

**ASSEMBLY BILL**

**No. 2585**

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**Introduced by Assembly Member McCarty**

February 18, 2022

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An act to add Section 1367.218 to the Health and Safety Code, and to add Section 10126.7 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 2585, as introduced, McCarty. Health care coverage: nonpharmacological pain management 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 provides for the regulation of health insurers by the Department of Insurance. These provisions require specified services and drugs to be covered by various health care services plans and health insurers.

This bill would permit an individual or group health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2023, that covers hospital, medical, or surgical expenses to provide coverage for nonpharmacological pain management treatment, as defined. Because a willful violation of these provisions by a health care service plan is 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 1367.218 is added to the Health and  
2 Safety Code, to read:

3 1367.218. (a) An individual or group health care service plan  
4 contract issued, amended, or renewed on or after January 1, 2023,  
5 that covers hospital, medical, or surgical expenses, may provide  
6 coverage for nonpharmacological pain management treatment.

7 (b) For the purposes of this section, “nonpharmacological pain  
8 management treatment” is pain management treatment without  
9 the use of medication that includes any behavioral or  
10 instrument-based therapy approved by the federal Food and Drug  
11 Administration intended for the use of managing or treating pain.

12 SEC. 2. Section 10126.7 is added to the Insurance Code, to  
13 read:

14 10126.7. (a) An individual or group disability insurance policy  
15 issued, amended, or renewed on after January 1, 2023, that provides  
16 coverage for hospital, medical, or surgical benefits may provide  
17 coverage for nonpharmacological pain management treatment.

18 (b) For the purposes of this section, “nonpharmacological pain  
19 management treatment” is pain management treatment without  
20 the use of medication that includes any behavioral or  
21 instrument-based therapy approved by the federal Food and Drug  
22 Administration intended for the use of managing or treating pain.

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

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