

## **§ 1374.8. Disclosure to employer that employee is receiving services**

(a) A health care service plan shall not release any information to an employer that would directly or indirectly indicate to the employer that an employee is receiving or has received services from a health care provider covered by the plan unless authorized to do so by the employee. An insurer that

has, pursuant to an agreement, assumed the responsibility to pay compensation pursuant to Article 3 (commencing with Section 3750) of Chapter 4 of Part 1 of Division 4 of the Labor Code, shall not be considered an employer for the purposes of this section.

(b) Nothing in this section prohibits a health care service plan from releasing relevant information described in this section for the purposes set forth in Chapter 12 (commencing with Section 1871) of Part 2 of Division 1 of the Insurance Code.

(c) Nothing in this section prohibits a health care service plan from releasing relevant information described in this section for the purposes set forth in Section 1385.10.

**HISTORY:**

Added Stats 1994 ch 614 § 7 (SB 1832).

Amended Stats 2014 ch 577 § 1 (SB 1182), effective January 1, 2015.

**§ 1374.9. Administrative penalties for discrimination on basis of genetic characteristics**

For violations of Section 1374.7, the director may, after appropriate notice and opportunity for hearing, by order, levy administrative penalties as follows:

(a) Any health care service plan that violates Section 1374.7, or that violates any rule or order adopted or issued pursuant to this section, is liable for administrative penalties of not less than five thousand dollars (\$5,000) for each first violation, and of not less than ten thousand dollars (\$10,000) nor more than twenty thousand dollars (\$20,000) for each second violation, and of not less than thirty thousand dollars (\$30,000) and not more than two hundred thousand dollars (\$200,000) for each subsequent violation.

(b) The administrative penalties shall be paid to the Managed Care Administrative Fines and Penalties Fund and shall be used for the purposes specified in Section 1341.45.

(c) The administrative penalties available to the director pursuant to this section are not exclusive, and may be sought and employed in any combination with civil, criminal, and other administrative remedies deemed advisable by the director to enforce the provisions of this chapter.

(d) Commencing January 1, 2028, and every five years thereafter, the penalty amounts specified in this section shall be adjusted based on the average rate of change in premium rates for the individual and small group markets, and weighted by enrollment, since the previous adjustment.

**HISTORY:**

Added Stats 1995 ch 695 § 3 (SB 1020).  
Amended Stats 1999 ch 525 § 111 (AB 78),  
operative July 1, 2000; Stats 2000 ch 857 § 40

(AB 2903); Stats 2002 ch 760 § 4 (AB 3048);  
Stats 2008 ch 607 § 7 (SB 1379), effective  
September 30, 2008; Stats 2022 ch 985 § 2 (SB  
858), effective January 1, 2023.