

ASSEMBLY BILL

No. 1288

Introduced by Assembly Member Reyes

February 16, 2023

An act to add Section 1342.75 to the Health and Safety Code, and to add Section 10123.1934 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 1288, as introduced, Reyes. Health care coverage: Medication-assisted treatment.

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 also provides for the regulation of health insurers by the Department of Insurance. Existing law authorizes health care service plans and health insurers that cover prescription drugs to utilize reasonable medical management practices, including prior authorization and step therapy, consistent with applicable law.

This bill would prohibit a medical service plan and a health insurer from subjecting a buprenorphine product, methadone, or long-acting injectable naltrexone for detoxification or maintenance treatment of a substance use disorder that is prescribed according to generally accepted national professional guidelines for the treatment of a substance use disorder to prior authorization. Because a willful violation of these provisions by a health care service plan would be a crime, this 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 1342.75 is added to the Health and Safety
2 Code, to read:

3 1342.75. Notwithstanding any other law, a health care service
4 plan shall not subject, a buprenorphine product, methadone, or
5 long-acting injectable naltrexone for detoxification or maintenance
6 treatment of a substance use disorder prescribed according to
7 generally accepted national professional guidelines for the
8 treatment of a substance use disorder to prior authorization.

9 SEC. 2. Section 10123.1934 is added to the Insurance Code,
10 to read:

11 10123.1934. Notwithstanding any other law, a health insurer
12 shall not subject a buprenorphine product, methadone, or
13 long-acting injectable naltrexone for detoxification or maintenance
14 treatment of a substance use disorder prescribed according to
15 generally accepted national professional guidelines for the
16 treatment of a substance use disorder to prior authorization.

17 SEC. 3. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.