

**ASSEMBLY BILL**

**No. 652**

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**Introduced by Assembly Member Mitchell**

February 16, 2011

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An act to add Section 1367.17 to the Health and Safety Code, to add Section 12693.625 to the Insurance Code, and to add Section 14132.19 to the Welfare and Institutions Code, relating to child health.

LEGISLATIVE COUNSEL'S DIGEST

AB 652, as introduced, Mitchell. Child health.

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. Existing law creates the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health, dental, and vision benefits to eligible children pursuant to a federal program, the State Children's Health Insurance Program. Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions.

This bill would provide that an initial health assessment, as defined, and a forensic medical evaluation, as defined, shall be covered benefits under the Healthy Families Program, the Medi-Cal program, and under health care service plans licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1973, as prescribed. Because a willful violation of the bill's provisions 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.

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 1367.17 is added to the Health and Safety  
2 Code, to read:

3 1367.17. (a) For the purposes of this section, the following  
4 definitions shall apply:

5 (1) "Initial health assessment" means a medical or dental  
6 examination, or both, performed on a child for whom a case plan  
7 must be prepared pursuant to Section 16501.1 of the Welfare and  
8 Institutions Code and who has been placed in an out-of-home  
9 placement within the last 30 days, and that is designed to determine  
10 the child's medical and dental status and further health care needs.  
11 An initial health assessment shall meet, and may exceed, the  
12 guidelines established by the Child Health and Disability  
13 Prevention Program for well child exams and includes, but is not  
14 limited to, diagnostic testing to the extent necessary to provide a  
15 complete assessment.

16 (2) "Forensic medical evaluation" means an examination  
17 performed by a qualified medical professional at the request of a  
18 local child welfare agency or local law enforcement agency  
19 pursuant to Section 324.5 of the Welfare and Institutions Code. A  
20 forensic medical examination includes, but is not limited to,  
21 diagnostic testing to the extent necessary to provide a complete  
22 evaluation.

23 (b) An individual or group health care service plan contract  
24 issued, amended, or renewed on or after January 1, 2012, shall  
25 cover an initial health assessment or forensic medical evaluation  
26 provided for any child who is an enrollee at the time the assessment  
27 or evaluation is performed. Notwithstanding any other provision  
28 of law, prior authorization shall not be required for the provision  
29 of an initial health assessment or forensic medical evaluation  
30 pursuant to this section.

1 (c) In the event that a local child welfare agency elects to limit  
2 the health care providers that are eligible to receive payment  
3 pursuant to this section, the obligation to pay providers shall only  
4 apply to initial health assessments and forensic medical evaluations  
5 performed by providers designated by the local child welfare  
6 agency.

7 (d) Payments made to providers pursuant to this section shall  
8 be equal to the reasonable value of the service, which shall in no  
9 event be less than the amount the Medi-Cal program would pay  
10 for the same service when rendered by the same provider to a  
11 Medi-Cal beneficiary on a fee-for-service basis. A contract between  
12 a provider and a plan obligated to make payment pursuant to this  
13 section may provide for a different amount as long as the amount  
14 is not less than the amount the Medi-Cal program would pay for  
15 the same service when rendered by the same provider to a Medi-Cal  
16 beneficiary on a fee-for-service basis.

17 (e) The obligation to pay a provider pursuant to this section  
18 exists irrespective of whether the provider has a contract with the  
19 plan obligated to make the payment and irrespective of whether  
20 the provider is part of the plan's network.

21 (f) A court, local law enforcement agency, or local child welfare  
22 agency may consider or rely on a report by any qualified medical  
23 professional regarding the health care status, needs, or findings of  
24 a forensic medical evaluation concerning a child examined or  
25 evaluated by the qualified medical professional, irrespective of  
26 whether the medical professional may receive payment under this  
27 section.

28 SEC. 2. Section 12693.625 is added to the Insurance Code, to  
29 read:

30 12693.625. (a) For the purposes of this section, the following  
31 definitions shall apply:

32 (1) "Initial health assessment" means a medical or dental  
33 examination, or both, performed on a child for whom a case plan  
34 must be prepared pursuant to Section 16501.1 of the Welfare and  
35 Institutions Code and who has been placed in an out-of-home  
36 placement within the last 30 days, and that is designed to determine  
37 the child's medical and dental status and further health care needs.  
38 An initial health assessment shall meet, and may exceed, the  
39 guidelines established by the Child Health and Disability  
40 Prevention Program for well child exams and includes, but is not

1 limited to, diagnostic testing to the extent necessary to provide a  
2 complete assessment.

3 (2) “Forensic medical evaluation” means an examination  
4 performed by a qualified medical professional at the request of a  
5 local child welfare agency or local law enforcement agency  
6 pursuant to Section 324.5 of the Welfare and Institutions Code. A  
7 forensic medical examination includes, but is not limited to,  
8 diagnostic testing to the extent necessary to provide a complete  
9 evaluation.

10 (b) Coverage provided to subscribers under this part shall  
11 include an initial health assessment or forensic medical evaluation  
12 provided for any child who is a subscriber at the time the  
13 assessment or evaluation is performed. Notwithstanding any other  
14 provision of law, prior authorization shall not be required for the  
15 provision of an initial health assessment or forensic medical  
16 evaluation pursuant to this section.

17 (c) In the event that a local child welfare agency elects to limit  
18 the health care providers that are eligible to receive payment  
19 pursuant to this section, the obligation to pay providers shall only  
20 apply to initial health assessments and forensic medical evaluations  
21 performed by providers designated by the local child welfare  
22 agency.

23 (d) Payments made to providers pursuant to this section shall  
24 be equal to the reasonable value of the service, which shall in no  
25 event be less than the amount the Medi-Cal program would pay  
26 for the same service when rendered by the same provider to a  
27 Medi-Cal beneficiary on a fee-for-service basis. A contract between  
28 a provider and a plan obligated to make payment pursuant to this  
29 section may provide for a different amount as long as the amount  
30 is not less than the amount the Medi-Cal program would pay for  
31 the same service when rendered by the same provider to a Medi-Cal  
32 beneficiary on a fee-for-service basis.

33 (e) The obligation to pay a provider pursuant to this section  
34 exists irrespective of whether the provider has a contract with the  
35 plan obligated to make the payment and irrespective of whether  
36 the provider is part of the plan’s network.

37 (f) A court, local law enforcement agency, or local child welfare  
38 agency may consider or rely on a report by any qualified medical  
39 professional regarding the health care status, needs, or findings of  
40 a forensic medical evaluation concerning a child examined or

1 evaluated by the qualified medical professional, irrespective of  
2 whether the medical professional may receive payment under this  
3 section.

4 SEC. 3. Section 14132.19 is added to the Welfare and  
5 Institutions Code, to read:

6 14132.19. (a) For the purposes of this section, the following  
7 definitions shall apply:

8 (1) "Initial health assessment" means a medical or dental  
9 examination, or both, performed on a child for whom a case plan  
10 must be prepared pursuant to Section 16501.1 and who has been  
11 placed in an out-of-home placement within the last 30 days, and  
12 that is designed to determine the child's medical and dental status  
13 and further health care needs. An initial health assessment shall  
14 meet, and may exceed, the guidelines established by the Child  
15 Health and Disability Prevention Program for well child exams  
16 and includes, but is not limited to, diagnostic testing to the extent  
17 necessary to provide a complete assessment.

18 (2) "Forensic medical evaluation" means an examination  
19 performed by a qualified medical professional at the request of a  
20 local child welfare agency or local law enforcement agency  
21 pursuant to Section 324.5. A forensic medical examination  
22 includes, but is not limited to, diagnostic testing to the extent  
23 necessary to provide a complete evaluation.

24 (b) To the extent permitted by federal law, an initial health  
25 assessment or forensic medical evaluation provided by a Medi-Cal  
26 provider, including a provider under a Medi-Cal managed care  
27 plan, as defined in Section 14093.07, shall be a covered benefit  
28 under this chapter for any child who is a Medi-Cal beneficiary at  
29 the time the assessment or evaluation is performed.  
30 Notwithstanding any other provision of law, prior authorization  
31 shall not be required for the provision of an initial health  
32 assessment or forensic medical evaluation pursuant to this section.

33 (c) In the event that a local child welfare agency elects to limit  
34 health care providers that are eligible to receive reimbursement  
35 under this section, the obligation to reimburse providers shall only  
36 apply to initial health assessments and forensic medical evaluations  
37 performed by providers designated by the local child welfare  
38 agency.

39 (d) Reimbursement paid to providers pursuant to this section  
40 shall be equal to the reasonable value of the service, which shall

1 in no event be less than the amount the Medi-Cal program would  
2 pay for the same service when rendered by the same provider to  
3 a Medi-Cal beneficiary on a fee-for-service basis. A contract  
4 between a provider and a plan obligated to reimburse the provider  
5 pursuant to this section may provide for a different amount as long  
6 as the amount is not less than amount the Medi-Cal program would  
7 pay for the same service when rendered by the same provider to  
8 a Medi-Cal beneficiary on a fee-for-service basis.

9 (e) If applicable, the obligation to reimburse a provider pursuant  
10 to this section exists irrespective of whether the provider has a  
11 contract with the plan obligated to make the payment and  
12 irrespective of whether the provider is part of the plan’s network.

13 (f) A court, local law enforcement agency, or local child welfare  
14 agency may consider or rely on a report by any qualified medical  
15 professional regarding the health care status, needs, or findings of  
16 a forensic medical evaluation concerning a child examined or  
17 evaluated by the qualified medical professional, irrespective of  
18 whether the medical professional may receive payment under this  
19 section.

20 SEC. 4. 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.