."**

Proposed Legislation

Access and Insurance Coverage

AB 119

Author: Jones

Topic: Health care coverage: pricing.

Status: **CHAPTERED**

This bill would prohibit health insurers from charging a premium, price, or charge differential based on gender.

AB 56

Author: Portantino

Topic: Health Care Coverage: Mammographies

Status: **VETOED**

This bill would provide that health care service plan contracts and individual or group policies of health insurance issued, amended, delivered, or renewed on or after July 1, 2010, shall be deemed to provide coverage for mammographies for screening or diagnostic purposes upon referral of a participating nurse practitioner, participating certified nurse-midwife, participating physician assistant, or participating physician, as specified. The bill would, commencing July 1, 2010, require plans and insurers subject to these provisions to provide subscribers or policyholders with information regarding recommended timelines for an individual to undergo tests for the screening or diagnosis of breast cancer, as specified.

AB 98**Author: De La Torre****Topic: Maternity Services****Status: VETOED**

Under existing law, a health insurer that provides maternity coverage may not restrict inpatient hospital benefits, as specified, and is required to provide notice of the maternity services coverage. This bill would require new forms for health insurance policies submitted to the department after January 1, 2010, to provide coverage for maternity services, as defined. With respect to policy forms on file with the department as of January 1, 2010, the bill would require health insurers to submit to the department, on or before March 1, 2010, revised policy forms that provide coverage for maternity services and would require insurers to include that coverage in the corresponding policies that are issued, amended, or renewed following the department's approval of the revised forms, as specified.

AB 171**Author: Jones****Topic: Dental services: credit****Status: CHAPTERED**

This bill, sponsored by Western Center, would require dentists, before arranging credit cards or loans for services that the consumer has not yet received, to give a list of that treatment to the consumer. It would require dentists to provide consumers with a simple, clear notice about credit cards and loans as well as a proposed treatment plan. For consumers who do not speak English whom the dental office is serving in the consumer's language, the notice must be provided in that language. The bill would prohibit a dentist from arranging a credit card or loan when the patient is under general anesthesia, nitrous oxide or conscious sedation. It would also apply these requirements to staff-model dental plans.

AB 513**Author: De Leon****Topic: Health Care Coverage: Breastfeeding****Status: VETOED**

This bill would require specified health care service plans and health insurers to include coverage for lactation consultation and the provision or rental of specified types of breast pumps, as defined, as part of their health care service plan contracts or health insurance policies that provide maternity coverage.

AB 1269**Author: Brownley****Topic: Medi-Cal: Eligibility****Status: CHAPTERED**

This bill would make a number of changes to the 250% Working Disabled Medi-Cal Program, including: (1) authorize individuals who are otherwise eligible under this program but who are temporarily unemployed to remain on Medi-Cal for up to 26 weeks, (2) provide additional resource exemptions, (3) extend specified resource exemptions to apply for the beneficiary under any other ABD Medi-Cal programs. These changes

would go into effect 30 days after the state's increased Medicaid matching rate under the American Recovery and Reinvestment Act of 2009 is no longer available.

AB 1540

Author: Committee on Health – Jones, Chair

Status: CHAPTERED

This bill, among other things, authorizes the director of DMHC, through regulation, to modify the wording of any notice required by the Knox-Keene Act for purposes of clarity, readability, and accuracy. Prohibits a modification from changing the substantive meaning of the notice.

AB 1541

Author: Committee on Health (Jones, Chair)

Topic: Health care coverage

Status: CHAPTERED

This bill would allow an individual or dependent who has lost or will lose Medi-Cal or Healthy Families and who requests enrollment into a group health plan or insurer within 60 days (up from 30) of losing the public coverage to enroll in the group coverage and to not be considered a late enrollee who can be excluded from coverage.

SB 438

Author: Yee

Topic: Medi-Cal

Status: Held under submission

This bill would also require the department, to the extent federal financial participation is available and subject to approval of any necessary state plan amendments, to exercise an option under federal law to implement a program for accelerated enrollment of children and pregnant women in the Medi-Cal program and would make each county welfare department a qualified entity for determining eligibility for Medi-Cal benefits for those children and pregnant women.

Changes to Health and Social Service Programs, Including Eligibility and Enrollment

AB 2

Author: De La Torre

Topic: Individual health care coverage.

Status: VETOED

This bill would require standard information and health history questions to be used by health plans and insurers for their individual health care coverage application forms and would require all health plan and insurance applications to be reviewed and approved. This bill would require all plans and insurers to complete medical underwriting prior to issuing a health plan contract or health insurance policy, and to meet certain requirements with regard to medical underwriting. The bill would prohibit a plan or insurer

from canceling or rescinding an individual health plan contract or individual health insurance policy unless specified conditions are met. The bill would also require a plan or insurer to annually report to the department the total number of individual health plan contracts or individual health insurance policies issued, canceled, or rescinded pursuant to these provisions during the preceding calendar year. The bill would require a health plan or health insurer to provide specified notices to subscribers and enrollees and insureds and policyholders.

AB 29

Author: Price

Topic: Health Care Coverage

Status: Held Under Submission

Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), 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. This bill would prohibit, with a specified exception, the limiting age for dependent children covered by these health care service plan-contracts and group health insurance policies from being less than 27-years of age. The bill would also provide that no employer is required to pay the cost of coverage-for dependents who are at least 23 years of age, but less than 27-years of age. The bill instead would authorize subscribers and insureds to elect to provide coverage to those by contributing the premium for-that coverage.

AB 140

Author: Beall

Topic: Developmental disabilities

Status: CHAPTERED

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. Under existing law, the regional centers purchase needed services for individuals with developmental disabilities through approved service providers or arrange for their provision through other publicly funded agencies. This bill would establish procedures for the resolution of disputes between a regional center and a generic agency, as defined, over provision of, or payment for, services that are contained in an individualized family service plan or individual program plan for any child under 6 years of age.

AB 1142

Author: Price

Topic: Medi-Cal: proof of eligibility

Status: CHAPTERED

Summary: This bill, sponsored by Western Center, would: (1) require hospitals to give patients' Medi-Cal eligibility to other hospital-based providers if they receive that information after the date of service; (2) require a provider to retract a bill from collections upon learning the patient had Medi-Cal; (3) require the collection agency to correct a negative credit report upon learning the patient had Medi-Cal; and (4) authorize the Department of Health Care Services to fine providers who knowingly bill Medi-Cal patients.

AB 1422**Author: Bass****Topic: Health Care Programs: California Children and Families Act of 1998****Status: CHAPTERED**

This bill would, until January 1, 2011, impose that tax on the total operating revenue, as specified, of a Medi-Cal managed care plan, as defined. The proceeds from the tax would be continuously appropriated (1) to the department for purposes of the Medi-Cal program in an amount equal to 38.41% of the proceeds from the tax and (2) to the Managed Risk Medical Insurance Board for purposes of the Healthy Families Program in an amount equal to 61.59% of the proceeds from the tax. The bill would provide that the tax on Medi-Cal managed care plans would have no force or effect if any of specified conditions apply.

Child Health**AB 295****Author: Ammiano****Topic: Children: Adoption Services****Status: CHAPTERED**

This bill would extend the availability of funds appropriated for the specified adoption activities to June 30, 2010, and would also extend the date for the State Department of Social Services to provide the related information to the Legislature to May 31, 2011.

AB 941**Author: Feuer****Topic: Adoption****Status: CHAPTERED**

Existing law establishes the jurisdiction of the courts under the Uniform Parentage Act. The act specifies the counties in which an action may be brought, including among other counties as specified, the county in which a licensed California adoption agency maintains an office if that agency brings the action. This bill would instead provide, under the Uniform Parentage Act, that if the child is the subject of a pending or proposed adoption, the action may be brought in any county in which a licensed California adoption agency to which the child has been relinquished or is proposed to be relinquished maintains an office or the county in which an office of the State Department of Social Services or a public adoption agency that is investigating the petition is located, in addition to the other specified counties.

AB 1383**Author: Jones****Topic: Medi-Cal: hospital payments: quality assurance fees****Status: CHAPTERED**

This bill would establish a temporary hospital provider fee (quality assurance fee (QAF) on California hospitals, except designated public hospitals to leverage federal financial participation (FFP) and to increase Medi-Cal payments to hospitals while. \$320 million of the funds would be used to support coverage for children. (This is the funding bill for ending the Healthy Families waitlist, below).

AB 1422**Author: Bass****Topic: Health care programs: California Children and Families Act of 1998.****Status: CHAPTERED**

This bill:

- 1) Adds Medi-Cal managed care plans (MCMC), until January 2011, to the insurers subject to gross premium taxes of 2.35% and includes in the definition of total operating revenue for MCMC from January 2009 forward. Under current law, MCMC pay a Quality Improvement Fee (QIF) of 5.5%. The QIF expires in October 2009. The funds from the gross premium tax will be used to draw down federal Medicaid dollars. The federal portion will be used to support the Healthy Families Program and is estimated to bring in \$97 million for the 2009-10 fiscal year.
- 2) Increases monthly HF premiums effective November 1, 2009 as follows:
 - a) no increase for families below 150% of the federal poverty level (FPL),
 - b) for families with income of 150% to 200% FPL, an increase from \$9 to \$13 per child with an increase from \$27 to \$39 maximum paid per family and,
 - c) for families with income of 200% to 250% FPL, an increase from \$14 to \$21 per child with an increase from \$42 to \$63 maximum paid per family.
- 3) Grants MRMIB broad emergency regulatory authority in 2010 and 2011.
- 4) Authorizes a series of transfers by the California Children and Families Commission (CCFC) from state-level accounts to an unallocated account to be used upon approval by the state CCFC. This authorization will allow the state CCFC to support HFP. The CCFC has pledged to give \$81.4 million to the HFP this fiscal year.

SB 118**Author: Liu****Topic: Child welfare services: incarcerated parents****Status: CHAPTERED**

Existing law also establishes that a case plan, which is required to be adopted by the county for each child receiving child welfare services and which includes prescribed information, is the foundation and central unifying tool in child welfare services. This bill would require that the case plan include specified information, to the extent possible, about a parent's incarceration in determining the reasonable services to be offered or provided to that parent's children. The bill would also require social workers to make reasonable efforts to collect and update necessary data regarding a child's incarcerated parent or parents, once a consistent data entry field or fields have been designated in the statewide child welfare database. By expanding the duties of county officials, this bill would impose a state-mandated local program.

SB 630

Author: Steinberg

Topic: Health care coverage: cleft palate reconstructive surgery: dental and orthodontic services.

Status: **CHAPTERED**

Summary: This bill would define reconstructive surgery, as of July 1, 2010, to include medically necessary dental or orthodontic services that are an integral part of reconstructive surgery for cleft palate procedures, except as specified.

Environmental Exposure

SB 797

Author: Pavley

Topic: Product Safety: Bisphenol A

Status: Placed on inactive file at the request of the author

The bill would enact the Toxin-Free Toddlers and Babies Act, which would prohibit the manufacture, sale, or distribution in commerce of any bottle, cup, or liquid, food, or beverage in a can or jar that contains bisphenol A at a level above 0.1 parts per billion (ppb), under specified conditions. The bill would also require manufacturers to use the least toxic alternative when replacing bisphenol A in containers in accordance with this bill.

Education

AB 769

Author: Torres

Topic: State preschool

Status: **VETOED**

Existing law requires applicants or contracting agencies that operate a state preschool program to give first priority for participation to neglected or abused children who are recipients of child protective services, or recipients who are at risk of being neglected or abused, as specified. The bill would require priority for participation in state preschool programs also to be given to children who have a biological custodial parent who is, or who has been within the previous 6 months, a dependent or ward of the juvenile court pursuant to specified provisions of law.

Maternal and Child Health Miscellaneous

AB 47

Author: Ma and Niello

Topic: Income taxes: credit: adoption costs

Status: Held under submission

The Personal Income Tax Law authorizes various credits against the taxes imposed by that law, including a credit in an amount equal to 50% of specified adoption costs, not to exceed \$2,500 per minor child who is a citizen or legal resident of the United States and who is in the custody of a public agency in this state. This bill would, for taxable years beginning on or after January 1, 2010, and before January 1, 2015, increase the credit limitation to a maximum of \$5,000 with respect to the adoption of a minor child, as described, who is over 12 years of age or who was living in a group home or residential treatment facility, as defined, for a period of at least 6 months within 18 months prior to the time the adoption is completed.

Mental Health

AB 244

Author: Beall

Topic: Health care coverage: mental health services.

Status: **VETOED**

Summary: This bill would require health plans to provide parity coverage for all mental illnesses.

AB 159

Author: Nava

Topic: Perinatal Mood and Anxiety Disorders: Task Force

Status: Appropriations Suspense File

This bill would permit the State Department of Public Health, in conjunction with the State Department of Mental Health, to establish a task force, as prescribed, to develop recommendations and educational materials for the department's perinatal health programs. This bill would permit the State Department of Public Health to use nonpublic contributions to carry out the purposes of this bill. This bill would, if the department creates the task force, create the California Perinatal Mood and Anxiety Disorders Awareness Fund and permit voluntary contributions to be deposited into the fund.

AB 420

Author: Salas

Topic: Maternal Health

Status: Held under submission

This bill would require the State Department of Public Health to conduct the Perinatal Mood and Anxiety Disorders (PMAD) Community Awareness Campaign to identify barriers to accessing PMAD treatment and increase awareness and provide education to pregnant women and new mothers on postpartum mood and anxiety disorders. The bill would require the department to convene a workgroup, which would be required, by January 1, 2011, to prepare and submit to the department specified recommendations relating to the implementation of the awareness campaign. It would prohibit public sources of funds from being used to fund the campaign. The bill would authorize the department to use nonpublic sources of funding to support the activities of the workgroup and fund the campaign.

Nursing and Physician Workforce

AB 657

Author: Hernandez

Topic: Health Professions Workforce: Master Plan

Status: VETOED

This bill would require the Office of Statewide Planning and Development in collaboration with the California Workforce Investment Board, to establish the Health Professions Workforce Task Force composed of specified members, to assist in the development of a health professions workforce master plan for the state, and would prescribe the functions and duties of the task force in that regard. The bill would require the task force to submit a complete statewide health professions workforce master plan to the office and the Legislature.

Nutrition

AB 627

Author: Brownly

Topic: Child Care: Nutritional Requirements

Status: VETOED

This bill would require the Superintendent of Public Instruction to establish a pilot program at least 12 months in duration in which licensed child care centers and child day care homes selected by the department that participate in the federal Child and Adult Care Food Program shall implement certain nutrition and physical activity standards in exchange for a higher state meal reimbursement. This bill would require the State Department of Education to design and implement the pilot program, as specified.

Public Health

AB 861

Author: Ruskin

Topic: Public Health Services: Consolidated Contracts

Status: VETOED

This bill, would require the Department of Public Health, within existing resources, to develop and implement, in consultation with local health jurisdiction representatives, a model consolidated and streamlined administration and contracting process with local health jurisdictions for the department's Center for Infectious Diseases and Center for Family Health, and the programs administered by the respective centers. The bill would require the 2 designated program centers within the department to develop a single model allocation contract between the department and local health jurisdictions that incorporates the programs administered by the program center, including, but not limited to, specified elements.

Perinatal Care and Reproductive Health

AB 52

Author: Portantino

Topic: Umbilical Cord Blood Collection Program

Status: Hearing Cancelled at Request of Author

This bill would require the Department of Public Health to establish the Umbilical Cord Blood Collection Program from January 1, 2011, until January 1, 2020, for the purpose of collecting and storing umbilical cord blood for public use, as defined, for transplantation and for providing nonclinical units for specified research. This bill would require the department to establish the California Umbilical Cord Blood Collection Board, with prescribed membership, which would administer the program in accordance with specified requirements.

AB 543

Author: Ma

Topic: Perinatal care: The nurse family partnership

Status: VETOED

Existing law establishes the Nurse-Family Partnership program to provide grants for voluntary nurse home visiting programs for expectant first-time mothers, their children, and their families, as specified. Existing law prohibits the use of grant moneys to match other grants administered by the State Department of Public Health. This bill would allow the use of Nurse-Family Partnership program grant moneys as a match for other grants administered by the department.

AB 217

Author: Beall

Topic: Medi-Cal: alcohol and drug screening and brief intervention services

Status: VETOED

This bill would establish the Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program, which would be administered by the department, in consultation with the State Department of Alcohol and Drug Programs, for the purpose of increasing the state's ability to make available alcohol and drug screening and brief intervention services to Medi-Cal beneficiaries who are pregnant women or women of childbearing age by authorizing a public entity, as defined, to provide or contract for these services for Medi-Cal beneficiaries who are pregnant women or women of childbearing age.

AB 1048

Author: Torrico

Topic: Child Protection: Safe Surrender

Status: To inactive file

Existing law designates certain locations as safe-surrender sites for the safe surrender of newborn children who are 72 hours of age or younger. This bill would expand the scope of those provisions to apply to children who are 30 days old or younger. The bill would permit a local fire agency, upon the approval of the

appropriate local governing body of the agency, to designate a safe-surrender site. The bill would specify certain circumstances in which a safe-surrender site and its personnel have no liability for a surrendered child. By imposing new duties on local officials, the bill would impose a state-mandated local program.

AB 1307

Author: Buchanan

Topic: Newborn Genetic Screening

Status: Hearing Cancelled at the Request of the Author

This bill would require the State Department of Public Health to consider inclusion in the statewide screening program of conditions recommended by the American College of Medical Genetics (ACMG) or other specified entities. The department would be required to adopt the recommendations within one year of their publication unless the department determines that screening for the recommended conditions is not necessary for advancing newborn health and notifies appropriate committees of the Legislature of that determination. Because this bill would expand the purposes of the screening program it constitutes an appropriation.

Vital Statistics

AB 73

Author : Hayashi

Topic : Marriage licenses : vital records : domestic violence

Status : CHAPTERED

Existing law authorizes the Alameda County Board of Supervisors, until January 1, 2010, upon making certain findings and declarations, to authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of \$2. Existing law authorizes the Alameda County Board of Supervisors, and the City Council of the City of Berkeley, upon making certain findings and declarations, to authorize an increase in the fees for certified copies of certain vital records, up to a maximum increase of \$2. Existing law authorizes those governmental entities to make further increases in those fees each year, as specified. Existing law requires these fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution. This bill would extend the operation of those provisions indefinitely.

AB 372

Author : Ma

Topic : Vital Records : Adoptees and Birth Certificates

Status : Held under submission

This bill would require, in a case of medical necessity regarding a serious health condition, as defined, of an adopted person, that the superior court, upon petition, order the State Registrar to provide a copy of the original and unredacted birth certificate of the adoptee to that adoptee, his or her parent or guardian if the adoptee is a minor, or another person who is legally authorized to make decisions regarding health care for the adoptee.

Workplace Policy

AB 514

Author: De Leon

Topic: Employment: Lactation Accommodation

Status: Held under submission

This bill would require an employer to provide a 20-minute paid rest period for lactation purposes during each 4-hour work period, immediately preceding or following the employee's rest period, and would specify that compliance with this requirement does not satisfy or affect an employer's separate obligation to provide a meal or rest period required by statute, an Industrial Welfare Commission order, or a collective bargaining agreement.

SB 257

Author: Pavley

Topic: Lactation Accommodation: State Employees

Status: VETOED

This bill would require every state agency and department, including local offices, when notified by a female employee that she is nearing maternity leave, to notify the employee of specified information regarding breast-feeding, including an explanation and summary of the provisions described above relating to lactation accommodation, information regarding lactation accommodation on the Internet Web site of the Department of Public Health, and a listing of other comprehensive breastfeeding support organizations with Internet links.

Miscellaneous

SB 337

Author: Alquist

Topic: Patient Medical Information: Disclosure: Reporting

Status: SIGNED

This bill would require a clinic, health facility, home health agency, or hospice to delay reporting the unlawful access, use, or disclosure of a patient's medical information beyond 5 business days, as specified, if a law enforcement agency or official provides a written or oral statement that compliance with the reporting requirements will impede the law enforcement agency's activities and specifying the date upon which the delay shall end, as prescribed.