



CAHP LEGISLATIVE INFORMATION

SB 600 (Portantino) Chapter 853, Statutes of 2019

As a service to our members, the California Association of Health Plans produces guidelines designed to assist in the interpretation and implementation of new laws, and to promote full compliance with those laws. This document, however, is not intended to be authoritative. Any questions about official interpretations of the law should be directed to the appropriate state regulatory agency such as the Department of Managed Health Care or the Department of Health Care Services, as well as your legal counsel.

HEALTH CARE COVERAGE: FERTILITY PRESERVATION

BACKGROUND

Senate Bill 600 was authored by Senator Portantino and cosponsored by the American Society for Reproductive Medicine, Alliance for Fertility Preservation, and Fertile Action. SB 600 states that standard fertility preservation services are covered as basic health services when a covered treatment may directly or indirectly cause iatrogenic infertility.

CAHP took an “oppose unless amended” position on SB 600. While CAHP generally opposes new benefit mandates, in this case we formally stated if the Legislature wishes to prospectively establish fertility preservation as a covered benefit, outside of the EHB benchmark process, the bill must be narrowed and clarified to create certainty and a clear understanding of this new benefit.

CAHP asked that the language be removed stating that iatrogenic fertility preservation services were declaratory of existing law. Beyond removing this reference of apparent retroactivity, CAHP provided other amendments that would have clarified the scope of the benefit prospectively.

Regrettably, the bill survived without the removal of the declaratory of existing law statement. Amendments were taken to the bill at the request of the Administration. One amendment was apparently designed to alleviate the opposition of the Department of Finance which opposed the bill due to state costs. As result, the bill was changed to exempt Medi-Cal managed care plans.

The bill was popular in the Legislature receiving bipartisan support.

REQUIREMENTS

SB 600 adds Section 1374.551 to the Health and Safety Code, relating to health care coverage.

Specifically, SB 600 does the following:

SEC. 1.1374.551. (a) Requires that when a covered treatment may directly or indirectly cause iatrogenic infertility, standard fertility preservation services are a basic health care service, as defined, and are not within the scope of coverage for the treatment of infertility, as specified.

1374.551. (b) (1) Defines “Iatrogenic infertility” to mean infertility caused directly or indirectly by surgery, chemotherapy, radiation, or other medical treatment.

1374.551. (c) Exempts Medi-Cal managed care plans, as specified, from this bill

SEC. 2. States that 1374.551. (a) above is declaratory of existing law.

IMPLEMENTATION ISSUES

This law applies to all commercial plans and does not apply to Medi-Cal managed care plans.

This law requires all commercial plans to include iatrogenic fertility preservation as a covered service. Plans will be required to make changes to member handbooks (EOCs) to define the benefit to enrollees, and to clearly distinguish between coverage for iatrogenic fertility preservation services from infertility services that are covered by a rider.

Plans must also contract with appropriate providers and facilities that will provide this benefit. Plans may also need to update any medical benefit policies to include the guidelines from the American Society of Clinical Oncology or the American Society for Reproductive Medicine. Finally, plans may also include appropriate diagnosis codes and CPT codes that would be covered as iatrogenic fertility preservation services.

As with other benefit mandates, plans will need to include this new benefit into underwriting assumptions for each plan and benefit year.

The DMHC may enter rulemaking to standardize this benefit across all payers and benefit plan designs; plans may need to make additional updates to existing products, medical policies and member handbooks accordingly.