

# NATIONAL MULTIPLE SCLEROSIS SOCIETY – CA ACTION NETWORK

## LEGISLATIVE REPORT

Current as of June 3, 2013

### **SUPPORT**

#### **ACR 22 (Dickinson, D - Sacramento) MS Awareness Week**

ACR 22 establishes March 11-15, 2013 as MS Awareness Week in California.

**Status:** Adopted by the Legislature

**Sponsor:** National Multiple Sclerosis Society – CA Action Network

#### **ABX 1 1 (John A. Pérez, D – Los Angeles) Medi-Cal: eligibility**

This bill implements various Medicaid provisions of federal health care reform under the Affordable Care Act, including establishing Medi-Cal eligibility for persons less than 65 years of age who meet specified criteria and whose income does not exceed 138 percent of the federal poverty level.

**Status:** Passed the Assembly. In the Senate

#### **ABX 1 2 (Pan, D - Sacramento) Health Care Coverage**

This bill establishes health insurance market reforms contained in the Patient Protection and Affordable Care Act (ACA) specific to individual purchasers, such as prohibiting insurers from denying coverage based on preexisting conditions.

**Status:** Signed by the Governor

#### **AB 299 (Holden, D – Los Angeles) Pharmacy**

This bill prohibits a nonresident pharmacy or a pharmacy located in California that delivers prescriptions via mail from entering into an agreement with a health care service plan to require the plan enrollee to use mail order services or to require a plan enrollee to opt out of a mail order process. This bill is in response to the requirement by Anthem Blue Cross that enrollees receive their specialty drugs only from mail order pharmacies.

**Status:** Held in Assembly Appropriations Committee

**Sponsor:** CA Pharmacists Association

#### **AB 582 (Chesbro, D - Humboldt) Complex Rehabilitation Technology**

AB 582 establishes, until January 1, 2019, a separate category in the state's Medi-Cal program for complex medical technology (CRT) including customized mobility devices (manual or power wheelchairs, and adaptive seating or alternative positioning systems), that is distinct from all other types of durable medical equipment. The bill requires CRT providers to be enrolled as a provider in the Medi-Cal program, be accredited by a recognized accrediting organization as a supplier of CRT, employ or contract with at least one qualified rehabilitation technology professional for each distribution location and have that qualified rehabilitation technology professional physically present for the

evaluation and determination of the CRT provided. AB 582 also requires a medical provider to conduct a physical examination of an individual before prescribing a motorized wheelchair or scooter and complete a certificate of medical necessity.

**Position:** Support

**Status:** Passed the Assembly. In the Senate.

**AB 809 (Logue, R - Sutter) Telehealth: Oral Consent**

This bill is an update to AB 415 from 2011, “The Telehealth Advancement Act of 2011”, to remove a portion of the original bill known as ‘oral consent’ that has proved problematic. Under AB 415 a physician is required to obtain verbal consent for each and every visit with the patient. With a year after implementation, physicians have reported that this constant requirement is onerous and burdensome on their ability to treat patients efficiently.

**Status:** June 10 hearing scheduled in Senate Business, Professions, and Economic Development Committee

**AB 889 (Frazier, D – Contra Costa) Health Care Coverage**

This bill prohibits a health plan and health insurer that from requiring an enrollee to try and fail more on than two medications before allowing the enrollee access to the medication originally prescribed by the provider. AB 889 also requires health plans and health insurers to have an expeditious process in place for step therapy exceptions and that the duration of step therapy be consistent with up-to-date evidence-based outcomes and current published peer-reviewed medical and pharmaceutical literature.

**Status:** Passed the Assembly. In the Senate

**Sponsor:** For Grace

**SBX 1 1 (Hernandez, D – Los Angeles) Medi-Cal: eligibility**

This bill implements various Medicaid provisions of federal health care reform under the Affordable Care Act, including establishing Medi-Cal eligibility for persons under 65 years of age who meet specified criteria and whose income does not exceed 138 percent of the federal poverty level.

**Status:** In the Assembly

**SBX 1 2 (Hernandez, D – Los Angeles) Health Care Coverage**

This bill establishes health insurance market reforms contained in the Patient Protection and Affordable Care Act (ACA) specific to individual purchasers, such as prohibiting insurers from denying coverage based on preexisting conditions.

**Status:** Signed by the Governor

**SB 111 (Beall, D – Santa Clara) Voter Registration: Signature Stamps**

This bill allows a person who cannot sign their name and who has a signature stamp approved for use by, and on file with the Department of Motor Vehicles to utilize that stamp to register to vote online without also having to use the stamp in the presence of their county elections official.

**Status:** June 11 hearing in Assembly Elections and Redistricting Committee

**Sponsor:** Secretary of State

**SB 391 (DeSaulnier, D – Contra Costa) The California Homes and Jobs Act of 2013**

The bill will put a \$75 recordation fee on real estate transactions – excluding home sales in order to build safe and affordable single-family homes and apartments for Californians in need, including families, seniors, veterans, and people with disabilities.

**Status:** Passed the Senate. In the Assembly

**Sponsor:** California Housing Consortium and Housing California

**SB 550 (Jackson, D – Santa Barbara) Accessible Housing**

SB 550 increases the number of accessible housing units required in state and locally assisted housing developments for persons with mobility disabilities from 5% to 10% and communications disabilities (i.e., hearing and vision) from 2% to 4%.

**Status:** Held in the Senate Appropriations Committee

**Sponsor:** Disability Rights California

**SB 639 (Hernandez, D - Los Angeles) Health Care Coverage**

SB 639 gives California state regulators the ability to enforce the patient cost sharing provisions and maximum out-of-pocket limits, including copayments, coinsurance, deductibles, incentive payments, and any other form of cost sharing for all covered benefits, including prescription drugs, contained in the Affordable Care Act (ACA). The bill also establishes small group deductibles, and defines the precious metal tiers level of coverage offered in Covered California, the healthcare exchange. The bill prohibits any product from being offered in the individual market other than those with a standardized product design.

**Status:** Passed the Senate. In the Assembly

**Sponsor:** Health Access California

**NEUTRAL**

**SB 598 (Hill, D – San Mateo) Prescriptions: Biosimilar products**

This bill will allow a pharmacist filling a prescription order for a prescribed biological product to select a biosimilar only if the following conditions are met:

1. The product selected as a biosimilar has been approved by the federal Food and Drug Administration (FDA) and has been determined to be interchangeable with the prescribed biological product;
2. The prescriber does not personally indicate, either orally or in his or her own handwriting, "Do not substitute," or words of similar meaning;
3. For prescriptions filled prior to January 1, 2017, the pharmacy notifies the prescriber or enters the appropriate information in a patient record system shared by the prescriber within five business days of the selection; and,
4. For prescriptions filled prior to January 1, 2017, the pharmacy retains a written record of the biosimilar selection for a period of at least three years.

**Status:** Passed the Senate. In the Assembly

**Sponsors:** Amgen and Genentech

**UNDER REVIEW**

**AB 403 (Stone, D – Santa Cruz) Solid Waste: Home Generated Sharps**

This bill requires medical sharps producers to develop and implement a program to collect, transport, and process home generated medical sharps to be overseen by the Department of Resource Recovery and Recycling.

**Status:** Passed Assembly Environmental Safety and Toxic Materials Committee. Held in the Assembly Appropriations Committee at the request of the author. The author wants to continue discussions with stakeholders in the fall and will try to move bill forward next year.

**Sponsor:** CA Product Stewardship Council