



CAHP IMPLEMENTATION GUIDELINE

SB 306 (Pan) Chapter 486, Statutes of 2021

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.

SEXUALLY TRANSMITTED DISEASE: TESTING

BACKGROUND

Senate Bill 306 was introduced by Senator Richard Pan (D-Sacramento) and was co-sponsored by APLA Health, Black Women for Wellness Action Project, Essential Access Health and the San Francisco AIDS Foundation. SB 306 requires health plans to provide coverage for FDA-approved home test kits for sexually transmitted diseases (STDs), including the laboratory costs of processing the kits. The home test kits must be deemed medically necessary or appropriate and must be ordered directly by an in-network clinician or furnished through a standing order for patient use based on clinical guidelines.

Initially, CAHP had several concerns about this mandate, as the original bill was overly broad and lacked clarity around instances in which a health plan would be responsible for covering the costs of a home test kit. CAHP worked to narrow the provisions of this bill through the legislative process to ensure that home test kits must be FDA-approved, and must be medically necessary, and ordered for the enrollee directly through an in-network provider. These amendments made the bill significantly better, however CAHP remained opposed to this mandate due to potential impact on premium increases.

SB 306 passed out of the Legislature on a mostly party-line vote. The California Department of Finance (DOF) was opposed to this bill, citing that its passage would result in significant General Fund impacts not accounted for in the 2021 Budget Act. DOF also noted that the costs incurred by this bill would likely be spread across state health programs and result in premium increases. The Governor signed SB 306 on October 4, 2021.

REQUIREMENTS

Specifically, SB 306 does the following:

- 1) Requires health care providers who prescribe, dispense, or otherwise furnish EPT, and are unable to obtain the name of a patient's sexual partner, to include the words "expedited partner therapy" or the letters "EPT" on the prescription.

- 2) Permits pharmacists to dispense a drug prescribed under EPT and to label the drug without the name of an individual for whom the drug is intended, if the prescription includes “expedited partner therapy” or “EPT.”
- 3) Prohibits a pharmacist or other health care provider who prescribes, dispenses, furnishes, or otherwise renders EPT, from being liable in, or subject to, a civil, criminal, or administrative action, sanction, or penalty for rendering EPT, if the use of EPT is in compliance with this bill and existing law, except in cases of intentional misconduct, gross negligence, or wanton or reckless activity.
- 4) Requires health care professionals engaged in providing prenatal care or attending a birthing patient at the time of delivery to provide syphilis screening and testing as outlined in the most recent guidelines published by CDPH. This bill prohibits this bill from limiting a LHD’s ability to provide additional recommendations or guidelines for syphilis screening and testing, or from limiting the ability of a health care professional to follow screening and testing recommendations or guidelines issued by local health authorities, as long as, at minimum, the health care professional complies with CDPH guidelines.
- 5) Requires Family PACT, the State-Only Family Planning Program, Medi-Cal, and commercial health plans and health insurers to cover home STD test kits that are deemed medically necessary or appropriate and ordered by a clinician, as specified.
- 6) Adds CLIA-waived (rapid) STD tests to existing law which permits HIV counselors to perform rapid HIV/HCV tests. This bill requires HIV counselors that perform any of these tests to complete an HIV counseling training course that has been approved by CDPH OA. This bill prohibits HIV counselors from administering a rapid HIV, HCV, or STD test until they demonstrate proficiency in administering the test.
- 7) Requires HIV counselors to demonstrate sufficient knowledge of HIV, HCV, and STDs to provide appropriate counseling and referrals to patients. Requires HIV counselors certified prior to January 1, 2022, who will administer rapid STD tests, to obtain training described in 6) above. This bill prohibits HIV counselors from performing rapid STD tests until after completing the required training, unless they are also certified as a limited phlebotomist technician.
- 8) Makes other technical, clarifying changes to existing law.

COMPLIANCE DATES

Plans will be required to implement the provisions of this bill beginning on January 1, 2022.

IMPLEMENTATION ISSUES

Applicability:

This law applies to all commercial health care service plans and health insurers. Under specified conditions, this bill also applies to Medi-Cal managed care plans.

Implementation Issues:

Plans should review all service contracts issued on or after January 1, 2022 to ensure that they provide coverage for STD home test kits, including any laboratory costs of processing the kits, that

are deemed medically necessary or appropriate and ordered directly by a clinician or furnished through a standing order for patient use based on clinical guidelines and individual patient health needs. Commercial health plans must cover these services when ordered by an in-network provider.

Medi-Cal plans must cover expedited partner therapy only to the extent that DHCS obtains any necessary federal approvals.

If you have any questions regarding this document, please email Jedd Hampton at jhampton@calhealthplans.org.