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April 8, 2025

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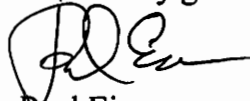
Office of the Attorney General
Initiative Coordinator
1300 I Street
Sacramento California 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re Initiative

Attention Anabel:

I am submitting my proposed initiative with two changes. The first change is to correct the Health & Safety code number from 15300 to 153000. The second change is to eliminate the title of the act so the Attorney General may give it an appropriate title.



Paul Eisner

PROPOSED CALIFORNIA INITIATIVE
HEALTH & SAFETY CODE SECTION 153000
DIVISION 123 - RIGHT TO HIGHEST STANDARD OF MEDICAL CARE

In order to insure patients receive the highest possible standards of medical care, the People of the State of California enact this initiative as Health & Safety Code Section 153000.

(a) As used in this section, the term “physician” means a person licensed to practice medicine in the State of California by either:

- (1) the California Medical Board, or
- (2) the California Osteopathic Medical Board,

and who is both active and in good standing.

(b) No insurer may delay, deny or modify any medical procedure or medication (or reduce or deny payment for any medical procedure or medication) recommended by a treating or attending physician where the delay, denial or modification could result in disability, death, amputation, permanent disfigurement, loss or reduction of any bodily function.

(c) Any decision by an insurer to either delay, or deny or modify any medication or medical procedure (or reduce, delay, or deny payment for any medical procedure or medication) recommended by a patient’s treating or attending physician can only be made on behalf of any insurer by a physician.

(d) If any insurer delays, denies, or modifies any medical procedure or medication (or delays, reduces or denies payment for any medical procedure or medication), requested by a treating or attending, physician, in the event a lawsuit is filed, any insurer, and any person acting on behalf of any insurer, who sought to delay, deny or modify approval of any medication or medical treatment, (or reduce, delay or deny payment for any medical procedure or medication) has the burden to prove by clear and convincing evidence that such medication or medical procedure is unnecessary or will not result disability, death, amputation, permanent disfigurement, or the loss or reduction of any bodily function, the insurer is liable for treble damages and attorney fees.

(e) Any employment of, or conspiracy to employ, any person who is not a physician to review a decision made by a treating or attending physician shall be a felony.

(f) Nothing in this section shall prohibit either the California Medical Board or the California Osteopathic Medical Board from imposing discipline where appropriate.