

**ASSEMBLY BILL**

**No. 1676**

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**Introduced by Assembly Member Maienschein**

February 22, 2019

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An act to add Section 1367.626 to the Health and Safety Code, and to add Section 10123.868 to the Insurance Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1676, as introduced, Maienschein. Health care: mental health.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of that act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts and health insurance policies that provide hospital, medical, or surgical coverage to provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses, as defined, of a person of any age. Existing law also requires health care service plans and health insurers, by July 1, 2019, to develop maternal mental health programs, as specified.

This bill would require health care service plans and health insurers, by January 1, 2021, to establish a telehealth consultation program that provides providers who treat children and pregnant and postpartum persons with access to a psychiatrist, as specified, in order to more quickly diagnose and treat children and pregnant and postpartum persons suffering from mental illness. The bill would require health care service plans and insurers to communicate information relating to the telehealth program at least twice a year in writing. The bill would require health care service plans and health insurers to maintain records and data

pertaining to the utilization of the program and the availability of psychiatrists in order to facilitate ongoing changes and improvements, as necessary. The bill would exempt certain specialized health care service plans and health insurers from these provisions. Because a willful violation of the bill’s requirement by a health care service plan 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.

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. Section 1367.626 is added to the Health and  
2 Safety Code, to read:

3 1367.626. (a) In order to more quickly diagnose and treat  
4 children and pregnant and postpartum persons suffering from  
5 mental illness, by January 1, 2021, a health care service plan shall  
6 establish a telehealth consultation program that provides providers  
7 who treat children and pregnant and postpartum persons with  
8 access to a psychiatrist during standard provider hours, which may  
9 include evenings and weekends.

10 (b) A health care service plan shall communicate information  
11 relating to the telehealth program and its availability to contracting  
12 medical providers who treat children and pregnant and postpartum  
13 persons, including pediatricians, obstetricians, and primary care  
14 providers, at least twice a year in writing.

15 (c) A health care service plan shall maintain records and data  
16 pertaining to the utilization of its telehealth consultation program  
17 and the availability of psychiatrists in order to facilitate ongoing  
18 changes and improvements to the program, as necessary.

19 (d) This section shall not apply to specialized health care service  
20 plans, except specialized behavioral health-only plans offering  
21 professional mental health services.

22 SEC. 2. Section 10123.868 is added to the Insurance Code, to  
23 read:

1 10123.868. (a) In order to more quickly diagnose and treat  
2 children and pregnant and postpartum persons suffering from  
3 mental illness, by January 1, 2021, a health insurer shall establish  
4 a telehealth consultation program that provides providers who treat  
5 children and pregnant and postpartum persons with access to a  
6 psychiatrist during standard provider hours, which may include  
7 evenings and weekends.

8 (b) A health insurer shall communicate information relating to  
9 the telehealth program and its availability to contracting medical  
10 providers who treat children and pregnant and postpartum persons,  
11 including pediatricians, obstetricians, and primary care providers,  
12 at least twice a year in writing.

13 (c) A health insurer shall maintain records and data pertaining  
14 to the utilization of its telehealth consultation program and the  
15 availability of psychiatrists in order to facilitate ongoing changes  
16 and improvements to the program, as necessary.

17 (d) This section shall not apply to specialized health insurers,  
18 except specialized behavioral health-only insurers offering  
19 professional mental health services.

20 SEC. 3. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 the only costs that may be incurred by a local agency or school  
23 district will be incurred because this act creates a new crime or  
24 infraction, eliminates a crime or infraction, or changes the penalty  
25 for a crime or infraction, within the meaning of Section 17556 of  
26 the Government Code, or changes the definition of a crime within  
27 the meaning of Section 6 of Article XIII B of the California  
28 Constitution.