



## Maternal and Child Health Related Final Legislation California State Legislature 2011 Session

The following is a compilation of many of the Maternal and Child Health-related bills presented for this session, 2011-12. This is the beginning of a two-year legislative session, meaning that bills may carry over into the next legislative session if they were not signed or vetoed this year.

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](http://www.leginfo.ca.gov) to "Bill Information". Thank you to the Western Center on Law and Poverty for tracking many of these bills and for many of the bill summaries.

### Legislation signed, vetoed, carried over

#### Important Maternity Bills signed!

After four years of vetoes from the previous administration, Governor Brown signed an important set of bills to ensure maternity coverage in health insurance plans. Thus, we take the bills below "out of order" to stress their importance to MCHA and PAC/LAC and to celebrate their passage!

**SB 222 (Evans)** requires that every individual insurance policy include maternity care;

**AB 210 (Roger Hernandez)** clarifies "maternity services" for group insurance plans, which are already required to cover maternity but without needed specificity. The bill now requires "maternity services" to include prenatal care, ambulatory care maternity services, involuntary complications of pregnancy, neonatal care, and inpatient hospital maternity care, including labor and delivery and postpartum care.

Both bills take effect in July of 2012. As stated in SB 222: "... it is essential to clarify that all health care coverage made available to California consumers, whether issued by health care service plans regulated by the Department of Managed Health Care or by health insurers regulated by the Department of Insurance, must include maternity services."

MCHA is proud to have worked on this important access issue. Two of the clients MCHA assisted with enrolling in AIM because of lack of maternity coverage in employer-sponsored health coverage, Anh Van and Kimberly Chavez, were featured in the LA Times story about the bills:

<http://www.latimes.com/news/local/la-me-maternity-20111001,0,1594619.story>

**Governor Brown also signed the following important bills:**

**SB 299**

**Author: Evans**

**Topic: Employment: Pregnancy or childbirth leave**

**Status: SIGNED**

This bill prohibits employers from refusing to maintain and pay for coverage under group health plans for

women who take maternity leave.

#### **AB 499**

**Author: Atkins**

**Topic: Minor Consent Medi-Cal Prevention of STI**

**Status: SIGNED**

Minor Consent Medi-Cal allows for the treatment, but not prevention, of STD services. This bill extends current law for minors' consenting to confidential medical services to include services for prevention of STDs. At the time the existing law was passed, the preventive options we have today did not exist and there are now time-critical prevention services for diseases that are sexually transmitted, such as prophylactic post-exposure HIV medications (which must be given within 72 hours of exposure) and the human papilloma virus (HPV) vaccine (which, if given before exposure, can significantly reduce the risk of certain cancers and abnormal, precancerous cervical cell changes and genital warts).

#### **AB 1319**

**Author: Butler and Pavley**

**Topic: Toxin-Free Infants and Toddlers Act**

**Status: SIGNED**

Also after many years of attempts, the Governor signed the Toxin-Free Infants and Toddlers Act. It bans Bisphenol A (BPA) in baby bottles and sippy cups as of July 1, 2013.

#### **AB 395**

**Author: Pan**

**Status: SIGNED**

This bill adds Severe Combined Immunodeficiency (SCID, or "bubble boy" disease) to the list of diseases that can be addressed and are screened for at birth via a heel stick of the baby's blood. As of January, 2012, all infants will be screened for SCID and identified at birth via the California Newborn Screening Program.

#### **SB 502**

**Author: Pavley**

**Topic: Hospital and Infant Feeding Act**

**Status: SIGNED**

This bill requires all general acute care hospitals and special hospitals that have perinatal units, as defined, to have an infant-feeding policy and to clearly post that policy in the perinatal unit or on the hospital or health system Internet Web site. The infant-feeding policy must be routinely communicated to perinatal unit staff and applies to all infants in a perinatal unit. This bill becomes operative January 1, 2014.

**Unfortunately, Governor Brown vetoed:**

#### **AB 568**

**Author: Skinner**

**Topic: Pregnant inmates and wards: least restrictive restraints.**

**Status: VETOED**

Existing law requires the Corrections Standards Authority to establish standards restricting the shackling of women in labor, during childbirth, and while in recovery after giving birth, and to review those standards biennially and make any appropriate revisions, as specified. This bill would require that the standards ensure that women who are pregnant shall not be shackled by the wrists, ankles, around the abdomen, or to another person, including during time spent outside a state or local correctional facility, during transport to or from a correctional facility, during labor, delivery, and while in recovery after giving birth, except that the least restrictive restraints possible may be used when deemed necessary for the inmate, consistent with the legitimate security needs of the inmate, the staff, and the public. Governor Brown stated in his veto message that the bill went too far, prohibiting handcuffs or restraints of any kind except under ill-defined circumstances.

## **Access and Insurance Coverage**

### **ABX1 21**

**Author:** Blumenfeld

**Topic:** Taxes on managed care to fund health services

**Status:** **SIGNED**

This bill extends the tax on the total operating revenue of Medi-Cal managed care plans until Jan. 1, 2013.

### **AB 52**

**Author:** Feuer

**Topic:** Health Care Coverage Rate Approval

**Status:** Carried over to 2-year bill

This bill would require approval from the Department of Managed Health Care and the Department of Insurance for increases in health care premiums, copayments or deductibles.

### **AB 72**

**Author:** Eng

**Topic:** Acupuncture

**Status:** Died

This bill would require certain health care service plans and policies to provide acupuncture.

### **AB 137**

**Author:** Portantino

**Topic:** Mammograms

**Status:** Died

According to the author, this bill would update the statute governing insurance coverage of mammography to remove obsolete age-based screening guidelines and instead require coverage based on the medical referral.

### **AB 171**

**Author:** Beall

**Topic:** Autism Spectrum Disorder

**Status:** Carried over to 2-year bill

Requires health care service plan contracts and health insurance policies to provide coverage for the screening, diagnosis and treatment of autism spectrum disorders.

### **AB 185**

**Author:** Hernandez, R.

**Topic:** Maternity Services

**Status:** Replaced by AB 210, above.

Requires new forms of health insurance policies to provide coverage for maternity services.

### **AB 301**

**Author:** Pan

**Topic:** CCS and Managed Care

**Status:** **SIGNED**

Existing law prohibits services covered by the California Children's Services program (CCS) from being incorporated into a Medi-Cal managed care contract until January 1, 2012. This bill would extend that date

to January 1, 2016. Existing law requires the provider rates of payment for services rendered for the Healthy Families Program to be identical to the rates of payment for the same service performed by the same provider type pursuant to the Medi-Cal program if the services are provided by a Medi-Cal provider. This bill would require identical rates only if the service was provided under specified contracts.

**AB 310**

**Author: Ma**

**Topic: Prescription Drugs**

**Status: Carried over to 2-year bill**

Requires certain health plans and insurers to cover the costs of outpatient prescription drugs and limits cost sharing to consumers.

**AB 415**

**Author: Logue**

**Topic: Healing Arts: Telehealth**

**Status: SIGNED**

This bill would increase access to telehealth services and requires that medical providers obtain verbal consent from patients prior to delivery of telehealth treatment.

**AB 428**

**Author: Portantino**

**Topic: Fertility preservation coverage**

**Status: Carried over to 2-year bill**

AB 428 will provide fertility preservation coverage in health insurance and health service plan policies for patients about to undergo lifesaving treatment for cancer sickle cell anemia, leukemia, lupus or other diseases where the treatment can compromise the patient's future fertility.

**AB 695**

**Author: Hancock**

**Topic: Medi-Cal; county juvenile detention facilities**

**Status: SIGNED**

This bill would allow a child awaiting adjudication in a county juvenile detention facility to have Medi-Cal if the child is eligible to receive Medi-Cal benefits at the time he or she is admitted to the facility or is subsequently determined eligible for Medi-Cal and the county agrees to pay the state's share of Medi-Cal expenditures and the state's administrative costs for the benefits.

**AB 714**

**Author: Adkins**

**Topic: Health Care Coverage: California Health Benefit Exchange**

**Status: Carried over to 2-year bill**

This bill would provide notices about Medi-Cal and the Exchange to individuals in the BCCTP or FamilyPACT program and all those who receive a hospital bill. The bill would automatically, with permission, initiate an application for the Exchange or Medi-Cal for those who lose coverage through Medi-Cal, Healthy Families, AIM, MRMIP, PCIP, or FamilyPACT.

**AB1000**

**Author: Perea**

**Topic: Cancer treatment**

**Status: Died**

This bill, until January 1, 2016, would require health care service plan contracts and health insurance policies that provide coverage for cancer chemotherapy treatment to provide coverage for a prescribed, orally administered, nongeneric cancer medication, as specified.

**AB 1066**

**Author: Perez**

**Topic: Medi-Cal Expansion and ACA**

**Status: SIGNED**

Implements the Low Income Health Program in counties, with eligibility up to 133% of poverty, as part of California's Federal Medi-Cal Hospital/Uninsured Care Demonstration Project Act.

**SB 36**

**Author: Simitian**

**Topic: County Health Initiative Matching Fund for children**

**Status: SIGNED**

Permits the expansion of eligibility for the County Health Initiative Matching Fund program to children with family incomes between 300-400% of the federal poverty level, conditioned on federal approval.

**SB 155**

**Author: Evans**

**Topic: Maternity Services**

**Status: Became SB 222, above.**

**SB 166**

**Author: Steinberg**

**Topic: Autism Spectrum Disorders**

**Status: Died**

Requires health care service plans licensed by the Department of Managed Health Care (DMHC) and health insurers licensed by the Department of Insurance (DOI) to provide coverage for behavioral intervention therapy for autism.

**SB 173**

**Author: Simitian**

**Topic: Mammograms**

**Status: Carried over to 2-year bill**

This bill would require a specified notice on breast density in mammograms.

**SB 255**

**Author: Pavley**

**Topic: Mastectomy**

**Status: Died**

This bill would revise and recast the definition of mastectomy and would specify that the partial removal of a breast includes, but is not limited to, lumpectomy, which includes surgical removal of the tumor with clear margins. The consultation regarding the length of any hospital stay would be conducted post-surgery.

**SB 485**

**Author: Hernandez**

**Topic: Emergency Room Use**

**Status: Carried over to 2-year bill**

This bill establishes a pilot program to reduce ER use by Medi-Cal beneficiaries and uninsured people.

**SB 810**

**Author:** Leno

**Topic:** Single Payer Universal Health Care

**Status:** Carried over to 2-year bill.

Establishes a single-payer universal State Healthcare System in California.

**SB 751**

**Author:** Gaines

**Topic:** Health care coverage: provider contracts

**Status:** **SIGNED**

This bill would prohibit a health plan contract with a provider for hospital services from containing a provision that would block the dissemination and disclosure of cost and quality data to members.

**SB 757**

**Author:** Lieu

**Topic:** Domestic Partner discrimination

**Status:** **SIGNED**

This bill requires every group health care plan contract and every policy or certificate of group health insurance marketed, issued, or delivered to a resident of California to comply with existing law that provides for equal coverage for registered domestic partners.

**SB 946**

**Author:** Steinberg

**Topic:** Health Care Coverage: mental illness: pervasive developmental disorder or autism: **Status:** **SIGNED**

This bill requires health plans and health insurance policies to cover behavioral health therapy (BHT) for pervasive developmental disorder or autism (PDD/A), requires plans and insurers to maintain adequate networks of autism service providers, establishes an Autism, Advisory Task Force in the Department of Managed Health Care, sunsets this bill's autism mandate provisions on July 1, 2014, and makes other technical changes to existing law regarding HIC reporting and mental health services payments.

## **Health Reform Implementation**

**AB 43**

**Author:** Monning

**Topic:** Medi-Cal Eligibility

**Status:** Carried over to 2-year bill

This bill would expand Medi-Cal coverage to "childless adults" at/below 133% of the Federal Poverty Level, pursuant to the federal Affordable Care Act.

**AB 792**

**Author:** Bonilla

**Topic:** Enrollment

**Status:** Carried over to 2-year bill

This bill would require a notice about health coverage through the Exchange and Medi-Cal be given at key life changes: divorce, adoption, loss of coverage, unemployment.

**AB 922****Author: Monning****Topic: Office of Patient Advocate****Status: SIGNED**

This bill would move the Office of the Patient Advocate and the Department of Managed Health Care to the Health and Human Services Agency. The new OPA would provide education to consumers about health care coverage options and help them resolve questions and problems with health coverage or care. The Office would be permitted to contract with community organizations to provide those services and would collect data regarding consumer complaints.

**AB 1083****Author: Monning****Topic: Health Care Coverage****Status: Carried over to 2-year bill**

This bill makes changes to the small employer provisions of California law to bring them into conformance with the Affordable Care Act.

**AB 1296****Author: Bonilla****Topic: Health Care Eligibility, Enrollment and Retention Act****Status: SIGNED**

This bill would create California's Health Care Eligibility, Enrollment and Retention System including streamlining eligibility rules among Medi-Cal, premium subsidies in the Exchange, and Healthy Families; coordinating and simplifying citizenship and identity verification at application and renewal so persons move seamlessly between programs without the need for additional verification; requiring the creation of a single statewide application- paper and electronic – for all systems and entities accepting and processing applications and eligibility; and adopting rules for a “no wrong door” system so that regardless of where a person applies, they are evaluated the same way using the same system; requiring a real-time determination of eligibility and immediate enrollment into coverage; and putting consumer protections and transparency requirements in place.

**AB 1334****Author: Feuer****Topic: Health Care Coverage****Status: Carried over to 2-year bill**

This bill would require all health plans and insurers to categorize all products in the individual market into 5 tiers, according to actuarial value.

**SB 51****Author: Alquist****Topic: Health Care Coverage****Status: SIGNED**

This bill will prohibit health insurers or health plans from imposing lifetime or annual limits on the dollar value of benefits and impose Medical Loss Ratio standards in conformity with the ACA.

**SB 677****Author: Hernandez****Topic: Medi-Cal Rules****Status: Carried over to 2-year bill**

This bill requires Medi-Cal be transitioned to reflect the Affordable Care Act provisions – changes the

income counting mechanism to the Modified Adjusted Gross Income, eliminates asset test, etc.

**SB 703**

**Author: Hernandez**

**Topic: Basic Health Plan**

**Status: Carried over to 2-year bill**

This bill would require the Managed Risk Medical Insurance Board to establish a basic health plan for Californians between 133 and 200% of poverty, as the ACA allows.

## **Child Health and Development**

**AB 667**

**Author: Mitchell**

**Topic: Subacute care program**

**Status: SIGNED**

This bill will require medical necessity for pediatric subacute care services to be substantiated in one of 5 ways in order to assist in the transfer of pediatric Medi-Cal patients from acute care to subacute care hospitals.

**AB 1319**

**Author: Butler**

**Topic: Product Safety: Bisphenol A (BPA)**

**Status: SIGNED see listing above**

**AB 395**

**Author: Pan**

**Topic: Newborn Screening Test - SCID**

**Status: SIGNED see listing above**

**AB 499**

**Author: Atkins**

**Topic: Preventive STD services in Minor Consent**

**Status: SIGNED see listing above**

**SB 472**

**Author: Correa**

**Subject: Early Intervention Services: Assessments**

**Status: Carried over to 2-year bill**

Amends the California Early Intervention Services Act to require the development of either an integrated assessment instrument or a process to consolidate assessments to be used to coordinate multiple agency assessments, and to report to the Legislature.

**SB 502**

**Author: Pavley**

**Subject: Hospital Infant Feeding Protection Act**

**Status: SIGNED see listing above**

## **Drug and Alcohol Issues**

**AB 540**

**Author: Beall**

**Topic: Medi-Cal: Alcohol and Drug Screening**

**Status: Carried over to 2-year bill**

This bill would establish a Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program to provide reimbursement to localities for alcohol and drug screening and brief intervention services to Medi-Cal beneficiaries who are pregnant women or women of childbearing age.

## **Environmental Health Issues**

**SB 147**

**Author: Leno**

**Topic: Furniture Flammability Standards**

**Status: Carried over to 2-year bill**

Modifies state requirements to include alternative flammability standards for residential upholstered furniture that can be met without the use of toxic brominated and chlorinated fire retardants, which are known to cause cancer and reduce fertility, and have been found in the bloodstreams of California's children, pregnant women and nursing mothers.

## **Mental Health**

**AB 154**

**Author: Beall**

**Topic: Mental Health Parity**

**Status: Carried over to 2-year bill**

Expands the existing mental health coverage requirement for certain health care service plan contracts and health insurance policies issued, amended or renewed on or after Jan, 2012 to include the diagnosis and treatment of a mental illness of a person of any age.

**AB 164**

**Author: Hayashi**

**Topic: Medi-Cal cards**

**Status: Died**

This bill would require DHCS to implement a system to indicate via the beneficiary's BIC card if the beneficiary has received mental health services under Medi-Cal.

**AB 989**

**Author: Mitchell**

**Topic: Mental health: Children's Services**

**Status: SIGNED**

This bill provides that information and services for transition age foster youth be included in each county's three-year plan to the Mental Health Services Oversight and Accountability Commission.

**ACR 53**

**Author: Roger Hernández.**

**Topic: Kelly Abraham Martinez Act: Perinatal depression prevention.**

**Status: SIGNED**

Enacts the Kelly Abraham Martinez Act, which would urge hospital providers, mental health care providers, health plans, and insurers to invest resources to educate women about perinatal depression risk factors and triggers. This measure would also request that a statewide collaborative network of stakeholders focused on the areas of health, maternal health, and infant and child development, along with the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, the California Psychological Association, the Los Angeles County Perinatal Mental Health Task Force, and Postpartum Support International collaborate to explore ways to assist with the development of educational materials.

## **Nursing, Physician, and Health Care Workforce**

**AB 916**

**Author: Perez**

**Topic: Promotores**

**Status: Carried over to 2-year bill**

Requires the State Department of Public Health to assess the grants to promote positive health behaviors and outcomes available pursuant to the ACA for funding opportunities for using promotores in medically underserved communities.

## **Nutrition**

**AB 6**

**Author: Fuentes**

**Topic: CalWORKs and CalFresh Program**

**Status: SIGNED**

Repeals the provisions requiring fingerprinting in order to receive CalWORKs and Cal Fresh benefits and the quarterly reporting requirements for the CalWORKs program and replaces with simplified, semi-annual reporting. Requires the development of a utility assistance initiative through the federal Low Income Heating and Energy Assistance Program (LIHEAP).

**AB 69**

**Author: Beall**

**Topic: Enrollment into Cal Fresh**

**Status: SIGNED**

This bill would require the State Department of Social Services to seek a demonstration project to use information maintained by the Social Security Administration about Social Security benefit recipients to facilitate enrollment of eligible recipients into the CalFresh program

**AB 152**

**Author: Fuentes**

**Topic: Food Banks: Grants, Contributions, Tax Credits**

**Status: SIGNED**

This bill establishes a tax credit for California agricultural products donated to food banks, limits food purchased through the Emergency Food Assistance Program to only be purchased locally and directs the Department of Public Health to seek funding to promote healthy eating.

**AB 234****Author: Wieckowski****Topic: Healthy Food Options****Status: Died**

Declares the intent of the Legislature to enact legislation to ensure that all Californians have access to fresh produce and healthy food options.

**AB 402****Author: Skinner****Topic: School meals to CalFresh****Status: SIGNED**

This bill would authorize a school district or a county superintendent of schools to work with the county social services agency to develop a fast rack from a School Meal program application to a CalFresh app.

**AB 581****Author: Perez, J.****Topic: Public Health – Food Access****Status: SIGNED**

Creates the California Healthy Food Financing Initiative Fund for the purpose of expanding access to healthy foods in underserved communities and to leverage other funding.

**AB 669****Author: Monning****Topic: Taxation: Sweetened Beverage Tax: Children's Health****Status: Died**

Institutes a tax of \$0.01 per fluid ounce on bottled sweetened beverages and sweetened beverages distributed in California. Requires these funds to be deposited in a Children's Health Promotion Fund which would be used for childhood obesity prevention programs.

**AB 727****Author: Mitchell****Topic: Healthy and Sustainable Food****Status: Carried over to 2-year bill**

Creates nutrition standards to govern the foods purchased for all state departments, agencies and state-run institutions in accordance with the federal dietary guidelines. Also creates guidelines for sustainable purchasing practices and procedures that encourage purchasing from local vendors, farms and manufacturers.

**AB 1100****Author: Hernandez, R.****Topic: Retail Food Facilities: Toys and Incentives****Status: Died**

Declares the intent of the Legislature to enact legislation to improve the health of children in California by setting healthier standards for children's meals that are accompanied by toys and other incentive items.

## **Workplace Issues**

**AB 59**

**Author: Swanson**

**Topic: Family Leave**

**Status: Carried over to 2-year bill**

Expands the definition of families to reflect the state's diversity and allow all families to help their loved ones recuperate from illness.

**AB 400**

**Author: Ma**

**Topic: Paid Sick Leave**

**Status: Carried over to 2-year bill**

Requires employers to provide paid sick leave so that employee can take care of their health without compromising their income or job status.

**SB 299**

**Author: Evans**

**Topic: Employment: Pregnancy or Childbirth Leave**

**Status: SIGNED** see above listing

## **Miscellaneous Issues**

**AB 823**

**Author: Dickinson**

**Topic: Children's Cabinet of California**

**Status: Carried over to 2-year bill**

Establishes a Children's Cabinet of California to promote and implement information sharing, collaboration, increased efficiency and improved service delivery among and within the state's agencies, departments, and organizations that serve children.

**AB 959**

**Author: Jones**

**Topic: 30-day reinstatement for CalWORKS**

**Status: SIGNED**

This bill aligns reporting requirements for CalWORKS with Medi-Cal and CalFresh programs by allowing for reinstatement of aid if a report and required verification is submitted within 30 days of the due date.

**AB 1182**

**Author: Hernandez**

**Topic: Vehicles in CalWORKS**

**Status: VETOED**

This bill would have excluded the value of a vehicle when determining eligibility for CalWORKS.