

2011

Legislative Summary



California Legislature **Assembly Committee on Health**

William W. Monning, Chair
Dan Logue, Vice Chair

Assembly Committee on Health

2011 LEGISLATIVE SUMMARY



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I. AGING AND LONG-TERM CARE

Chaptered

AB 574 (Bonnie Lowenthal)

Program of All-Inclusive Care for the Elderly.

Increases the maximum number of allowable contracts between the Department of Health Care Services and the Program for All-Inclusive Care for the Elderly (PACE) from 10 programs to 15 programs, and updates statute to reflect PACE's status change from a demonstration project to a state optional benefit. Chapter 367, Statutes of 2011.

AB 641 (Feuer)

Long-term care.

Eliminates the citation review conference process from the citation appeals process for long-term care (LTC) facilities, and allows fines to be levied from both state and federal agencies when an incident violates both state and federal laws. Requires the Department of Health Care Services to consider, at the initial application or upon redetermination for the Medi-Cal LTC benefit, whether an undue hardship exists for eligibility for home and facility care under specified circumstances relating to the transfer of assets to a same sex-spouse or domestic registered partner. Chapter 729, Statutes of 2011.

II. EMERGENCY MEDICAL SERVICES

Chaptered

AB 215 (Beall)

Emergency services: Emergency Medical Air Transportation Act.

Requires a county or court that has imposed a Vehicle Code fine, as specified, to transfer earmarked penalty assessment moneys to the Treasurer for deposit into the Emergency Medical Air Transportation Act Fund on a monthly basis. Chapter 392, Statutes of 2011.

AB 412 (Williams)

Emergency medical services.

Enacts, for Santa Barbara County only, until January 1, 2014, a penalty of \$5 for every \$10 in base fines imposed on criminal offenses and certain vehicle code offenses and provides that the amounts collected are to be deposited in a county established Maddy Emergency Medical Services Fund to reimburse doctors and hospitals that provide services to the uninsured. Chapter 268, Statutes of 2011.

AB 678 (Pan)

Medi-Cal: supplemental provider reimbursement.

Establishes a supplemental payment program for governmental entity providers of Medi-Cal emergency medical transportation services using certified public expenditures to match federal funds. Chapter 397, Statutes of 2011.

AB 1059 (Huffman)

Emergency medical care.

Adds new data elements to the annual report to the Legislature required of each county establishing a Maddy Emergency Medical Services Fund regarding moneys collected and disbursed. Chapter 403, Statutes of 2011.

AB 1329 (Davis)

Ken Maddy California Cancer Registry.

Requires the Department of Public Health to establish a process to receive applications for, and award a contract, grant, or allocation of funds, as specified, to an agency to operate the statewide Ken Maddy California Cancer Registry. Exempts these contracts, grants, or allocation of funds from being subject to specified provisions of the Public Contract Code. Chapter 642, Statutes of 2011.

SB 233 (Pavley)

Emergency services and care.

Clarifies existing law to explicitly permit appropriate licensed personnel to perform consultations and treatment in an emergency department if within their existing scope of practice. Chapter 333, Statutes of 2011.

III. FOOD SAFETY

Chaptered

AB 688 (Pan)

Food and drugs: sale.

Prohibits a retailer or retail food facility from selling, or offering for sale, infant formula, baby food, and over-the-counter drugs beyond the expiration or “use by” date indicated on the product's packaging and imposes a \$10 fine per item per day in violation. Chapter 681, Statutes of 2011.

AB 1014 (Fletcher)

Food facilities: definition.

Exempts premises set aside for the purposes of beer tasting, regardless of whether there is a charge for the tasting, from the definition of a food facility subject to the California Retail Food Code, if beer and prepackaged nonpotentially hazardous beverages are the only beverages offered for sale for onsite consumption and crackers or pretzels are the only food served. Chapter 159, Statutes of 2011.

AB 1194 (Block)

Drinking water.

Makes a number of changes to the Calderon-Sher Safe Drinking Water Act to conform it to federal law. Chapter 516, Statutes of 2011.

SB 20 (Padilla)

Food facilities: menu labeling.

Repeals current law governing menu labeling requirements for food facilities and, instead, conforms state law to federal law. Chapter 415, Statutes of 2011.

SB 303 (Padilla)

Food safety: food handlers.

Clarifies that existing law requiring a food handler to obtain a food handler card only applies to food handlers employed at a food facility that sells food for human consumption to the general public, and allows, beginning on January 1, 2012, a food handler to obtain a card exclusively from a training provider accredited by the American National Standards Institute, as specified. Chapter 233, Statutes of 2011.

IV. HEALTH CARE FACILITIES

Chaptered

AB 1394 (Committee on Health)

Health care facilities: financing.

Makes a variety of technical, clarifying, and non-controversial changes to statutes affecting the California Health Facilities Financing Authority. Chapter 330, Statutes of 2011.

SB 90 (Steinberg)

Health: hospitals: Medi-Cal.

Authorizes the Office of Statewide Health Planning and Development to grant hospitals an extension of up to seven years from hospital seismic safety requirements, contingent on enactment and implementation of a Medi-Cal hospital provider fee that includes \$320 million in fee revenue to pay for health care coverage for children for budget year 2011-12, enacts a Medi-Cal six-month hospital provider fee for the period of January 1, 2011 to July 1, 2011, an intergovernmental transfer program for public hospitals related to Medi-Cal managed care and makes other changes necessary to implement savings related to the 2010-11 Budget and the 2011-12 Budget Act. Provides that enactment is contingent upon enactment of AB 113 (Monning). Chapter 19, Statutes of 2011.

SB 177 (Strickland)

Congregate living health facilities.

Increases the bed limit for congregate living health facilities that serve terminally ill patients in the County of Santa Barbara. Chapter 331, Statutes of 2011.

SB 335 (Ed Hernandez)

Medi-Cal: hospitals: quality assurance fee.

For the period from July 1, 2011, through December 31, 2013, enacts a Medi-Cal hospital provider fee, provides supplemental payments to private hospitals in the Medi-Cal Program, provides for grants to public hospitals, funds for children's health care coverage and for supplemental payments to hospitals for services provided through the Low Income Health Program Medicaid Expansion. Chapter 286, Statutes of 2011.

SB 502 (Pavley)

Hospital Infant Feeding Act.

Effective January 1, 2014, establishes the Hospital Infant Feeding Act which will require all general acute care and special hospitals that have a perinatal unit to have an infant-feeding policy, as specified, to clearly post the policy and routinely communicate the policy to perinatal unit staff. Chapter 511, Statutes of 2011.

Vetoed

SB 408 (Ed Hernandez)

Health facilities: licensure.

Would have required a new health facility license application to be filed for a health facility, as defined, when there is a change of ownership, as defined, or a major change in ownership interest, as defined. Would have required a prescribed notice to be filed with the Department of Public Health prior to a change of ownership, major change in ownership interest, or a change in control interest, as defined, of certain health facilities.

Veto Message: The bill requires hospitals and other health facilities to file a new license application with the state not only when there's a change of ownership, but when far less important changes occur.

New license applications run several hundreds of pages long. Under the bill, hospitals may be required to file a new license application for normal day-to-day transactions that do not require such scrutiny.

My administration will work with interested parties to find the right balance for state oversight of health facility ownership transactions.

V. HEALTH CARE WORKFORCE AND HEALTH DISPARITIES

Chaptered

AB 581 (John A. Pérez)

Public health: food access.

Creates the California Healthy Food Financing Initiative (CHFFI), the CHFFI fund and the CHFFI Council, for the purpose of expanding access to healthy foods in underserved communities. Requires the Secretary of the California Department of Food and Agriculture (CDFA), by July 1, 2012, to prepare recommended actions to be taken to promote food access within California. Authorizes CDFA to create an Advisory Group, as specified. This authority remains in effect until January 1, 2017. Chapter 505, Statutes of 2011.

AB 673 (John A. Pérez)

Office of Multicultural Health: LGBT communities.

Requires the Office of Multicultural Health, to perform various duties on behalf of the Department of Public Health and the Department of Health Care Services with respect to the state's lesbian, gay, bisexual, and transgender communities. Chapter 639, Statutes of 2011.

AJR 13 (Lara)

Graduate medical education.

Urges the President and the Congress of the United States to continue to provide resources to increase the supply of physicians in California, in order to improve access to care, particularly for Californians in rural areas and members of underrepresented ethnic groups, and to consider solutions that would increase the number of graduate medical education residency positions to keep pace with the growing numbers of medical school graduates, and the growing need for physicians in California. Resolution Chapter 85, Statutes of 2011.

Vetoed

SB 442 (Calderon)

Hospitals: interpreters.

Would have required general acute care hospital policies for the provision of language assistance to patients with language or communication barriers to include procedures for discussing with the patient any cultural, religious, or spiritual beliefs or practices that may influence care, and to increase the ability of hospital staff to understand and respond to the cultural needs of patients.

Veto Message: Inquiring into a patient's cultural, religious, or spiritual beliefs is good hospital practice, but not one that needs to be mandated by the state, nor applied only to non-English or limited English-speaking patients.

With basic requirements for language assistance already set in law, I believe specific improvements to hospital policies should be done at the local level where people deal with real problems based on direct experience.

VI. HEALTH CARE SERVICE PLANS & HEALTH INSURANCE

Chaptered

AB 210 (Roger Hernández)

Maternity services.

Requires every group health insurance policy to provide coverage for maternity services. Chapter 508, Statutes of 2011.

AB 922 (Monning)

Office of Patient Advocate.

Transfers the Department of Managed Health Care (DMHC) from the Business, Transportation and Housing Agency to the California Health and Human Services Agency (CHHSA). Transfers the Office of the Patient Advocate (OPA) from DMHC to CHHSA effective July 1, 2012, and requires existing OPA duties to apply to health insurers regulated by the Department of Insurance and their insureds (in addition to DMHC-regulated health plans). Assigns new duties to OPA related to assisting consumers obtain public and private health care coverage and navigate public and private coverage consistent with requirements under the Patient Protection and Affordable Care Act. Chapter 552, Statutes of 2011.

SB 51 (Alquist)

Health care coverage.

Establishes enforcement authority in California law to implement provisions of the federal Patient Protection and Affordable Care Act related to Medical Loss Ratio requirements on health plans and health insurers and prohibitions on annual and lifetime benefits. Chapter 644, Statutes of 2011.

SB 222 (Evans)

Maternity services.

Requires policies in the individual health insurance market to provide coverage for maternity services. Chapter 509, Statutes of 2011.

SB 751 (Gaines)

Health care coverage: provider contracts.

Prohibits contracts between health care service plans and health insurers and a licensed hospital or health care facility owned by a licensed hospital from containing any provision that restricts the ability of the carrier from furnishing information to subscribers, enrollees, policyholders, or insureds concerning cost range of procedures or the quality of services. Chapter 244, Statutes of 2011.

SB 757 (Lieu)

Discrimination.

Requires every group health care service plan contract and every policy or certificate of group health insurance marketed, issued, or delivered to a resident of this state, regardless of the situs of the contract to comply with existing law that provides for equal coverage for registered domestic partners. Additionally, this bill prohibits such contracts, policies, or certificates of an employee, subscriber, insured, or policyholder from discriminating in coverage between different sex and same sex spouses and domestic partners and states that the prohibitions and requirements imposed by this bill are in addition to any other prohibitions and requirements imposed by existing law. Chapter 722, Statutes of 2011.

SB 866 (Ed Hernandez)

Health care coverage: prescription drugs.

Requires the Department of Managed Health Care and the California Department of Insurance to jointly develop an electronic uniform prior authorization form for use on and after January 1, 2013, or six months after the form is developed, that health plans and insurers must accept when prescribing providers seek authorization for prescription drug benefits. Chapter 648, Statutes of 2011.

SB 946 (Steinberg)

Health care coverage: mental illness: pervasive developmental disorder or autism: public health.

Requires health plans and health insurance policies to cover behavioral health therapy for pervasive developmental disorder or autism, requires plans and insurers to maintain adequate networks of autism service providers, establishes an Autism Advisory Task Force in the Department of Managed Health Care, sunsets this bill's autism mandate provisions on July 1, 2014, and makes other technical changes to existing law regarding HIV reporting and mental health services payments. Chapter 650, Statutes of 2011.

VII. HEALTH INFORMATION / TRANSPARENCY & QUALITY

Chaptered

SB 751 (Gaines)

Health care coverage: provider contracts.

Prohibits contracts between health care service plans and health insurers and a licensed hospital or health care facility owned by a licensed hospital from containing any provision that restricts the ability of the carrier from furnishing information to subscribers, enrollees, policyholders, or insureds concerning cost range of procedures or the quality of services. Chapter 244, Statutes of 2011.

Vetoed

SB 416 (Kehoe)

Health: survey.

Would have required, not later than January 1, 2015, appropriate, voluntary, demographic, self-identification questions related to sexual orientation, gender identity, gender expression, to domestic partnership and gender of one's spouse to be included in the California Health Interview Survey and the Behavioral Risk Factor Surveillance System.

Veto Message: This bill mandates specific topics to be included in the California Health Interview Survey and the Behavioral Risk Factor Surveillance System. Both currently undergo a rigorous and thoughtful process for selecting questions.

Deciding what particular questions should be in these health surveys is better handled by the current process, not the Legislature and the Governor.

VIII. HEALTH INFORMATION TECHNOLOGY / TELEHEALTH

Chaptered

AB 415 (Logue)

Healing arts: telehealth.

Establishes the Telehealth Advancement Act of 2011 to revise and update existing law to facilitate the advancement of telehealth as a service delivery mode in managed care and the Medi-Cal Program. Chapter 547, Statutes of 2011.

SB 850 (Leno)

Medical records: confidential information.

Requires an electronic health record system or electronic medical record system to automatically record any change or deletion of any electronically stored medical information. Chapter 714, Statutes of 2011.

SB 945 (Committee on Health)

Medi-Cal: electronic records.

Requires the Department of Health Care Services to establish and administer the Medi-Cal Electronic Health Records Incentive Program to provide federally funded incentive payments to Medi-Cal providers to implement and use electronic health records systems. Chapter 433, Statutes of 2011.

IX. HIV / AIDS

Chaptered

AB 604 (Skinner)

Needle exchange programs.

Permits the Department of Public Health (DPH), until January 1, 2019, to authorize specified entities to provide hypodermic needle and syringe exchange services, as specified, in any location where DPH determines that the conditions exist for the rapid spread of HIV, viral hepatitis, or any other potentially deadly or disabling infections that are spread through the sharing of used needles and syringes. Chapter 744, Statutes of 2011.

AB 1382 (Roger Hernández)

HIV counselors.

Permits HIV counselors who are authorized under existing law to perform skin punctures to administer an HIV test to also perform skin punctures for hepatitis C virus (HCV) tests, or combination HIV/HCV tests, under specified conditions. Chapter 643, Statutes of 2011.

SB 422 (Wright)

Reporting of certain communicable diseases.

Revises existing law that permits the sharing of information related to a positive HIV test between a physician, a local health officer, and the HIV-positive person's sexual partner, spouse, and/or persons with whom hypodermic needles have been shared. Chapter 151, Statutes of 2011.

X. MATERNAL & CHILD HEALTH

Chaptered

AB 395 (Pan)

Newborn screening program.

Adds a test for the detection of severe combined immune deficiency, including screening for other T-cell lymphopenias, to the Newborn Screening Program. Chapter 461, Statutes of 2011.

AB 499 (Atkins)

Minors: medical care: consent.

Permits a minor who is 12 years of age or older to consent to medical care related to the prevention of a sexually transmitted disease. Makes a technical, conforming change to existing law. Chapter 652, Statutes of 2011.

AB 667 (Mitchell)

Medi-Cal: subacute care program.

Defines “pediatric subacute services” in the Medi-Cal Program as the health care services needed by a person under 21 years of age who uses medical technology that compensates for the loss of vital bodily functions, establishes medical necessity standards and deletes the requirement that subacute care be defined by the Department of Health Care Services based on a study established in 1980 and makes other technical and clarifying changes. Chapter 294, Statutes of 2011.

AB 688 (Pan)

Food and drugs: sale.

Prohibits a retailer or retail food facility from selling, or offering for sale, infant formula, baby food, and over-the-counter drugs beyond the expiration or “use by” date indicated on the product's packaging and imposes a \$10 fine per item per day in violation. Chapter 681, Statutes of 2011.

AB 1319 (Butler)

Product safety: bisphenol A.

Enacts the Toxin-Free Infants and Toddlers Act and prohibits the sale, manufacture or distribution of a bottle or cup or a liquid, food or beverage in a can, jar or plastic bottle that contains bisphenol A if the item is primarily intended for children three years of age or younger. Chapter 467, Statutes of 2011.

ACR 53 (Roger Hernández)

Kelly Abraham Martinez Act: perinatal depression prevention.

Enacts the Kelly Abraham Martinez Act which would urge hospital providers, mental health care providers, health plans, and insurers to invest resources to educate women about perinatal depression risk factors and triggers. Resolution Chapter 66, Statutes of 2011.

SB 36 (Simitian)

County Health Initiative Matching Fund.

Expands eligibility for children in families whose income is at or below 400% of the federal poverty level (FPL), from the current level of 300% of FPL, and allows enrollment in the County Health Initiative Matching Fund Program using local funds to match federal Children's Health Insurance Program funds, and authorizes eligibility of children who meet the requirements for the Healthy Families Program but are unable to enroll as a result of restricted enrollment by the Managed Risk Medical Insurance Board due to budget limitations, conditioned on obtaining federal approval. Chapter 416, Statutes of 2011.

SB 502 (Pavley)

Hospital Infant Feeding Act.

Effective January 1, 2014, establishes the Hospital Infant Feeding Act which will require all general acute care and special hospitals that have a perinatal unit to have an infant-feeding policy, as specified, to clearly post the policy and routinely communicate the policy to perinatal unit staff. Chapter 511, Statutes of 2011.

SB 913 (Pavley)

Juvenile offenders: medical care.

Provides authority for a probation officer to consent to medical care for a minor who is taken into temporary custody under specified circumstances. Chapter 256, Statutes of 2011.

XI. MENTAL HEALTH

Chaptered

AB 989 (Mitchell)

Mental health: children's services.

Requires counties to include programs that consider the needs of transition age foster youth in their three-year plans for funding from the Mental Health Services Act. Chapter 640, Statutes of 2011.

AB 1297 (Chesbro)

Medi-Cal: mental health.

Expedites, beginning on July 1, 2012, federal reimbursement to counties for their Medi-Cal specialty mental health claims by conforming the procedures and timeframes required by the Department of Mental Health to federal Medicaid requirements and the approved Medicaid state plan and waivers. Chapter 651, Statutes of 2011.

ACR 53 (Roger Hernández)

Kelly Abraham Martinez Act: perinatal depression prevention.

Enacts the Kelly Abraham Martinez Act which would urge hospital providers, mental health care providers, health plans, and insurers to invest resources to educate women about perinatal depression risk factors and triggers. Resolution Chapter 66, Statutes of 2011.

SB 946 (Steinberg)

Health care coverage: mental illness: pervasive developmental disorder or autism: public health.

Requires health plans and health insurance policies to cover behavioral health therapy for pervasive developmental disorder or autism, requires plans and insurers to maintain adequate networks of autism service providers, establishes an Autism Advisory Task Force in the Department of Managed Health Care, sunsets this bill's autism mandate provisions on July 1, 2014, and makes other technical changes to existing law regarding HIV reporting and mental health services payments. Chapter 650, Statutes of 2011.

XII. PUBLIC COVERAGE PROGRAMS

Chaptered

AB 113 (Monning)

Health: hospitals: Medi-Cal.

Establishes the Non-Designated Public Hospital (NDPH) Inter-governmental Transfer Program, administered by the Department of Health Care Services, under which public entities would voluntarily transfer funds to the state for the purpose of drawing down federal funds to make supplemental Medi-Cal payments to these NDPHs. Chapter 20, Statutes of 2011.

AB 151 (Monning)

Medicare supplement coverage.

Allows an individual to drop Medicare Advantage (MA) coverage and enroll in Medicare supplement coverage of the same issuer, or the issuer's parent company, if the MA issuer increases premiums. If Medicare supplement coverage is not available from the same issuer, or parent company, allows an individual under limited circumstances to enroll in Medicare supplement coverage of an unaffiliated issuer. Deletes obsolete references in law and recognizes two new Medicare supplement plans (M and N). Chapter 270, Statutes of 2011.

AB 301 (Pan)

Medi-Cal: managed care.

Extends the sunset date, from January 1, 2012, to January 1, 2016, on the prohibition on incorporating California Children's Services covered services in a Medi-Cal managed care contract. The existing prohibition and the extension exempts the county organized health systems plans in the counties of San Mateo, Santa Barbara, Solano, Yolo, Marin, and Napa. Chapter 460, Statutes of 2011.

AB 396 (Mitchell)

Medi-Cal: juvenile inmates.

Requires the Department of Health Care Services to develop a process to allow counties and the Division of Juvenile Facilities of the Department of Corrections and Rehabilitation to obtain federal funds for inpatient hospital and psychiatric services provided to juveniles. Chapter 394, Statutes of 2011.

AB 641 (Feuer)

Long-term care.

Eliminates the citation review conference process from the citation appeals process for long-term care (LTC) facilities, and allows fines to be levied from both state and federal agencies when an incident violates both state and federal laws. Requires the Department of Health Care Services to consider, at the initial application or upon redetermination for the Medi-Cal LTC benefit, whether an undue hardship exists for eligibility for home and facility care under specified circumstances relating to the transfer of assets to a same sex-spouse or domestic registered partner. Chapter 729, Statutes of 2011.

AB 667 (Mitchell)

Medi-Cal: subacute care program.

Defines “pediatric subacute services” in the Medi-Cal Program as the health care services needed by a person under 21 years of age who uses medical technology that compensates for the loss of vital bodily functions, establishes medical necessity standards and deletes the requirement that subacute care be defined by the Department of Health Care Services based on a study established in 1980 and makes other technical and clarifying changes. Chapter 294, Statutes of 2011.

AB 678 (Pan)

Medi-Cal: supplemental provider reimbursement.

Establishes a supplemental payment program for governmental entity providers of Medi-Cal emergency medical transportation services using certified public expenditures to match federal funds. Chapter 397, Statutes of 2011.

AB 1066 (John A. Pérez)

Public health care: Medi-Cal: demonstration project waivers.

Enacts technical and conforming statutory changes necessary to implement the Special Terms and Conditions required by the federal Centers for Medicaid and Medicare Services in the approval of California's Section 1115(a) Medi-Cal Demonstration Project entitled “California’s Bridge to Reform,” approved on November 2, 2010. Chapter 86, Statutes of 2011.

AB 1296 (Bonilla)

Health Care Eligibility, Enrollment, and Retention Act.

Enacts the Health Care Eligibility Reform, Enrollment, and Retention Planning Act and requires the California Health and Human Services Agency, in consultation with the Department of Health Care Services, Managed Risk Medical Insurance Board, the California Health Benefit Exchange, the California Office of Systems Integration, counties, health care services plans, consumer advocates, and other stakeholders to undertake a planning and development process regarding the federal Patient Protection and Affordable Care Act, including regulations or guidance related to eligibility, enrollment, and retention in state health subsidy programs. Chapter 641, Statutes of 2011.

AB 1297 (Chesbro)

Medi-Cal: mental health.

Expedites, beginning on July 1, 2012, federal reimbursement to counties for their Medi-Cal specialty mental health claims by conforming the procedures and timeframes required by the Department of Mental Health to federal Medicaid requirements and the approved Medicaid state plan and waivers. Chapter 651, Statutes of 2011.

AJR 12 (Solorio)

Strengthening Medicare and Repaying Taxpayers Act of 2011.

Makes specified legislative findings and declarations regarding H.R. 1063, (the federal Medicare Secondary Payer Enhancement Act of 2011) and requests that the Congress and the President of the United States enact the measure. Resolution Chapter 69, Statutes of 2011.

SB 36 (Simitian)

County Health Initiative Matching Fund.

Expands eligibility for children in families whose income is at or below 400% of the federal poverty level (FPL), from the current level of 300% of FPL, and allows enrollment in the County Health Initiative Matching Fund Program using local funds to match federal Children's Health Insurance Program funds, and authorizes eligibility of children who meet the requirements for the Healthy Families Program but are unable to enroll as a result of restricted enrollment by the Managed Risk Medical Insurance Board due to budget limitations, conditioned on obtaining federal approval. Chapter 416, Statutes of 2011.

SB 90 (Steinberg)

Health: hospitals: Medi-Cal.

Authorizes the Office of Statewide Health Planning and Development to grant hospitals an extension of up to seven years from hospital seismic safety requirements, contingent on enactment and implementation of a Medi-Cal hospital provider fee that includes \$320 million in fee revenue to pay for health care coverage for children for budget year 2011-12, enacts a Medi-Cal six-month hospital provider fee for the period of January 1, 2011 to July 1, 2011, an intergovernmental transfer program for public hospitals related to Medi-Cal managed care and makes other changes necessary to implement savings related to the 2010-11 Budget and the 2011-12 Budget Act. Provides that enactment is contingent upon enactment of AB 113 (Monning). Chapter 19, Statutes of 2011.

SB 335 (Ed Hernandez)

Medi-Cal: hospitals: quality assurance fee.

For the period from July 1, 2011, through December 31, 2013, enacts a Medi-Cal hospital provider fee, provides supplemental payments to private hospitals in the Medi-Cal Program, provides for grants to public hospitals, funds for children's health care coverage and for supplemental payments to hospitals for services provided through the Low Income Health Program Medicaid Expansion. Chapter 286, Statutes of 2011.

SB 695 (Hancock)

Medi-Cal: county juvenile detention facilities.

Authorizes, until January 1, 2014, Medi-Cal benefits to be provided to a Medi-Cal eligible individual awaiting adjudication in a county juvenile detention facility if the county agrees to pay the state's share of Medi-Cal expenditures and administrative costs. Chapter 647, Statutes of 2011.

SB 945 (Committee on Health)

Medi-Cal: electronic records.

Requires the Department of Health Care Services to establish and administer the Medi-Cal Electronic Health Records Incentive Program to provide federally funded incentive payments to Medi-Cal providers to implement and use electronic health records systems. Chapter 433, Statutes of 2011.

XIII. PRESCRIPTION DRUGS

Chaptered

AB 507 (Hayashi)

Controlled substances: pain management.

Makes technical and conforming changes to existing law related to severe chronic intractable pain and to the California Intractable Pain Treatment Act. Repeals provisions in existing law which permit the Department of Justice to employ a physician to interview and examine any patient in connection with the prescription possession or use of a controlled substance, requires the patient to submit to the interview and examination, and permits the physician to testify in prescribed administrative proceedings. Chapter 396, Statutes of 2011.

SB 431 (Emmerson)

Pharmacies: regulation.

Modifies existing reporting requirements to the Board of Pharmacy regarding employee theft of drugs and prohibits a pharmacist whose license has been revoked from dispensing medication via mail. Chapter 646, Statutes of 2011.

SB 866 (Ed Hernandez)

Health care coverage: prescription drugs.

Requires the Department of Managed Health Care and the California Department of Insurance to jointly develop an electronic uniform prior authorization form for use on and after January 1, 2013, or six months after the form is developed, that health plans and insurers must accept when prescribing providers seek authorization for prescription drug benefits. Chapter 648, Statutes of 2011.

XIV. PUBLIC HEALTH

Chaptered

AB 186 (Williams)

Reportable diseases and conditions.

Requires the Department of Public Health (DPH) to establish a list of communicable diseases and conditions for which clinical laboratories must submit a culture or a specimen to the local public health laboratory to undergo further study. Permits DPH to modify the list of communicable diseases and conditions in consultation with appropriate local public health stakeholders, including, but not limited to, local health officers and public health laboratory directors. Chapter 540, Statutes of 2011.

AB 300 (Ma)

Safe Body Art Act.

Imposes minimum statewide standards for the regulation of practitioners engaged in the business of tattooing, body piercing, and the application of permanent cosmetics in California. Chapter 638, Statutes of 2011.

AB 581 (John A. Pérez)

Public health: food access.

Creates the California Healthy Food Financing Initiative (CHFFI), the CHFFI fund and the CHFFI Council, for the purpose of expanding access to healthy foods in underserved communities. Requires the Secretary of the California Department of Food and Agriculture (CDFA), by July 1, 2012, to prepare recommended actions to be taken to promote food access within California. Authorizes CDFA to create an Advisory Group, as specified. This authority remains in effect until January 1, 2017. Chapter 505, Statutes of 2011.

AB 604 (Skinner)

Needle exchange programs.

Permits the Department of Public Health (DPH), until January 1, 2019, to authorize specified entities to provide hypodermic needle and syringe exchange services, as specified, in any location where DPH determines that the conditions exist for the rapid spread of HIV, viral hepatitis, or any other potentially deadly or disabling infections that are spread through the sharing of used needles and syringes. Chapter 744, Statutes of 2011.

AB 1319 (Butler)

Product safety: bisphenol A.

Enacts the Toxin-Free Infants and Toddlers Act and prohibits the sale, manufacture or distribution of a bottle or cup or a liquid, food or beverage in a can, jar or plastic bottle that contains bisphenol A if the item is primarily intended for children three years of age or younger. Chapter 467, Statutes of 2011.

SB 38 (Padilla)

Radiation control: health facilities and clinics: records.

Makes July 1, 2012 the effective date by which health facilities, imaging centers and the California Department of Public Health must comply with reporting requirements in existing law for inappropriate or excessive radiation occurring during computed tomography examinations or radiation therapy. Chapter 139, Statutes of 2011.

SB 41 (Yee)

Hypodermic needles and syringes.

Suspends certain provisions of the Disease Prevention Demonstration Project, including the ability for a city or county to authorize pharmacists to provide up to 10 hypodermic needles and syringes without a prescription, until January 1, 2015, and until then permits pharmacists and physicians to furnish up to 30 hypodermic needles and syringes for human use, without a prescription or city/county authorization, to a person 18 years or older, as specified. Chapter 738, Statutes of 2011.

SB 614 (Kehoe)

Childhood immunization.

Permits a county office of education, the governing board of a school district of attendance, or the governing body of a charter school to allow a pupil, advancing to or enrolled in grades 7 through 12, to conditionally attend school for up to 30 calendar days, as specified, if that pupil has not been fully immunized with all pertussis boosters appropriate for the pupil's age and if certain conditions are met. Chapter 123, Statutes of 2011.

XV. MISCELLANEOUS

Chaptered

AB 507 (Hayashi)

Controlled substances: pain management.

Makes technical and conforming changes to existing law related to severe chronic intractable pain and to the California Intractable Pain Treatment Act. Repeals provisions in existing law which permit the Department of Justice to employ a physician to interview and examine any patient in connection with the prescription possession or use of a controlled substance, requires the patient to submit to the interview and examination, and permits the physician to testify in prescribed administrative proceedings. Chapter 396, Statutes of 2011.

AB 762 (Smyth)

Public health: medical waste.

Deletes a provision in existing law that requires a specified extremely high heat technology (plasma arc technology) to be used on medical waste, biohazardous waste, and sharps waste in order for it to be consolidated into a common container, in effect permitting that waste to be incinerated in a common container. Permits that common container to be reusable. Chapter 222, Statutes of 2011.

AB 1300 (Blumenfield)

Medical marijuana.

Allows local governments to adopt and enforce local ordinances that regulate the location, operation or establishment of a medical marijuana cooperative or collective. Chapter 196, Statutes of 2011.

ACR 69 (Hueso)

Synthetic cannabinoids and stimulants.

Urges law enforcement, first responders, schools, local elected officials, and parents to educate youth and raise awareness about the risks associated with synthetic drugs. Resolution Chapter 84, Statutes of 2011.

SB 484 (Rubio)

Public records: health care services contract records.

Authorizes the Legislative Analyst's Office (LAO) to have the same access to the California Department of Corrections and Rehabilitation (CDCR) health services contracts that the Joint Legislature Audit Committee and the Bureau of State Audits have under existing law. Allows CDCR records relating to health care services contracts to be open to inspection to the LAO and requires the LAO to maintain the confidentiality of any contract and amendment until the contract or amendment is fully open to inspection by the public. Chapter 336, Statutes of 2011.

SB 913 (Pavley)

Juvenile offenders: medical care.

Provides authority for a probation officer to consent to medical care for a minor who is taken into temporary custody under specified circumstances. Chapter 256, Statutes of 2011.

SJR 6 (Kehoe)

Survivors of torture.

Designates June 26, 2011, as a Day in Support of Victims of Torture in California and calls on the federal Office of Refugee Resettlement to appropriately distribute torture treatment funding through the federal Torture Victims Relief Act of 1998. Resolution Chapter 45, Statutes of 2011.

Vetoed

SB 105 (Yee)

Public safety: snow sport helmets.

Would have required individuals under 18 years of age, when operating snow skis or a snowboard while downhill skiing or snowboarding, to wear a properly fitted and fastened snow sport helmet that meets specified standards. Would have imposed a fine of \$25 for a violation of the helmet requirement. Would have required ski resorts to post signs giving reasonable notice of this helmet requirement.

Veto Message: This measure would impose criminal penalties on a child under the age of 18 and his or her parents if the child skis or snowboards without a helmet.

While I appreciate the value of wearing a ski helmet, I am concerned about the continuing and seemingly inexorable transfer of authority from parents to the state. Not every human problem deserves a law.

I believe parents have the ability and responsibility to make good choices for their children.

SB 278 (Gaines)

Public safety: ski resorts.

Would have required ski resorts to prepare an annual safety plan, as specified, and make the plan available to the public upon request, the same day that the request is received.

Veto Message: This bill would make available to the general public a ski resort's annual safety plan as well as information about any fatal incidents. It would also require ski resorts to create their own signage policy regarding skier information.

I believe such a measure is unnecessary--yet another exercise of the State's regulatory power for objectives that, in the ordinary course, are handled by private business or the people themselves.

SB 791 (Simitian)

Health care: mammograms.

Would have required health facilities at which mammography examinations are performed to provide a specified notice to patients who have dense breast tissue.

Veto Message: While I wholeheartedly support everyone's right to information about their own health, the notice in this bill gave me pause. I talked to many people, including doctors I respect, about the effects of the notice -- both its risks and benefits -- and struggled over the words. Were they a path to greater knowledge or unnecessary anxiety?

My conclusion was this: every patient needs health information they can use. For women, that likely includes information about breast density. But the notice contained in this bill goes beyond information about breast density. It advises that additional screening may be beneficial. If the state must mandate a notice about breast density -- and I am not certain it should -- such a notice must be more carefully crafted, with words that educate more than they prescribe.

SB 847 (Correa)

Medical Marijuana Program: zoning restrictions: residential use.

Would have prohibited any medical marijuana (MM) entity that possesses, cultivates, or distributes MM from locating within 600 feet of a residential area unless a local ordinance has been adopted to specifically regulate the location of these entities in relation to residential use.

Veto Message: I have already signed AB 1300 that gave cities and counties authority to regulate medical marijuana dispensaries -- an authority I believe they already had.

This bill goes in the opposite direction by preempting local control and prescribing the precise locations where dispensaries may not be located. Decisions of this kind are best made in cities and counties, not the State Capitol.

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