Significant New California Laws of Interest to Physicians for 2021

The California Legislature had an interesting year, passing a number of new laws in the midst of a pandemic that affect health care, resulting in considerable operational challenges. While the number of new laws overall is significantly reduced as compared to other years, there was a strong focus on the impacts of COVID-19 pandemic, allied health professionals, mental health, and workforce and labor issues. Below is a list of the most significant new health laws of interest to physicians.

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AB 890 (Wood) – Nurse practitioners: scope of practice: practice without standardized procedures

CMA Position Oppose

Authorizes nurse practitioners who meet certain education, experience, and certification requirements to perform, in certain settings or organizations, specified functions without standardized procedures. Requires the Board of Registered Nursing, by regulation, to define minimum standards for a nurse practitioner to transition to practice without standardized procedures. Establishes the Nurse Practitioner Advisory Committee to advise and give recommendations to the BRN on matters relating to nurse practitioners. Specifies that nurse practitioners performing certain functions without standardized procedures in listed settings are eligible to serve on medical staffs and are subject to peer review. Requires the Department of Consumer Affairs' Office of Professional Examination Services to perform an occupational analysis to assess competencies and to develop a supplemental examination for nurse practitioners if needed based on the assessment.

(Amends Business and Professions Code §§650.01, 805, and 805.5; Adds Article 8.5 to Chapter 6 of Division 2 to (commencing with Section 2837.100) to Business and Professions Code)

AB 896 (Low) – Registered Dispensing Opticians: Dispensing Opticians Fund: Optometry Fund: mobile optometric offices

CMA Position: Support

Effective September 24, 2020, allows for nonprofits and charitable organizations to provide optometric services to patients through mobile optometric offices, as specified. By July 1, 2022 merges the Dispensing Opticians Fund into the Optometry Fund and makes various related conforming changes.

(Amends Business and Professions Code §§205, 655, 2545, 2546.9, 2556.2, 2567, 2568, and 3077; Adds Business and Professions Code §205.3; Adds and repeals Business and Professions Code §3070.2)

AB 2253 (Low) – Professional licensure

Specifies that the five-year maximum limit on licensure waivers for individuals practicing as a mental health professional in governmental settings while obtaining supervised experience begins from the start of employment in a position that includes qualifying experience, as specified.

(Amends Health and Safety Code §1277; Amends Penal Code §5068.5; Amends Welfare and Institutions Code §5751.2)

SB 653 (Chang) – Dental hygienists: registered dental hygienist in alternative practice: scope of practice

Authorizes a registered dental hygienist to provide, fluoride varnish to a patient and to provide dental hygiene preventive services and oral screenings at specified sponsored events and nonprofit organizations without supervision. Authorizes registered dental hygienists in alternative practice to practices in specified settings without being an employee and expands the services registered dental hygienists in alternative practice may provide, as specified.

(Amends Business and Professions Code §§1911, 1925, 1926, and 1926.05; Adds Business and Professions Code §§1911.5 and 1926.01)

SB 1237 (Dodd) – Nurse-midwives: scope of practice

CMA Position: Neutral

Authorizes a certified nurse-midwife to attend cases of low-risk pregnancy, as defined, and childbirth and to provide prenatal, intrapartum, and postpartum care, including family-planning services, interconception care, and immediate care of the newborn, as specified and as approved by the Board of Registered Nursing. Authorizes a certified nurse-midwife to practice with a physician and surgeon under mutually agreed upon policies and protocols that delineate the parameters for consultation, collaboration, and referral, and transfer of a patient's care, as specified. Requires certified nurse-practitioners not under supervision of a physician and surgeon to provided specified disclosures and to obtain a patient's written consent. Requires the Board of Registered Nursing to appoint the Nurse-Midwifery Advisory Committee, as specified, to make recommendations to the board.

(Amend Business and Professions Code §§650.01, 2746.2, 2746.5, 2746.51, and 2746.52; Adds Business and Professions Code §§2746.54 and 2746.55; Amends Health and Safety Code §§102415, 102426, and 102430)

BUDGET

AB 75 (Committee on Budget) – Budget Act of 2019: augmentation

Amends the Budget Act of 2019 by appropriating an additional $119,727,000 from the General Fund for augmentation for contingencies and emergencies and requires the Controller to allocate these additional funds as specified.

(Amends the Budget Act of 2019, Chapters 23 and 55 of the Statutes of 2019, by augmenting Item 9840-001-0001 of §2.00)

AB 79 (Committee on Budget) – Human services omnibus

Omnibus budget bill provides for statutory changes to enact human-services related provisions of the Budget Act of 2020 and addresses, among other programs, In-Home Supportive Services, CalWORKs, and the Safe Drinking Water Supplemental Benefit Pilot.

(Amends, repeals, and adds Family Code §17504; Amends Government Code §6253.2; Adds Government Code §14669.22; Amends Health and Safety Code §§1267.75, 1506, 1506.3, 1517, 1531.15, and 1569.682; Adds Health and Safety Code §1562.2; Repeals Labor Code §1567.70; Amends Labor Code §246; Amends, repeals, and adds Penal Code §§1001.20, 1001.21, 1001.22, 1001.23, and 1001.29; Amends Welfare and Institutions Code §§4418.7, 4646.5, 4684.81, 4684.82, 4685.8, 4691.12, 7502.5, 11265, 11265.1, 11320.3, 11323.2, 11333, 11402.2, 11403.2, 11403.3, 11454.5, 11461.36, 11463, 11523, 11523.1, 12305.7, 12305.71, 15204.2, 16519.5, 16521.8, 16527, 16529, 16530, 18900.8, 18901, 18901.1, 18901.10, 18901.25, and 18927; Amends and repeals Welfare and Institutions Code §§11322.85, 11322.86, 11322.87, and 12301.24; Amends, repeals, and adds Welfare and Institutions Code §§10831, 11265.2, 11265.45, 11320.15, 11322.8, 11325.21, 11325.24, 11454, and 17021 of, to add Sections 10004, 11265.15, 11454.1 18910.2, and 18918.1; Adds and repeals Welfare and Institutions Code §§11523.05 and 18906.55; Repeals Welfare and Institutions Code §§4684.87, 10832, and 11454.2)

AB 80 (Committee on Budget) – Public health omnibus

Omnibus budget trailer bill establishes policy on budget items, including suspension of Proposition 56 allocations for value-based payments, extension of funding to the Medi-Cal Promoting Interoperability Program until 2024, authorization for DHCS to seek federal approval to extend California's 1115 Waiver, and adjustment of managed care capitation payments for July 2019-December 2020 for pandemic-related decreased utilization.

(Amends Government Code §100500; Amends Health and Safety Code §§1367.0085, 1386, 105250.1, 120962, 120972, 127671, and 127672; Amends Health and Safety Code Chapter 3, Part 2, Division 107; Adds Health and Safety Code §§127671.1, 127672.8, 127672.9, 127673.1, 127673.2, 127673.3, 127673.4, 127673.5, 127673.6, 127673.7, 127673.8, 127673.81, 127673.82, 127673.83, 127673.84, and 127674.1 to, to repeal Sections 120512, 120780.6, 122441, and 127671.5; Repeals and adds §§127673 and 127674; Amends and adds Insurance Code Chapter 4.1, Part 2, Division 2, §10403; Amends Revenue and Taxation Code §19548.2; Amends Welfare and Institutions Code §§4107, 4300, 4301, 4305, 4306, 4307, 4308, 4309, 4314, 14007.8, 14011.10, 14021.51, 14042.1, 14046, 14046.1, 14079, 14105.31, 14124.24, 14134, 14188, and 14188.1; Amends and repeals Welfare and Institutions Code §14133.22; Adds Welfare and Institutions Code §§14105.334, 14105.467, 14124.12, and 14301.11; Repeals Welfare and Institutions Codes §4315; Adds §§1446.8 and 14188.4)

AB 81 (Committee on Budget) – Public health funding: health facilities and services

Budget trailer bill reauthorizes the skilled nursing facilities quality assurance fee and provides counties temporary flexibility in the implementation of the Mental Health Services Act in light of the COVID-19 Public Health Emergency.

(Amends Health and Safety Code §§1324.20, 1324.22, 1324.23, 1324.24, 1324.27, 1324.29, and 1324.30; Amends Welfare and Institutions Code §§5847, 5892, 14126.022, 14126.023, 14126.027, 14126.033, and 14126.036; Adds Welfare and Institutions Codes §14126.032)

AB 89 (Ting) – Budget Act of 2020

Final budget agreement between the Legislature and the Administration makes appropriations for the support of state government for the 2020–21 fiscal year.

(Amends the Budget Act of 2020 by amending Items 0250-001-0001, 0250-101-0001, 0250-101-0932, 0250-102-0159, 0250-111-0001, 0250-112-0001, 0280-001-0001, 0509-111-0001, 0515-001-0001, 0515-101-0001, 0540-490, 0540-491, 0650-001-0001, 0690-001-0001, 0690-104-0001, 0820-001-0001, 0890-101-0001, 1111-002-0305, 1700-001-0001, 1701-001-3363, 2240-101-0001, 2720-001-0001, 3480-001-3046, 3790-493, 3940-491, 4170-001-0001, 4170-101-0001, 4260-101-0001, 4260-101-0890, 4260-103-3305, 4260-113-0001, 4260-113-0890, 4265-011-3080, 4300-001-0001, 4300-101-0001, 4440-011-0001, 4560-001-3085, 5160-001-0001, 5175-001-0001, 5175-001-0890, 5175-002-0001, 5175-002-0890, 5175-101-0001, 5175-101-0890, 5180-001-0001, 5180-101-0001, 5180-111-0001, 5180-141-0001, 5180-151-0001, 5180-161-0001, 5225-001-0001, 5225-002-0001, 5225-008-0001, 5225-491, 5225-495, 5227-103-0001, 6100-001-0001, 6100-004-0001, 6100-149-0001, 6100-194-0001, 6100-194-0890, 6100-196-0001, 6100-488, 6100-497, 6440-001-0001, 6440-005-0001, 6600-001-0001, 6610-001-0001, 6870-101-0001, 6870-488, 6980-001-0001, 7502-001-0001, 7730-001-0001, 8860-001-0001, 8940-001-0001, 8955-001-0001, 9210-110-0001, 9800-001-0001, 9800-001-0494, and 9800-001-0988 of, adding Items 0650-102-0001, 0690-001-0217, 0968-401, 2240-495, 5225-301-0001, 5225-301-0660, 6440-062-0890, 6440-492, 6870-105-0001, 6870-162-8505, 6980-490, and 6980-495 to, and repealing Items 1690-001-0217, 3540-497, 3850-101-0005, 3900-003-3237, 3940-496, and 5227-107-0001 of, Section 2.00 of, amending Sections 3.90, 4.05, 8.28, 11.90, 12.32, 31.00, 35.50, 39.00, 99.00, and 99.50 of, adding Sections 3.91 and 11.95 to, and repealing Section 12.45 of, that act)

AB 103 (Committee on Budget) – Unemployment compensation benefits: COVID-19

Budget trailer bill specifies for federal unemployment benefit programs specifically created to respond to the COVID-19 pandemic, t unemployment compensation benefits paid to an unemployed individual cannot be charged against the reserve account of a tax-rated employer, unless the employer or an agent of the employer was at fault, as prescribed.

(Amends Unemployment Insurance Code §§4003 and 4004; Adds Unemployment Insurance Code §1026.2)

SB 74 (MItchell) – Budget Act of 2020

Makes appropriations for the support of state government for the 2020–21 fiscal year, including allocating estimated net revenue from the MCO tax to offset the state and county share of Medi-Cal expenditures, funding positions at CDPH, and reversing planned funding cuts for MLK Hospital and for the pregnancy-only Medi-Cal program, as specified.

SB 115 (Committee on Budget and Fiscal Review) – Budget Act of 2019: Budget Act of 2020

Amends the Budget Act of 2019 and the Budget Act of 2020 by amending, adding, and repealing appropriations, including appropriations to the Controlled Substances Utilization and Review Evaluation System (CURES) Fund to implement AB 528 (Low, 2019) and to the Department of Social Services.

(Amends Budget Act 2019, Chapter 23 and 55 of the Statutes of 2019 by amending Item 0250-101-0001; Amends the Budget Act of 2020, Chapters 6 and 7 of the Statutes of 2020 by amending Items 0250-301-0660, 0650-001-0001, 0690-490, 0820-001-0001, 0820-001-0460, 1111-001-3252, 1701-001-0240, 1701-001-0299, 1701-001-3363, 2240-103-6069, 2240-495, 2740-001-0044, 3360-001-3117, 3360-101-3211, 3540-494, 3600-001-6088, 3600-101-6083, 3600-491, 3600-492, 3640-001-0447, 3760-492, 3790-101-6088, 3790-493, 3825-101-6088, 3840-001-0890, 3860-001-6083, 3860-101-6083, 3860-301-6083, 3900-492, 3940-495, 4170-001-0001, 4300-301-0001, 4560-001-3085, 4560-101-3085, 5180-101-0001, 5180-111-0001, 5180-151-0001, 5225-301-0001, 5225-301-0660, 5225-495, 6100-001-0001, 6100-001-0890, 6100-112-0890, 6100-113-0890, 6100-125-0890, 6100-134-0890, 6100-136-0890, 6100-137-0890, 6100-156-0890, 6100-161-0001, 6100-166-0890, 6100-194-0001, 6100-194-0890, 6100-195-0890, 6100-196-0001, 6100-197-0890, 6100-294-0890, 6100-488, 6120-212-0001, 6870-301-6087, 7300-001-3078, 7350-001-0223, 7350-001-3121, 7350-001-3152, 7600-001-0001, 7730-001-0001, 8570-101-0001, 8955-301-0660, and 9210-110-0001 of, adding Items 0521-491, 0540-101-6083, 0540-601-6088, 0559-002-0001, 3540-101-0005, 3860-101-6031, 3940-012-0439, 3940-101-6013, 3940-101-6019, 3940-101-6029, 3940-101-6031, 4180-001-0001, 4700-101-0001, 6440-301-0658, 6440-301-0705, 6440-301-0791, 6440-301-6028, 6440-301-6041, 6440-301-6048, 7600-011-0001; Repeals Item 4260-101-3366 of, Section 2.00; Amends Budget Act 2020 §§39.00 and 99.00)

BUSINESS

AB 979 (Holden) – Corporations: boards of directors: underrepresented communities

Requires a publicly held domestic or foreign corporation whose principal executive office is in California to have a minimum of number of directors from an underrepresented community, as defined.

(Amends Corporation Code §301.3; Adds Corporation Code §§301.4 and 2115.6)

SB 934 (Bates) – Corporate taxes: exempt organizations: filing fees

Eliminates the $25 filing fee to submit a tax-exempt application to the Franchise Tax Board and the $10 annual information return filing fee applicable to tax-exempt organizations.

(Amends Health and Safety Code §50650.5; Amends Revenue and Taxation Code §§23701, 23701r, and 23772; Repeals and adds Revenue and Taxation Code §23778; Amends Vehicle Code §5168)

SB 1447 (Bradford) – Income tax: sales and use tax: credit: small business

CMA Position: Support

For each taxable year beginning on or after January 1, 2020, and before January 1, 2021, allows a qualified small business employer, as defined, that receives a tentative credit reservation, a credit in an amount equal to $1,000 for each net increase in qualified employees, up to $100,000 for any qualified small business employer.

(Adds Revenue and Taxation Code §§6902.7 and 6902.8; Adds and repeals Revenue and Taxation Code §§17053.72 and 23627)

CANNABIS

AB 1458 (Quirk) – Cannabis testing laboratories

Requires, for edible cannabis products, the certificate of analysis required by the Medicinal and Adult-Use Cannabis Regulation and Safety Act to report that the milligrams of THC per serving does not exceed 10 milligrams per serving, as specified.

(Amends Business and Professions Code §26100)

AB 1525 (Jones-Sawyer) – Cannabis: financial institutions

Provides that an entity, as defined, that provides financial services, as specified, to a licensed cannabis business does not commit a crime under any California law . Authorizes a licensed business to request that a state or local licensing authority, state or local agency, or joint powers authority share the licensee's application, license, and other regulatory and financial information, as specified, with a financial institution of the person's designation.

(Adds Business and Professions §26260 (Chapter 24, Division 10))

AB 1872 (Committee on Budget) – Cannabis

Budget trailer bill makes changes necessary to implement cannabis-related provisions of the 2020 Budget Act. Provisions include changes to the residency requirement for members of the Cannabis Appeals Panel and cultivation tax rate adjustments.

(Amends Business and Professions Code §26040; Amends Revenue and Taxation Code §§34010, 34012, and 34019)

SB 1244 (Bradford) – Cannabis testing laboratories

Authorizes a licensed testing laboratory to receive and test samples of cannabis or cannabis products from a state or local law enforcement, or a prosecuting or regulatory agency to test the cannabis or

cannabis products, clarifies that such testing is not commercial cannabis activity, and prohibits that testing from being arranged or overseen by the Bureau of Cannabis Control.

(Amends Business and Professions Code §26104)

CLINICAL LABORATORIES

AB 2199 (Nazarian) – Healing arts: clinical laboratories

Extends operation of existing law that authorizes a person with specified qualifications to perform a total protein test using a digital refractometer in a licensed plasma collection center, as specified, until Jan. 1, 2023.

(Amends Business and Professions Code §1246.7)

CONFIDENTIAL INFORMATION

AB 713 (Mullin) – California Consumer Privacy Act of 2018

CMA Position: Support

Effective September 25, 2020, exempts from the California Consumer Privacy Act of 2018 (CCPA) certain types of medical information and for business associates of covered entities subject to HIPAA, information collected, used, or disclosed in clinical trials, and any patient information that has been deidentified under HIPAA, as specified.

(Amends Civil Code §1798.130; Adds §§1798.146 and 1798.148)

AB 1281 (Chau) Privacy: California Consumer Privacy Act of 2018

Contingent on voters not approving Prop 24, extends until January 1, 2022 the sunset dates on two exemptions in the California Consumer Privacy Act (CCPA) for certain personal information collected by employers and for information collected in connection with business transactions and communications.
(Amends Civil Code §1789.145)

AB 2520 (Chiu) – Access to medical records

Requires a health care provider, as specified, to provide an employee of a nonprofit legal services entity, who is representing a patient, a copy of medical records that are relevant to specified public benefit programs at no charge.

(Amends Health and Safety Code §§123105 and 123110; Adds Health and Safety Code §123114)

AB 2655 (Gipson) – Invasion of privacy: first responders

Makes it a misdemeanor for a first responder, as defined, who responds to the scene of an accident or crime to capture the photographic image of a deceased person for any purpose other than an official law enforcement purpose or a genuine public interest. Requires an agency that employs first responders to notify those first responders of the prohibition.

(Amends Penal Code §1524; Adds Penal Code §647.9)

AB 685 (Reyes) – COVID-19: imminent hazard to employees: exposure: notification: serious violations

CMA Position: Neutral

Authorizes the Division of Occupational Safety and Health (OSHA), until January 1, 2023, to limit operations or prevent entry into a place of employment if it believes the location or operation presents an imminent risk of COVID-19 infection to employees, as specified. Authorizes OSHA, until January 1, 2023, to issue a citation alleging a serious violation relating to COVID-19 before considering mitigating factors or explanations. Requires employers to provide written notice, as specified, to employees who may have been exposed to COVID-19 at their worksite, as defined, unless an exception applies. Requires an employer to notify the local public health agency if the employer receives notice of the number of cases that meet the CDPH definition of a COVID-19 outbreak, .

(Amends, repeals, and adds Labor Code §§6325 and 6432; Adds and repeals Labor Code §§6409.6)

AB 1577 (Burke) – Income taxes: federal CARES Act: gross income: loan forgiveness

CMA Position: Support

For taxable years beginning on or after January 1, 2020, excludes from gross income, for state income tax purposes, any covered loan amount forgiven pursuant to the federal CARES Act and its subsequent amendments in the Paycheck Protection Program and Health Care Enhancement Act and the Paycheck Protection Program Flexibility Act of 2020.

(Adds Revenue and Taxation Code §§17131.8 and 24308.6)

AB 1710 (Wood) – Pharmacy practice: vaccines

Authorizes a pharmacist to independently initiate and administer any COVID-19 vaccines approved or authorized by the federal Food and Drug Administration (FDA) as specified.

(Amends Business and Professions Code §4052.8)

AB 1867 (Committee on Budget) – Small employer family leave mediation: handwashing: supplemental paid sick leave

Requires the Department of Fair Employment and Housing (DFEH) to create a small employer family leave mediation pilot program which allows small employer or the employee to request mediation through the DFEH's dispute resolution division, as specified. Establishes the COVID-19 Supplemental Paid Sick Leave program that requires employers who are not covered by the Families First Coronavirus Response Act (FFCRA) to provide supplemental paid sick leave to covered employees who cannot work for specified COVID-related reasons.

(Adds and repeals Government Code §12945.21; Adds Health and Safety Code §113963; Amends Labor Code §248.5; Adds Labor Code §§248 and 248.1)

AB 2288 (Low) – Nursing programs: state of emergency

Effective September 29, 2020, authorizes an approved nursing program, during a state of emergency, to request that the Board of Registered Nursing revise certain clinical experience requirements , subject to specified requirements.

(Adds Business and Professions Code §2786.3)

AB 2537 (Rodriguez) – Personal protective equipment: health care employees

Requires public and private employers of workers in a general acute care hospital, as defined, to maintain a stockpile of personal protective equipment, as specified, to supply those employees who provide direct patient care or provide services that directly support personal care with the personal protective equipment , as specified, and to ensure that the employees use the personal protective equipment supplied to them.

(Adds Labor Code §6403.3)

AB 2644 (Wood) – Skilled nursing facilities: deaths: reporting

In the event of a declared emergency related to a communicable disease, requires a skilled nursing facility to report each disease-related death and suspected disease-related death to the State Department of Public Health within 24 hours of that death and to notify residents and their representatives about cases of communicable diseases, in compliance with state and federal privacy laws. Requires the State Department of Public Health to report information related to those deaths on its internet website as specified.

(Adds Health and Safety Code §§1255.9 and 1275.41)

SB 275 (Pan) – Health Care and Essential Workers: personal protective equipment

CMA Position: Neutral

Requires the Department of Public Health to establish a personal protective equipment (PPE) stockpile, as specified, and requires CDPH to establish guidelines for the procurement, management, and distribution of PPE. Requires health care employers, as defined, to establish a PPE inventory sufficient for at least 45 days of surge consumption.

(Adds Health and Safety Code §131021; Adds Labor Code §6403.1)

SB 1159 (Hill) – Workers' compensation: COVID-19: critical workers

Defines "injury" for an employee to include illness or death resulting from the 2019 novel coronavirus disease (COVID-19) under specified circumstances, until January 1, 2023 and creates a disputable presumption, as specified, that the injury arose out of and in the course of the employment and is compensable, for specified dates of injury.

(Adds Labor Code §77.8 to; Adds and repeals Labor Code §§3212.86, 3212.87, and 3212.88)

DEPENDENT PERSONS

AB 2741 (Rubio, Blanca) – Children's advocacy centers

Authorize a county, in order to implement a multidisciplinary response to investigate reports involving child physical or sexual abuse, to use a children's advocacy center that includes representatives from specified disciplines and provides dedicated child-focused settings for interviews and other services. Authorizes members of a multidisciplinary team associated with a children's advocacy center to share with each other information concerning the child, the family of the child, and the person who is the subject of the abuse or neglect investigation, as specified, and exempts an employee or designated agent of the center from liability under specified circumstances.

(Adds Penal Code §11166.4)

SB 1123 (Chang) – Elder and dependent adult abuse

CMA Position: Neutral

Clarifies the definition of the term "elder and dependent adult abuse" for the purposes of provisions and requires that definition to be included in a law enforcement agency's policy manual, if that policy manual exists.

(Amends Penal Code §368.5)

EMERGENCY SERVICES

AB 1544 (Gipson) – Community Paramedicine or Triage to Alternate Destination Act

CMA Position: Support

Until January 1, 2024, stablishes the Community Paramedicine or Triage to Alternate Destination Act of 2020 which authorizes a local EMS agency, with approval by the Emergency Medical Services Authority, to develop a community paramedicine or triage to alternate destination program, as defined, to provide specified community paramedicine services.

(Amends Health and Safety Code §1799.2; Adds Health and Safety Code §1797.259; Adds and repeals Health and Safety Code §1797.273; Adds and repeals Health and Safety Code Chapter 13 of Division 2.5, §1800)

AB 1945 (Salas) – Emergency services: first responders

Defines, for purposes of the California Emergency Services Act, "first responder" as an employee of the state or a local public agency who provides emergency response services, including a peace officer, firefighter, paramedic, emergency medical technician, public safety dispatcher, or public safety telecommunicator.

(Adds Government Code §8562)

AB 1124 (Maienschein) – Health care service plans: regulations: exemptions

Authorizes the Department of Managed Health Care, no later than May 1, 2021, to authorize two pilot programs, one in northern California and one in southern California, under which providers may undertake risk-bearing arrangements with a voluntary employees' beneficiary association with enrollment greater than 100,000 lives, or a trust fund that is a welfare plan and a multiemployer plan with enrollment of more than 25,000 lives. The pilots are authorized for independent periods of time beginning no earlier than January 1, 2022, to December 31, 2025, inclusive, if certain criteria are met. .

(Adds and repeals Health and Safety Code §1343.3)

AB 2118 (Kalra) – Health care service plans and insurers: reporting requirements

Requires a health care service plan and health insurer, excluding for a specialized health care service plan or specialized health care policy, to report to the Department of Managed Health Care and the Department of Insurance, respectively, by October 1, 2021, and annually thereafter, for products in the individual and small group markets, specified information, including premiums, cost sharing, benefits, enrollment, and trend factors and requires the departments to present this information publicly, as specified. Delays until January 1, 2023 the reporting of certain information by health plans and insurers.

(Adds Health and Safety Code §1385.043; Adds Insurance Code §10181.46)

AB 2157 (Wood) – Health care coverage: independent dispute resolution process

Makes changes to the independent dispute resolution process established by AB 72 (Bonta, 2016), which limited the ability of out-of-network physicians to bill patients for non-emergent services provided at an in-network facility and established an interim payment rate for those services. Requires the procedures established by the Department of Managed Health Care and the Department of Insurance for independent dispute resolution to include a process for each party to submit into evidence information that will be kept confidential from the other party and to specify that a de novo review of the claim dispute shall be conducted.

(Amends Health and Safety Code §1371.30; Amends Insurance Code §10112.81)

SB 406 (Pan) – Health care: omnibus bill

CMA Position: Support

Health care omnibus bill addresses issues related to the Affordable Care Act (ACA), vital records, substance use recovery residences, and the Program of All-Inclusive Care for the Elderly (PACE). With regard to the ACA, codifies existing federal provisions that prohibit lifetime or annual limits and require coverage of preventative services without cost sharing into state law.

(Amends Health and Safety Code §§11833.05, 103526, 110810, 110840, and 127662; Amends Health and Safety Code §110810 (Article 7, Chapter 5 of Part 5 of Division 104); Repeals and adds Health and Safety Code §§1367.001, 1367.002, and 127665; Repeals and adds Insurance Code Sections 10112.1 and 10112.2; Amends Welfare and Institutions Code §14592)

SB 855 (Wiener) – Health coverage: mental health or substance use disorders

CMA Position: Neutral

Amends the California Mental Health Parity Act to require health care service plans and health insurers to provide coverage for medically necessary treatment of mental health and substance use disorders, as defined, under the same terms and conditions applied to other medical conditions.

(Adds Health and Safety Code §§1367.045 and 1374.721; Repeals Health and Safety Code §1374.72; Adds Insurance Code §10144.52; Repeals and adds Insurance Code §10144.5)

HEALTH CARE FACILITIES AND FINANCING

AB 1766 (Bloom) Licensed adult residential facilities and residential care facilities for the elderly: data collection: residents with a serious mental disorder

Requires the State Department of Social Services to annually collect and report to each county's department of mental health or behavioral health, specified information about licensed adult residential facilities and residential care facilities for the elderly, as described, that accept residents with a serious mental disorder, as defined. Requires the DSS to notify the county mental or behavioral health department within 3 business days upon receiving notice that a licensed adult residential facility or residential care facility for the elderly intends to close permanently.

(Adds Health and Safety Code §§1507.4, 1509.6, and 1569.4)

AB 2037 (Wicks) – Health facilities: notices

Requires a hospital that provides emergency medical services to provide notice, as specified, at least 180 days before a planned reduction or elimination of the level of emergency medical services. Require a health facility to provide at least 120 days' notice, as specified, prior to closing the health facility and at least 90 days prior to eliminating or relocating a supplemental service, except as specified.

(Amends Health and Safety Code §§1255.1 and 1255.25)

AB 2377 (Chiu) – Residential facilities

Requires an applicant or licensee of an adult community care facility or a residential care facility for persons with chronic life-threatening illness to maintain an email address of record with the State Department of Social Services and notify the department in writing of the email address and any change to that address, as specified.

(Amends Health and Safety Code §1562.2; Adds Health and Safety Code §§1509.56, 1562.1, 1562.15, and 1568.023)

MEDI-CAL

AB 115 (Committee on Budget) – Medi-Cal: managed care organization provider tax

Effective July 1, 2019, implements a managed care organization provider tax contingent upon federal approval, to be effective for 3.5 fiscal years.

(Repeals and adds Article 6.8 (commencing with Section 14199.60) to Chapter 7 of Part 3 of Division 9 of the Welfare & Institutions Code)

SB 214 (Dodd) – Medi-Cal: California Community Transitions program

Effective September 29, 2020 until January 1, 2024, requires the Department of Health Care Services to provide services consistent with the Money Follows the Person Rebalancing Demonstration for eligible individuals transitioning out of an inpatient facility who have resided in the facility for less than 90 consecutive days.

(Adds and repeals Welfare and Institutions Code §14196.2 (Article 6.2, Chapter 7, Part 3, Division 9))

MENTAL AND BEHAVIORAL HEALTH

AB 465 (Eggman) – Mental health workers: supervision

Requires any program permitting mental health professionals to respond to emergency mental health crisis calls in collaboration with law enforcement to ensure the program is supervised by a licensed mental health professional, as specified.

(Adds Welfare and Institutions Code §5848.7)

AB 1976 (Eggman) Mental health services: assisted outpatient treatment

CMA Position: Support

Requires each county to implement the Assisted Outpatient Treatment Demonstration Project Act of 2002, known as Laura's Law, to offer specified mental health programs or to opt out of the requirement through a resolution by the governing body of the county which explains the reasons for opting out. Permits a county, in combination with one or more counties, to implement an AOT program and repeals makes Laura's Law permanent. .

(Adds and repeals Welfare and Institutions Code §§5950 et seq. (Part 6, Division 5))

AB 2265 (Quirk-Silva) – Mental Health Services Act: use of funds for substance use disorder treatment

CMA Position: Support

Clarifies that the Mental Health Services Fund, which is continuously appropriated to, and administered by, the Department of Health Care Services can be used to fund substance use disorder treatment for children, adults, and older adults with cooccurring mental health and substance use disorders who are eligible to receive mental health services, as specified, and requires counties to report to DHCS specified information about individuals treated pursuant to these provisions.

(Adds Welfare and Institutions Code §5891.5)

AB 3242 (Irwin) – Mental health: involuntary commitment

Authorizes an examination, assessment, or evaluation as specified, required, or authorized under Section 5150 for the involuntary commitment and treatment of persons with specified mental health disorders, for the protection of that person, to be conducted using telehealth.

(Amends Health and Safety Code §1799.111; Amends Welfare and Institutions Code §5151; Adds Welfare and Institutions Code §5150.5)

AB 3371 (Committee on Veterans Affairs) – Veteran suicides: report

Requires the Department of Public Health to add to its existing Veteran Suicide report information on the counties of residence of the veterans.

(Amends Health and Safety Code §102791)

SB 803 (Beall) – Mental health services: peer support specialist certification

Requires the Department of Health Care Services, by July 1, 2022, to establish a pilot program or Medi-Cal demonstration program for the provision of peer support services for mental illness and substance use disorder in counties that choose to participate. Requires peer support specialists, as defined, to be certified as a Medi-Cal provider. .

(Adds Welfare and Institutions Code §14045.10 (Article 1.4, Chapter 7 of Part 3 of Division 9))

PRESCRIBING AND DISPENSING

SB 852 (Pan) – Health care: prescription drugs

CMA Position: Support if Amended

Requires the California Health and Human Services Agency (CHHSA) to enter partnerships, to increase patient access to affordable drugs, including entering into partnerships to produce or distribute generic prescription drugs as specified. Subject to appropriation by the Legislature, requires CHHSA to submit a report to the Legislature on or before July 1, 2023, assessing the feasibility and advantages of directly manufacturing generic prescription drugs and selling generic prescription drugs at a fair price.

(Adds Health and Safety Code §127690 (Chapter 10, Part 2 of Division 107); Repeals Health and Safety Code §§127694 and 127695)

PROFESSIONAL LICENSING AND DISCIPLINE

AB 2113 (Low) – Refugees, Asylees and Special Immigrant Visa Holders: Licensing

Requires licensing boards under the Department of Consumer Affairs to expedite licensure applications for refugees, asylees, and Special Immigrant Visa holders, as specified.

(Adds Business and Professions Code §134.5)

AB 2273 (Bloom) – Physicians and surgeons: foreign medical graduates: special faculty permits

CMA Position: Neutral

Under current law, any person who meets certain eligibility requirements may apply for a special faculty permit that authorizes the holder to practice medicine, without a physician's and surgeon's certificate, within a medical school and certain affiliated institutions. This bill Authorizes the holder of a special faculty permit, a visiting fellow, and a holder of a certificate of registration to practice medicine at an academic medical center.

(Amends Business and Professions Code §§2111, 2113, 2168, 2168.1, and 2168.2; Adds Business and Professions Code §2168.5)

AB 3092 (Wicks) Sexual assault and other sexual misconduct: statutes of limitations on civil actions

CMA Position: Neutral

Revives claims for damages arising out of a sexual assault or other inappropriate contact, communication, or activity of a sexual nature by a physician while employed by a medical clinic owned and operated by the University of California, Los Angeles, or a physician who held active privileges at a hospital owned and operated by the University of California, Los Angeles, between January 1, 1983 and January 1, 2019, that would otherwise be barred before January 1, 2021 because the applicable statute of limitations has or had expired.

(Amend Code of Civil Procedure §340.16)

AB 3330 (Calderon) – Department of Consumer Affairs: boards: licensees: regulatory fees

CMA Position: Neutral

Beginning April 1, 2021, increases the Controlled Substance Utilization Review and Evaluation System (CURES) fee from $6 annually to $11 and subsequently, beginning April 1, 2023, decreases the fee to $9.

(Amends Business and Professions Code §§2499.5 and 4970; Amends, repeals, and adds Business and Professions Code §§208, 4971, 4984.7, 4989.68, 4996.3, and 4999.120)

PUBLIC HEALTH

AB 1989 (Garcia, Cristina) – Menstrual Products Right to Know Act of 2020

CMA Position: Support

Enacts the Menstrual Products Right to Know Act of 2020, which requires a package or box containing menstrual products manufactured on or after January 1, 2023 to have printed on the label a plain and conspicuous list of all ingredients, as defined, in the product, by weight. Requires the same information to be posted online, as specified.

(Adds Health and Safety Code §111822 (Chapter 7.5, Part 5, Division 104))

AB 2077 (Ting) – Hypodermic needles and syringes

Permits the sale of hypodermic needles and syringes to adults 18 years of age and older without a prescription and extends the sunset on current law authorizing a physician or pharmacist to furnish to adults, and for adults to obtain, hypodermic needles and syringes for personal use without a prescription until January 1, 2026.

(Amends Business Professions §4145.5; Repeals Business and Professions Code §11364; Repeals Health and Safety Code §121285)

AB 2112 (Ramos) – Suicide prevention

Subject to an appropriation, authorizes the Department of Public Health to establish the Office of Suicide Prevention and requires it to perform specified duties, including providing information and technical assistance to statewide and regional partners regarding best practices on suicide prevention policies and programs, as specified, consulting with the Mental Health Services Oversight and Accountability Commission.

(Adds Health and Safety Code §31300 (Chapter 3, Part 1, Division 112))

AB 2218 (Santiago) – Transgender Wellness and Equity Fund

CMA Position: Support

Establishes the Transgender Wellness and Equity Fund within the California Department of Public Health's Office of Health Equity. Upon appropriation, the monies in the Fund may fund grants to organizations serving people that identify as transgender, gender nonconforming, or intersex (TGI), TGI-specific housing programs and partnerships with hospitals, health care clinics, and other medical providers to provide TGI-focused health care, as defined, and related education programs for health care providers.

(Adds Health and Safety Code §150900 (Division 119))

AB 2276 (Reyes) – Childhood lead poisoning: screening and prevention

CMA Positions: Neutral

Requires a contract between the Department of Health Care Services (DHCS) and a Medi-Cal managed care plan to require the plan to identify enrolled children that have no record of blood lead screening, as specified, and to remind the contracting health care provider of the requirement to perform the screening, as specified. Requires a Medi-Cal managed care plan to maintain a list of children who missed or are without a record of blood lead screening test, as specified

(Amends Health and Safety Code §105285; Adds Health and Safety Code §105301; Adds Welfare and Institutions §14197.08)

AB 2847 (Chiu) – Firearms: unsafe handguns

Effective July 1, 2022, requires all semiautomatic pistols not already listed on the Department of Justice roster of not unsafe handguns to be equipped with chamber load indicators, magazine disconnect mechanisms, and microstamping technology and requires DOJ to remove three non-compliant firearms from the roster for every new firearm added to the roster.

(Amends Penal Code §31910)

SB 793 (Hill) Flavored tobacco products

CMA Position: Support

Prohibits a tobacco retailer, or any of the tobacco retailer's agents or employees, from selling, offering for sale, or possessing with the intent to sell or offer for sale, a flavored tobacco product or a tobacco product flavor enhancer, as those terms are defined, except as specified.

(Adds Health and Safety Code §104559.5 (Article 5, Chapter 1, Part 3, Division 103))

SB 1276 (Rubio) – The Comprehensive Statewide Domestic Violence Program

The Comprehensive Statewide Domestic Violence Program, which exists within the Office of Emergency Services, currently provides financial assistance to existing local domestic violence service providers. In order for a local service provider to receive state funding, however, the provider must provide a cash or in-kind match of at least 10% of the funds from the state. This bill eliminates that matching requirement.

(Amends Penal Code §13823.15)

REPORTING REQUIREMENTS

AB 1145 (Garcia, Cristina) – Child abuse: reportable conduct

Specifies, for purposes of reporting incidents of abuse under the Child Abuse and Neglect Reporting Act (CANRA), that "sexual assault" does not include voluntary anal sex, oral sex, or sexual penetration, if there are no indicators of abuse, unless the conduct is between a person who is 21 years of age or older and a minor who is under 16 years of age.

(Amends Penal Code §11165.1)

AB 1929 (Rubio, Blanca) – Child abuse and neglect reporting

Allows a county welfare agency to develop a program for internet-based reporting of child abuse and neglect, requires the California Department of Social Services (CDSS) to oversee and administer the program through the issuance of written directives, and requires a county to decommission its system when CDSS notifies counties that internet-based reporting of child abuse and neglect is available and functional within the statewide comprehensive child welfare information system, among other requirements.

(Amends Penal Code §11166.02; Amends Welfare and Institutions Code §10612.5)

AB 1963 (Chu) – Child abuse or neglect: mandated reporters

Adds a human resource employee of a business with five or more employees that employs minors to the list of mandated reporters. Adds any adult whose duties require direct contact with, and supervision of, minors in the workplace of a business with five or more employees to the list of mandated reporters for the purpose of reporting sexual abuse. Requires that employers provide these employees who are mandated reporters training on identifying and reporting child abuse and neglect.

(Amends Penal Code §11165.7)

AB 2821 (Nazarian) – Richard Paul Hemann Parkinson's Disease Program

CMA Position: Oppose Unless Amended

Extends, until January 1, 2022, the operation of the Richard Paul Hemann Parkinson's Disease Program, which, among other things, requires the State Department of Public Health to collect data on the incidence of Parkinson's disease in California, as specified, and requires a hospital, facility, physician and surgeon, or other health care provider diagnosing or providing treatment to Parkinson's disease patients to report each case of Parkinson's disease to the department, as prescribed.

(Amends Health and Safety Code §103870.2)

SB 932 (Wiener) – Communicable diseases: data collection

Requires any electronic tool used by a health officer, as defined, for the purpose of reporting cases of communicable diseases to the department, as specified, to include the capacity to collect and report data relating to sexual orientation and gender identity. Requires a health care provider, as defined, that knows of or is in attendance on a case or suspected case of specified communicable diseases to report to the health officer for the jurisdiction in which the patient resides the patient's sexual orientation and gender identity, if known.

(Adds Health and Safety Code §120255)

REPRODUCTIVE HEALTH

AB 732 (Bonta) – County jails: prisons: incarcerated pregnant persons

CMA Position: Support

Requires an incarcerated person in a county jail or the state prison who is identified as possibly pregnant or capable of becoming pregnant to be offered a test upon intake or request, as specified. . Requires a pregnant incarcerated person t to be scheduled for pregnancy examination with a physician, nurse practitioner, certified nurse midwife, or physician assistant within 7 days and to be scheduled for prenatal care visits, as specified. Prohibits the use of tasers, pepper spray, or other chemical weapons against pregnant incarcerated persons.

(Amends Penal Code §§3405, 3406, 3409, 4023.5, 4023.6, and 4028; Adds Penal Code §§3408 and 4023.8)

AB 2014 (Maienschein) – Medical misconduct: misuse of sperm, ova, or embryos: statute of limitations

CMA Position: Neutral

Amends statute of limitations for filing a criminal complaint for crimes involving unlawful use or implantation of sperm, ova, or embryos from 3 years after the commission of the offense to one year after the discovery of the offense or within one year after the offense could have reasonably been discovered.

(Amends Penal Code §803)

AB 1947 (Kalra) – Employment violation complaints: requirements: time

Extends the time that workers have to file a claim with the California Labor Commissioner for retaliation based on the exercise of workplace rights under the Labor Code from 6 months to 12 months from the time they believe a violation occurred and authorizes attorneys' fees for a worker who prevails on a whistleblower claim. .

(Amends Labor Code §§98.7 and 1102.5)

AB 2017 (Mullin) – Employee: sick leave: kin care

. Provides that the designation of the sick leave taken pursuant to existing law, which requires an employer who provides sick leave for employees to permit an employee to use the employee's accrued and available sick leave entitlement to attend to the illness of a family member and prohibits an employer from denying an employee the right to use sick leave or taking specific discriminatory action against an employee for using, or attempting to exercise the right to use, sick leave to attend to such an illness, is at the sole discretion of the employee.

(Amends Labor Code §233)

AB 2143 (Stone) – Settlement agreements: employment disputes

Prohibits an agreement to settle an employment dispute which contains a "no re-hire" provision against an employee person has, in good faith, filed a claim or any parent company, subsidiary, division, affiliate, or contractor of the employer. Permits a an agreement to settle an employment dispute which contains a "no re-hire" provision against an employee if the if the employer has made and documented a good faith determination, before the employee filed the claim, that the employee engaged in sexual harassment or sexual assault. harassment, sexual assault, or any criminal conduct.

(Amends Code of Civil Procedure §1002.5)

AB 2257 (Gonzalez) – Worker classification: employees and independent contractors: occupations: professional services

Revises existing law established by AB 5 (Gonzalez 2019), which codified the California Supreme Court decision in Court decision *in Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) that presumes a worker is an employee unless a hiring entity satisfies a three-factor test, and exempted from the test certain professions and business to business relationships. Clarifies the business-to-business, referral agency, and professional services exemption to the three-factor test for employment status and exempts certain occupations in connection with creating, marketing, promoting, or distributing sound recordings or musical compositions.

(Adds Labor Code §2775 (Article 1.5, Chapter 2, Division 3); Repeals Labor Code §2750.3; Amends Revenue and Taxation Code §§17020.12 and 23045.6; Adds Revenue and Taxation Code §§18406, 21003.5, and 61001)

AB 2399 (Committee on Insurance) – Paid family leave: qualifying exigency

Expands the definitions of "care recipient," "care provider," and "family care leave" under California's Paid Family Leave Program to authorize employees to take time off to participate in a qualifying exigency related to the covered active duty or call to covered active duty of specified individuals. ..

(Amends Unemployment Insurance Code §§3302 and 3307)

AB 2992 (Weber) – Employment practices: leave time

Prohibits an employer from discharging, or discriminating or retaliating against, an employee who is a victim of crime or abuse for taking time off from work to obtain or attempt to obtain relief, as prescribed.

(Amends Labor Code §§230 and 230.1)

SB 1383 (Jackson) – Unlawful employment practice: California Family Rights Act

Expands the California Family Rights Act to make it an unlawful employment practice for any employer with 5 or more employees to refuse to grant a request by an employee to take up to 12 workweeks of unpaid protected leave during any 12-month period to bond with a new child of the employee or to care for themselves or a child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or domestic partner, as specified and specifies that an employer who employs both parents of a child must grant leave to each employee.

(Amends and repeals Government Code §12945.6 of; Amends, repeals, and adds Government Code §12945.2)