

**Introduced by Senators Calderon and Yee**February 4, 2008

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An act to amend Section 14029.5 of, and to add Section 14011.95 to, the Welfare and Institutions Code, relating to Medi-Cal.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1147, as introduced, Calderon. Medi-Cal: eligibility: juvenile offenders.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income persons receive health care benefits. The Medi-Cal program is governed, in part, by federal Medicaid provisions.

This bill would specify that inmate status shall not be used to terminate the eligibility of a child under the Medi-Cal program, and would require the department to establish the protocols and procedures necessary to ensure that Medi-Cal eligibility is not terminated in violation of that requirement.

Existing law requires a county juvenile detention facility to provide specified information relating to a ward of the county who is scheduled to be released to the appropriate county welfare department, and requires the county to initiate an application and determine the individual's eligibility for the Medi-Cal program.

This bill would limit that requirement to apply to any ward not already enrolled in the Medi-Cal program. This bill would also provide that if the cooperation of the minor's parent or guardian is necessary to complete the application, the county shall not be required to process the application until that cooperation has been provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14011.95 is added to the Welfare and  
2 Institutions Code, to read:

3 14011.95. (a) For purposes of this section, “child” means any  
4 individual who meets the definition of “child” contained in Section  
5 50030 of Title 22 of the California Code of Regulations.

6 (b) Inmate status shall not be used to terminate the eligibility  
7 of a child under the Medi-Cal program.

8 (c) Commencing January 1, 2009, the department, in  
9 consultation with the Chief Probation Officers of California and  
10 the County Welfare Directors Association, shall establish the  
11 protocols and procedures necessary to ensure both of the following:

12 (1) Medi-Cal eligibility is not terminated in violation of this  
13 section.

14 (2) Claims for Medicaid-covered health care services pursuant  
15 to paragraph (1) of subdivision (b) of Section 14053 are made only  
16 when federal financial participation is available.

17 (d) Notwithstanding Chapter 3.5 (commencing with Section  
18 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
19 the department shall implement this section by means of all-county  
20 letters or similar instructions, without taking any further regulatory  
21 action. Thereafter, but no later than January 1, 2011, the department  
22 shall adopt regulations, as necessary, to implement this section in  
23 accordance with the requirements of Chapter 3.5 (commencing  
24 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
25 Government Code.

26 SEC. 2. Section 14029.5 of the Welfare and Institutions Code  
27 is amended to read:

28 14029.5. (a) (1) Commencing January 1, 2008, immediately  
29 following the issuance of an order of the juvenile court, pertaining  
30 to the disposition of a ward of the county, committing that ward  
31 to a juvenile hall, camp, or ranch for 30 days or longer, the county  
32 juvenile detention facility shall provide the appropriate county  
33 welfare department with the ward’s name, his or her scheduled or  
34 actual release date, any known information regarding the ward’s  
35 Medi-Cal status prior to disposition, and sufficient information,

1 when available, for the county welfare department to begin the  
2 process of determining the ward’s eligibility for benefits under  
3 this chapter, including, if the ward is a minor, contact information  
4 for the ward’s parent or guardian, if available.

5 (2) If the ward is a minor, prior to providing information to the  
6 county welfare department pursuant to paragraph (1), the county  
7 juvenile detention facility shall notify the parent or guardian, in  
8 writing, of its intention to submit the information required by that  
9 paragraph to the county welfare department. The parent or guardian  
10 shall be given a reasonable time to opt out of the Medi-Cal  
11 eligibility determination provided for under this section, in which  
12 case the county juvenile detention facility shall not comply with  
13 paragraph (1).

14 (3) For purposes of this section, “ward” means a person in the  
15 custody of a county juvenile detention facility.

16 (b) (1) Upon receipt of the information described in paragraph  
17 (1) of subdivision (a), and pursuant to the protocols and procedures  
18 developed pursuant to subdivision (c) the county welfare  
19 department shall initiate an application *for any ward not already*  
20 *enrolled in the Medi-Cal program*, and determine the individual’s  
21 eligibility for benefits under the Medi-Cal program. If the ward is  
22 a minor, the county welfare department shall promptly contact the  
23 parent or guardian to arrange for completion of the application. *If*  
24 *the cooperation of the minor’s parent or guardian is necessary to*  
25 *complete the application, the county welfare department shall not*  
26 *be required to process the application until that cooperation has*  
27 *been provided.* The county shall expedite the application of a ward  
28 who, according to the information provided pursuant to paragraph  
29 (1) of subdivision (a), is scheduled to be released in fewer than 45  
30 days.

31 (2) If the county welfare department determines that the ward  
32 does not meet the eligibility requirements for the Medi-Cal  
33 program, the county welfare department, with the consent of the  
34 ward’s parent or guardian, if the ward is a minor, shall forward  
35 the ward’s information to the appropriate entity to determine  
36 eligibility for the Healthy Families Program, or other appropriate  
37 health coverage program, as determined by the department.

38 (3) If the county welfare department determines that a ward  
39 meets eligibility requirements for the Medi-Cal program, the county

1 shall provide sufficient documentation to enable the ward to obtain  
2 necessary medical care upon his or her release from custody.

3 (c) By June 1, 2007, the department, in consultation with the  
4 Chief Probation Officers of California and the County Welfare  
5 Directors Association, shall establish the protocols and procedures  
6 necessary to implement this section.

7 (d) Notwithstanding Chapter 3.5 (commencing with Section  
8 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
9 the department shall implement this section by means of all-county  
10 letters or similar instructions, without taking any further regulatory  
11 action. Thereafter, the department shall adopt regulations, as  
12 necessary, to implement this section in accordance with the  
13 requirements of Chapter 3.5 (commencing with Section 11340) of  
14 Part 1 of Division 3 of Title 2 of the Government Code.

15 (e) The department shall seek any federal waivers necessary for  
16 the implementation of this section.