An act to amend Section 1367.67 of the Health and Safety Code and to amend Section 10123.185 of the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST
AB 438, as introduced, Lieber. Health care coverage: osteoporosis screening.
Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and for the regulation of insurers by the Department of Insurance. Under existing law, a willful violation of the provisions relating to health care service plans is a crime.
Existing law deems health care service plan contracts, nonprofit hospital service plan contracts, and, specified disability insurance policies and certificates of group disability insurance that are issued, amended, delivered, or renewed in this state, to provide coverage for osteoporosis services.
This bill would, on and after January 1, 2005, require osteoporosis coverage to include osteoporosis screening for female patients 50 years of age and older.
By creating new requirements for health care service plans, the willful violation of which would be a crime, this 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.


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

SECTION 1. The Legislature hereby finds and declares the following:

(a) According to a report by the University of California, San Francisco, approximately $2.4 billion was spent in one year by the state of California on care and treatment for osteoporosis. Hip fractures accounted for 64 percent of the total cost, due to costs for hospitalization and nursing home care.

(b) More than 5 million Californians are affected by osteoporosis. One out of every two women and one out of every eight men will be affected by osteoporosis in their lifetimes.

(c) Having osteoporosis puts people at higher risk for painful fractures, can be disfiguring, and reduces a person’s ability to lead an active life.

(d) When women reach menopause, they automatically lose 10 to 12 percent of their bone mass, unless they have estrogen supplements or some form of hormone replacement therapy under the supervision of a physician. A woman’s risk of hip fracture is equal to her combined risk of breast, uterine, and ovarian cancers.

(e) The human suffering osteoporosis causes can be curtailed by early detection, and, although there is no cure for osteoporosis, the disease is preventable with early detection.

SEC. 2. It is the intent of the Legislature to provide women who reach menopause with access to osteoporosis screening, which can lead to the early detection and prevention of osteoporosis, under the supervision of a physician.

SEC. 3. Section 1367.67 of the Health and Safety Code is amended to read:

1367.67. (a) Every health care service plan contract that provides hospital, medical, or surgical coverage, that is issued, amended, delivered, or renewed in this state on or after January 1, 1994, shall be deemed to include coverage for services related to

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diagnosis, treatment, and appropriate management of osteoporosis. The services may include, but need not be limited to, all Food and Drug Administration approved technologies, including bone mass measurement technologies as deemed medically appropriate.

(b) On and after January 1, 2005, osteoporosis coverage shall include osteoporosis screening for female patients 50 years of age and older.

SEC. 4. Section 10123.185 of the Insurance Code is amended to read:

10123.185. (a) Every policy of disability insurance that covers hospital, medical, or surgical expenses and is issued, amended, delivered, or renewed in this state and certificate of group disability insurance issued, amended, delivered, or renewed in this state pursuant to a master group policy issued, amended, delivered, or renewed in another state on or after January 1, 1994, shall be deemed to include coverage for services related to diagnosis, treatment, and appropriate management of osteoporosis. The services may include, but need not be limited to, all Food and Drug Administration approved technologies, including bone mass measurement technologies as deemed medically appropriate.

(b) This section shall not apply to specified accident, specified disease, hospital indemnity, Medicare supplement, or long-term care health insurance policies.

(c) On and after January 1, 2005, osteoporosis coverage shall include osteoporosis screening for female patients 50 years of age and older.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.