

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2764

Introduced by Assembly ~~Members Williams and~~ Member Bonilla

February 19, 2016

An act to amend Section 11345 of the Business and Professions Code, relating to real estate appraisers; 1367.65 of the Health and Safety Code, and to amend Section 10123.81 of the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 2764, as amended, ~~Williams~~ Bonilla. ~~Appraisal management companies; registration.~~ *Health care coverage: mammography.*

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 its provisions a crime. Existing law provides for the licensure and regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts, except specialized health care service plan contracts, and certain health insurance policies to provide coverage for mammography for screening and diagnostic purposes.

This bill would require the mammography coverage to include, but not be limited to, digital mammography and breast tomosynthesis. 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.

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.

~~Existing law, the Real Estate Appraisers’ Licensing and Certification Law, provides for the licensure and regulation of real estate appraisers and vests the duty of enforcing and administering that law in the Bureau of Real Estate Appraisers within the Department of Consumer Affairs. Existing law requires an appraisal management company, as defined, to register with the bureau. Existing law requires the Chief of the Bureau of Real Estate Appraisers to adopt regulations governing the process and procedure of registration that require, at minimum, among other things, the business address and telephone number of the person or entity seeking registration.~~

~~This bill would additionally require that those regulations include the email address of the person or entity seeking registration.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1367.65 of the Health and Safety Code
2 is amended to read:

3 1367.65. (a) ~~On or after January 1, 2000, each~~ Each health
4 care service plan contract, except a specialized health care service
5 plan contract, that is issued, amended, delivered, or renewed shall
6 ~~be deemed to~~ provide coverage for mammography, *including, but*
7 *not limited to, digital mammography and breast tomosynthesis,*
8 for screening or diagnostic purposes upon referral by a participating
9 nurse practitioner, participating certified nurse-midwife,
10 participating physician assistant, or participating physician,
11 providing care to the patient and operating within the scope of
12 practice provided under existing law.

13 (b) This section does not prevent application of copayment or
14 deductible provisions in a plan, nor shall this section be construed
15 to require that a plan be extended to cover any other procedures
16 under an individual or a group health care service plan contract.
17 This section does not authorize a plan enrollee to receive the
18 services required to be covered by this section if those services
19 are furnished by a nonparticipating provider, unless the plan

1 enrollee is referred to that provider by a participating physician,
2 nurse practitioner, or certified nurse-midwife providing care.

3 *SEC. 2. Section 10123.81 of the Insurance Code is amended*
4 *to read:*

5 10123.81. (a) Every individual or group policy of disability
6 insurance or self-insured employee welfare benefit plan shall ~~be~~
7 ~~deemed to~~ provide coverage for mammography, *including, but not*
8 *limited to, digital mammography and breast tomosynthesis*, for
9 screening or diagnostic purposes upon the referral of a participating
10 nurse practitioner, participating certified nurse-midwife,
11 participating physician assistant, or participating physician,
12 providing care to the patient and operating within the scope of
13 practice provided under existing law.

14 (b) ~~Nothing in this~~ *This section shall be construed to does not*
15 *prevent the application of copayment or deductible provisions in*
16 *a policy, nor shall this section be construed to require that a policy*
17 *be extended to cover any other procedures under an individual or*
18 *a group policy.* ~~Nothing in this~~ *This section shall be construed to*
19 *does not* authorize a policyholder to receive the services required
20 to be covered by this section if those services are furnished by a
21 nonparticipating provider, unless the policyholder is referred to
22 that provider by a participating physician, nurse practitioner, or
23 certified nurse-midwife providing care.

24 (c) ~~This section shall~~ *does not* apply to specialized health
25 insurance, Medicare supplement insurance, short-term limited
26 duration health insurance, CHAMPUS supplement insurance, or
27 TRI-CARE supplement insurance, or to hospital indemnity,
28 accident-only, or specified disease insurance.

29 *SEC. 3. 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.*

38 ~~SECTION 1. Section 11345 of the Business and Professions~~
39 ~~Code is amended to read:~~

1 ~~11345. The director shall adopt regulations governing the~~
2 ~~process and procedure of applying for registration as an appraisal~~
3 ~~management company. Applications for a certificate of registration~~
4 ~~shall require, at a minimum, all of the following:~~
5 ~~(a) The name of the person or entity seeking registration.~~
6 ~~(b) The business address, email address, and telephone number~~
7 ~~of the person or entity seeking registration.~~
8 ~~(c) If the applicant is not a person or entity domiciled in this~~
9 ~~state, the name and contact number of a person or entity acting as~~
10 ~~agent for service of process in this state, along with an irrevocable~~
11 ~~consent to service of process in favor of the office.~~
12 ~~(d) The name, address, and contact information for each~~
13 ~~controlling person employed by the applicant who has operational~~
14 ~~authority to direct the management of, and establish policies for,~~
15 ~~the applicant. If the applicant employs more than 10 individuals~~
16 ~~meeting the criteria of this subdivision, the applicant may list the~~
17 ~~names, addresses, and contact information for the 10 individuals~~
18 ~~meeting the criteria who hold the greatest level of management~~
19 ~~responsibility within its organization.~~