New Health Laws

THE CALIFORNIA LEGISLATURE had an active year, passing many new laws affecting health care. Below are highlights of the new laws likely to impact physicians next year and beyond. For more details, see “Significant New California Laws of interest to Physicians for 2015,” in the California Medical Association’s online resource library at www.cmanet.org/resource-library.

ALLIED HEALTH PROFESSIONALS
AB 1841 (Mullin)
MEDICAL ASSISTANTS
Clarifies that medical assistants (MAs) may hand out properly labeled and pre-packaged prescription drugs to patients as part of their existing authorization to provide “technical supportive services.” Permits MAs to hand out prescription drugs in non-state operated facilities licensed by the Board of Pharmacy. Requires that a licensed physician and surgeon, a licensed podiatrist, a physician assistant, a nurse practitioner, or a certified nurse-midwife provide the appropriate patient consultation regarding use of the drug.

CONFIDENTIAL INFORMATION
AB 1755 (Gomez)
MEDICAL INFORMATION
Revises provisions of law requiring licensed health facilities to prevent disclosure of patients’ medical information by extending the deadline for health facilities to report unauthorized disclosures from five to 15 business days after unlawful or unauthorized access, use, or disclosure has been detected. This bill also authorizes the report made to the patient or the patient’s representative to be made by alternative means, including email, as specified by the patient. This bill also extends the deadline when reporting is delayed for law enforcement purposes, as specified, from five to 15 days business days after the end of the delay. This bill gives the Department of Public Health full discretion to consider all factors when determining whether to conduct investigations under these provisions.

DRUG PRESCRIBING AND DISPENSING
AB 467 (Stone)
PRESCRIPTION DRUGS: COLLECTION AND DISTRIBUTION PROGRAM
Establishes a license and regulatory framework for a “surplus medication collection and distribution intermediary” to facilitate the donation of surplus medications in California. Requires the Board of Pharmacy to license a surplus medication collection and distribution intermediary, established for the purpose of facilitating the donation or transfer of medications between entities under a specified unused medication repository and distribution program. Authorizes the intermediary to charge specified fees.

AB 1535 (Bloom)
PHARMACISTS: NALOXONE HYDROCHLORIDE
Authorizes a pharmacist to furnish naloxone hydrochloride in accordance with standardized procedures or protocols developed and approved by both the Board of Pharmacy and the Medical Board. Requires the development of protocols on the education of the person to whom the drug is furnished and notification of the patient’s primary care provider. Requires the pharmacists to complete related training. Prohibits furnishing the medication to the patient without consultation. Authorizes related regulations.

AB 1735 (Hall)
NITROUS OXIDE: DISPENSING AND DISTRIBUTING
Makes it a misdemeanor for any person to dispense or distribute nitrous oxide to a person if it is known or should have been known that the nitrous oxide will be ingested or inhaled by the person for the purposes of causing intoxication,
and that person proximately causes great bodily injury or death to himself, herself, or any other person. Requires each transaction to be recorded in a written or electronic document. Requires a signature and proper identification. Makes it a crime to misuse customer information.

AB 1743 (Ting)  
HYPODERMIC NEEDLES AND SYRINGES

Deletes the limit on the number of syringes a pharmacist has the discretion to sell to an adult without a prescription and extends, until January 1, 2021, the statewide authorization for pharmacists to sell syringes without a prescription, as specified. Exempts the possession of a specified amount of hypodermic needles and syringes that are acquired from an authorized source.

HEALTH BENEFIT EXCHANGE

AB 617 (Nazarian)  
HEALTH BENEFIT EXCHANGE: APPEALS

Establishes an appeals process for eligibility determinations for insurance affordability programs (including Medi-Cal and tax credits available through the California Health Benefit Exchange (Covered California) and requires Covered California to contract with the Department of Social Services to serve as the designated entity to hear appeals.

HEALTH CARE COVERAGE

SB 959 (Hernandez, E.)  
HEALTH CARE COVERAGE

Prohibits a change in premium rate or coverage for an individual plan contract or policy unless the plan or insurer delivers a written notice of the change at least 15 days prior to the start of the annual enrollment period applicable to the contract or 60 days prior to the effective date of renewal, whichever occurs earlier in the calendar year. Makes several corrections and clarifications to provisions of law governing individual and small group health insurance, including clarifying that health plans and insurers have a single risk pool for enrollees and insureds.

SB 964 (Hernandez, E.)  
HEALTH CARE COVERAGE

Increases oversight of health care service plans with respect to compliance with timely access and provider network adequacy standards. Authorizes a health plan to include in its contracts with providers, provisions requiring compliance with timely access and network adequacy standards. Requires DMHC to annually review health plan compliance with timely access standards and to post its final findings from the review, and any waivers or alternative standards approved by DMHC, on its website. Authorizes DMHC to develop, and requires health plans to use, standardized methodologies for timely access reporting, and exempts the development and adoption of the standardized reporting methodologies from the Administrative Procedures Act, the body of law governing state regulations, until January 1, 2020.

SB 1052 (Torres)  
HEALTH CARE COVERAGE

Requires a health care service plan or insurer that provides prescription drug benefits or maintains drug formularies to post those formularies on its website and to update that posting with changes at specified times. Requires the development of a standard formulary template. Requires plans and insurers to use that template to display formularies. Requires the Covered California website provide a link to the formularies for each health plan through the Exchange.

SB 1053 (Mitchell)  
HEALTH CARE COVERAGE: CONTRACEPTIVES

Requires, effective January 1, 2016, most health plans and insurers to cover a variety of Food and Drug Administration-approved contraceptive drugs, devices, and products for women, as well as related counseling and follow-up services and voluntary sterilization procedures. Prohibits cost-sharing, restrictions, or delays in the provision of covered services, but allows cost-sharing and utilization management procedures if a therapeutic equivalent drug or device is offered by the plan with no cost-sharing.

HEALTH CARE FACILITIES AND FINANCING

AB 1570 (Chesbro)  
RESIDENTIAL CARE FACILITIES FOR THE ELDERLY

Increases training requirements for licensees and staff of Residential Care Facilities for the Elderly (RCFE). Deletes the existing requirement of 40 hours of classroom instruction for RCFE licensee certification training programs and replaces it with 80 hours of required coursework, which shall include at least 60 hours of coursework that shall be attended in person. Adds personal rights, management of antipsychotic medication, managing Alzheimer’s disease and related dementias, and managing the physical environment, including maintenance and housekeeping to the list of items covered in the RCFE licensee certification training program.

AB 2044 (Rodriguez)  
RESIDENTIAL CARE FACILITIES FOR THE ELDERLY

Relates to residential care facilities for the elderly. Requires that at least one administrator, facility manager, or designated substitute who has adequate qualifications be on the premises of any facility 24 hours per day. Requires a facility to employ, and an administrator to schedule, a sufficient number of staff members. Requires certain training to include building and fire safety and the appropriate response to emergencies.

SB 1004 (Hernandez, E.)  
HEALTH CARE: PALLIATIVE CARE

Requires the Department of Health Care Services (DHCS) to assist Medi-Cal managed care plans in delivering palliative care services, and requires DHCS to consult with stakeholders and...
directs DHCS to ensure the delivery of palliative care services in a manner that is cost-neutral to the General Fund, to the extent practicable. Authorizes implementation through all plan letters and similar instructions.

SB 1299 (Padilla)
**WORKPLACE VIOLENCE PREVENTION PLANS: HOSPITALS**
Requires the Occupational Safety and Health Administration Standards Board, no later than July 1, 2016, to adopt standards that require specified hospitals to adopt a workplace violence prevention plan as part of their injury and illness prevention plan to protect health care workers and other facility personnel from aggressive and violent behavior. Requires the Division of Occupational Safety and Health to post a report on violent incidents at hospitals on its website. Exempts certain hospitals.

**MEDI-CAL**

**SB 396 (De León)**
**PUBLIC SERVICES**
Repeals the unenforceable provisions of Proposition 187 relating to public social services, public health care services, public education and other activities of state and local agencies.

**SB 1341 (Mitchell)**
**MEDI-CAL: STATEWIDE AUTOMATED WELFARE SYSTEM**
Requires the Statewide Automated Welfare System to be the system of record for Medi-Cal and to contain all Medi-Cal eligibility rules and case management functionality. Authorizes the Healthcare Eligibility, Enrollment, and Retention System (CalHEERS) to house the business rules necessary for an eligibility determination. Requires CalHEERS to make the business rules available to the System consortia to determine Medi-Cal eligibility. Requires notices for the Medi-Cal and premium tax credit programs.

**SB 1457 (Evans)**
**MEDICAL CARE: ELECTRONIC TREATMENT AUTHORIZATION**
Requires requests for authorization for treatment or services in the Medi-Cal program, California Children’s Services (CCS) Program, and the Genetically Handicapped Persons Program (GHPP), excluding those submitted by dental providers enrolled in the Medi-Cal Dental Program, to be submitted in an electronic format determined by the Department of Health Care Services (DHCS) via DHCS’ website or other electronic means designated by DHCS. Requires DHCS to implement an alternate format for submission when DHCS’ website is unavailable due to a system disruption. Implements this requirement by July 1, 2015, or a subsequent date determined by DHCS. Authorizes all-county letters, plan letters, or provider bulletins.

**AB 496 (Gordon)**
**MEDICAL EDUCATION**
**MEDICAL EVALUATION: SEXUAL ORIENTATION: GENDER IDENTITY**
Amends existing law that requires continuing medical education accrediting associations to develop standards for compliance with the cultural competency requirement. Authorizes such associations to update these compliance standards in conjunction with an advisory group with expertise in such issues. Expands a recommendation regarding such care to include appropriate treatment and care of the lesbian, gay, bisexual, transgender, and intersex communities.

**AB 2214 (Fox)**
**EMERGENCY ROOM PHYSICIANS AND SURGEONS**
Enacts the Dolores H. Fox Act to require the Medical Board of California to consider including a course in geriatric care for emergency room physicians and surgeons as part of its continuing education requirements.

**AB 1577 (Atkins)**
**CERTIFICATES OF DEATH: GENDER IDENTITY**
Requires a person completing a certificate of death to record the decedent’s sex to reflect the decedent’s gender identity. Requires identity to be reported by the informant, unless the person completing the certificate is presented with a specified document, in which case the person would be required to record the decedent’s sex as that which corresponds with the gender identity as indicated in document. Provides the procedure in the absence of such document.
Significant New California Laws of Interest to Physicians for 2015:

**ORGAN TISSUE AND DONATION**

**1 NEW LAW:**

**AB 2399 (Perez, J.)**

**ORGAN AND TISSUE DONOR REGISTRY: DRIVER’S LICENSE**

Authorizes an organ procurement organization to swipe a driver’s license or identification card to transmit information to the registry for the purpose of allowing an individual to identify himself or herself as a registered organ donor, subject to a specified procedure. Requires the information gathered comply with a Department of Motor Vehicles Information Security Agreement. Revises the reference to general characteristics of donors to refer to non-identifiable information.

**PROFESSIONAL LICENSING AND DISCIPLINE**

**4 NEW LAWS, INCLUDING:**

**SB 1159 (Lara)**

**LICENSE APPLICANTS: INDIVIDUAL TAX IDENTIFICATION**

Prohibits licensing boards under the Department of Consumer Affairs from denying licensure to an applicant based on his or her citizenship or immigration status, and requires a licensing board and the State Bar to require, by January 1, 2016, that an applicant for licensure provide his or her individual taxpayer identification number or a social security number for an initial or renewal license.

**PUBLIC HEALTH**

**19 NEW LAWS, INCLUDING:**

**AB 1559 (Pan)**

**NEWBORN SCREENING PROGRAM**

Requires the Department of Public Health to expand statewide screening of newborns to include screening for adrenoleukodystrophy as soon as the disease is adopted by the federal Recommended Uniform Screening Panel.

**AB 1819 (Hall)**

**FAMILY DAY CARE HOME: SMOKING PROHIBITION**

Prohibits the smoking of tobacco in a private residence that is licensed as a family day care home without regard to whether the act occurs during the hours of operation of the home. Makes a conforming change.

**AB 1898 (Brown)**

**PUBLIC HEALTH RECORDS: REPORTING: HIV/AIDS**

Adds hepatitis B, hepatitis C, and meningococcal infection to the list of diseases that local health officer reports to the Department of Public Health (for the purpose of the investigation, control, or surveillance of human immunodeficiency virus/acquired immune deficiency syndrome and co-infection).

**AB 2069 (Maienschein)**

**IMMUNIZATIONS: INFLUENZA**

Requires the Department of Public Health to post specified educational information regarding influenza disease and the availability of influenza vaccinations on the department’s website. Authorizes the department to use additional available resources to educate the public regarding influenza, including, among other things, public service announcements.

**AB 2217 (Melendez)**

**PUPIL AND personnel HEALTH: AEDS**

Authorizes a public school to solicit and receive non-state funds to acquire and maintain an automated external defibrillator (AED). Provides that the employees of the school district are not liable for civil damages resulting from certain uses, attempted uses or non-uses of an AED. Exempts a public school or district, that is in compliance with AED requirements, from civil damage liability.

**REPRODUCTIVE ISSUES**

**2 NEW LAWS, INCLUDING:**

**SB 1135 (Jackson)**

**INMATES: STERILIZATION**

Prohibits sterilization for the purpose of birth control of an individual under the control of the Department of Corrections and Rehabilitation or a county correctional facility. Prohibits any means of sterilization of an inmate, except when required for the immediate preservation of life in an emergency medical situation and when medically necessary to treat a diagnosed condition and certain requirements are satisfied. Requires reports of procedures. Relates to notification regarding sterilization.

These are just a sampling of the new laws impacting health care in 2015 and beyond. For a complete list, see “Significant New California Laws of Interest to Physicians for 2015”, in the California Medical Association’s online resource library at [www.cmanet.org/resource-library](http://www.cmanet.org/resource-library).