

**Introduced by Senator Wiener
(Coauthors: Senators Atkins and Galgiani)**

February 2, 2017

An act to add Section 1367.47 to the Health and Safety Code, to add Section 10123.92 to the Insurance Code, and to add Section 14132.04 to the Welfare and Institutions Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

SB 221, as introduced, Wiener. Health care coverage: lipodystrophy syndrome.

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 also provides for the regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts and health insurance policies to provide coverage for specified benefits.

This bill would require health care service plan contracts and health insurance policies issued, amended, renewed, or delivered on or after January 1, 2018, to include coverage for medical or drug treatments to correct or repair disturbances of body composition caused by human immunodeficiency virus (HIV) associated lipodystrophy syndrome, including, but not limited to, reconstructive surgery, such as suction assisted lipectomy, other restorative procedures and dermal injections or fillers for reversal of facial lipoatrophy syndrome, as provided. Because a willful violation of the bill's provisions by a health care service plan would be a crime, it would impose a state-mandated local program.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law provides for coverage of certain medical services, including, but not limited to, physician, hospital or clinic outpatient, surgical center, optometric, chiropractic, psychology, occupational therapy, physical therapy, speech therapy, and audiology under the Medi-Cal program.

This bill would require the Medi-Cal program to cover medical or drug treatments to correct or repair disturbances of body composition caused by HIV associated lipodystrophy syndrome, including, but not limited to, reconstructive surgery, such as suction assisted lipectomy, other restorative procedures and dermal injections or fillers for reversal of facial lipoatrophy syndrome, as provided.

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 1367.47 is added to the Health and Safety
2 Code, to read:
3 1367.47. (a) A health care service plan contract issued,
4 amended, renewed, or delivered on or after January 1, 2018, shall
5 include coverage for medical or drug treatments to correct or repair
6 disturbances of body composition caused by human
7 immunodeficiency virus (HIV) associated lipodystrophy syndrome,
8 including, but not limited to, reconstructive surgery, such as suction
9 assisted lipectomy, other restorative procedures and dermal
10 injections or fillers for reversal of facial lipoatrophy syndrome.
11 Coverage shall be subject to a statement from a treating provider
12 that the treatment is necessary for correcting, repairing, or
13 ameliorating the effects of HIV associated lipodystrophy syndrome.

1 (b) This section shall not apply to accident-only, specified
2 disease, hospital indemnity, Medicare supplement, dental-only, or
3 vision-only health care service plan contracts.

4 SEC. 2. Section 10123.92 is added to the Insurance Code, to
5 read:

6 10123.92. (a) A health insurance policy issued, amended,
7 renewed, or delivered on or after January 1, 2018, shall include
8 coverage for medical or drug treatments to correct or repair
9 disturbances of body composition caused by human
10 immunodeficiency virus (HIV) associated lipodystrophy syndrome,
11 including, but not limited to, reconstructive surgery, such as suction
12 assisted lipectomy, other restorative procedures and dermal
13 injections or fillers for reversal of facial lipoatrophy syndrome.
14 Coverage shall be subject to a statement from a treating provider
15 that the treatment is necessary for correcting, repairing, or
16 ameliorating the effects of HIV associated lipodystrophy syndrome.

17 (b) This section shall not apply to accident-only, specified
18 disease, hospital indemnity, CHAMPUS supplement, TRI-CARE
19 supplement, Medicare supplement, dental-only, or vision-only
20 health insurance policies.

21 SEC. 3. Section 14132.04 is added to the Welfare and
22 Institutions Code, to read:

23 14132.04. (a) A covered Medi-Cal benefit shall include
24 medical or drug treatments to correct or repair disturbances of
25 body composition caused by human immunodeficiency virus (HIV)
26 associated lipodystrophy syndrome, including, but not limited to,
27 reconstructive surgery, such as suction assisted lipectomy, other
28 restorative procedures and dermal injections or fillers for reversal
29 of facial lipoatrophy syndrome. Coverage shall be subject to a
30 statement from a treating provider that the treatment is necessary
31 for correcting, repairing, or ameliorating the effects of HIV
32 associated lipodystrophy syndrome.

33 (b) This section shall be implemented only to the extent
34 permitted by federal law.

35 (c) Notwithstanding Chapter 3.5 (commencing with Section
36 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
37 the department may implement the provisions of this section by
38 means of all-county letters, provider bulletins, or similar
39 instructions, without taking further regulatory action.

1 (d) The department shall seek any necessary federal approval
2 for federal financial participation and coverage of services in this
3 section under the Medi-Cal program.

4 SEC. 4. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.