

Senate Bill No. 600

CHAPTER 853

An act to add Section 1374.551 to the Health and Safety Code, relating to health care coverage.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 600, Portantino. Health care coverage: fertility preservation.

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 the act a crime.

Existing law requires every health care service plan contract to provide enrollees with basic health care services, except as specified. Existing law defines basic health care services to include, among other things, physician services and hospital inpatient and ambulatory care services. Existing law requires specified group health care service plan contracts issued, amended, or renewed on or after January 1, 1990, to offer coverage for the treatment of infertility, as defined, except in vitro fertilization.

This bill would clarify that, when a covered treatment may cause iatrogenic infertility to an enrollee, standard fertility preservation services are a basic health care service and are not within the scope of coverage for infertility treatment, as described above. The bill would state that these provisions are declaratory of existing law. The bill would state that these provisions do not apply to Medi-Cal managed care health care service plan contracts or any entity that contracts with the State Department of Health Care Services to deliver health care services pursuant to the Medi-Cal program.

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

SECTION 1. Section 1374.551 is added to the Health and Safety Code, to read:

1374.551. (a) When a covered treatment may directly or indirectly cause iatrogenic infertility, standard fertility preservation services are a basic health care service, as defined in subdivision (b) of Section 1345, and are not within the scope of coverage for the treatment of infertility for the purposes of Section 1374.55.

(b) For purposes of this section, the following definitions apply:

(1) “Iatrogenic infertility” means infertility caused directly or indirectly by surgery, chemotherapy, radiation, or other medical treatment.

(2) “May directly or indirectly cause” means medical treatment with a possible side effect of infertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine.

(3) “Standard fertility preservation services” means procedures consistent with the established medical practices and professional guidelines published by the American Society of Clinical Oncology or the American Society for Reproductive Medicine.

(c) This section does not apply to Medi-Cal managed care health care service plan contracts or any entity that enters into a contract with the State Department of Health Care Services for the delivery of health care services pursuant to Chapter 7 (commencing with Section 14000), Chapter 8 (commencing with Section 14200), Chapter 8.75 (commencing with Section 14591), or Chapter 8.9 (commencing with Section 14700) of Part 3 of Division 9 of the Welfare and Institutions Code.

SEC. 2. The addition of Section 1374.551 to the Health and Safety Code by this act does not constitute a change in, but is declaratory of, existing law.