

AMENDED IN ASSEMBLY JULY 8, 2021

SENATE BILL

No. 428

Introduced by Senator Hurtado
(Coauthor: Senator Rubio)
(Coauthor: Assembly Member Gray)

February 12, 2021

An act to add Section 1367.32 to the Health and Safety Code, and to add Section 10123.51 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

SB 428, as amended, Hurtado. Health care coverage: adverse childhood experiences screenings.

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 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, including for mental health services.

This bill would require a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2022, to provide coverage for adverse childhood experiences screenings. *The bill would authorize each department to adopt guidance to implement this provision.* Because a willful violation of these provisions by a health care service plan would be a crime, the bill would impose a state-mandated local program.

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 1367.32 is added to the Health and Safety
2 Code, to read:

3 1367.32. (a) A health care service plan contract issued,
4 amended, or renewed on or after January 1, 2022, shall provide
5 coverage for adverse childhood experiences screenings.

6 (b) For purposes of this section, “adverse childhood experiences”
7 means an event, series of events, or set of circumstances that is
8 experienced by an individual as physically or emotionally harmful
9 or threatening and that has lasting adverse effects on the
10 individual’s functioning and physical, social, emotional, or spiritual
11 well-being.

12 (c) *The department may adopt guidance to health care service*
13 *plans to implement this section. The guidance shall not be subject*
14 *to the Administrative Procedure Act (Chapter 3.5 (commencing*
15 *with Section 11340) of Part 1 of Division 3 of Title 2 of the*
16 *Government Code). Guidance will align with the rules and*
17 *regulations for screening for trauma within the Medi-Cal program.*

18 SEC. 2. Section 10123.51 is added to the Insurance Code, to
19 read:

20 10123.51. (a) A health insurance policy issued, amended, or
21 renewed on or after January 1, 2022, shall provide coverage for
22 adverse childhood experiences screenings.

23 (b) For purposes of this section, “adverse childhood experiences”
24 means an event, series of events, or set of circumstances that is
25 experienced by an individual as physically or emotionally harmful
26 or threatening and that has lasting adverse effects on the
27 individual’s functioning and physical, social, emotional, or spiritual
28 well-being.

29 (c) *The department may adopt guidance to health insurers to*
30 *implement this section. The guidance shall not be subject to the*

1 *Administrative Procedure Act (Chapter 3.5 (commencing with*
2 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
3 *Code). Guidance will align with the rules and regulations for*
4 *screening for trauma within the Medi-Cal program.*

5 SEC. 3. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.