

AMENDED IN ASSEMBLY AUGUST 8, 2008

AMENDED IN ASSEMBLY JUNE 19, 2008

AMENDED IN SENATE APRIL 9, 2008

**SENATE BILL**

**No. 1147**

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**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~~  
*14011.10* to, the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1147, as amended, 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.~~

*This bill would, commencing the later of January 1, 2010, or the date that all necessary federal approvals are obtained, require, to the extent permitted under federal law, Medi-Cal benefits provided to an individual under 21 years of age who is an inmate of a public institution to be suspended, rather than terminated. This bill would require county welfare departments to notify the department within 10 days of receiving*

*information that an individual under 21 years of age on Medi-Cal in the county is or will be an inmate of a public institution. This bill would also require, by a specified time period, the department, in consultation with the Chief Probation Officers of California and the County Welfare Directors Association, to establish the protocols and procedures necessary to implement these provisions.*

*By expanding the duties of county welfare departments, this bill would impose a state-mandated local program.*

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. Existing law also requires a county juvenile detention facility, prior to providing the information to the county welfare department, to notify the parent or guardian of a ward who is a minor of its intention to submit the information. Existing law requires the parent or guardian be given a reasonable time to opt out of the Medi-Cal determination.

~~This bill would require, no later than July 1, 2009, the department, in consultation with specified stakeholders, to develop a model notification letter for use by the juvenile detention facilities to notify a parent or guardian of a ward who is a minor of its intent to submit the information described above, and would limit the requirement that a county welfare department initiate an application for any ward to, instead, 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, but the parent or guardian fails to cooperate in completing the application, the county shall deny the application in accordance with due process requirements.~~

~~The bill would further require the department, no later than January 1, 2010, and after the development and dissemination of the model notification letter described above, to convene a workgroup comprised of specified members to review the implementation of these provisions and, if appropriate, to make specified recommendations, as provided.~~

*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, if the Commission on State Mandates determines that the bill contains costs mandated by the state,*

reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 14011.10 is added to the Welfare and  
2 Institutions Code, to read:

3 14011.10. (a) Benefits provided under this chapter to an  
4 individual under 21 years of age who is an inmate of a public  
5 institution shall be suspended in accordance with Section  
6 1396d(a)(28)(A) of Title 42 of the United States Code as provided  
7 in subdivision (c).

8 (b) County welfare departments shall be required to notify the  
9 department within 10 days of receiving information that an  
10 individual under 21 years of age on Medi-Cal in the county is or  
11 will be an inmate of a public institution.

12 (c) If an individual under 21 years of age is a Medi-Cal  
13 beneficiary on the date he or she becomes an inmate of a public  
14 institution, his or her benefits under this chapter and under Chapter  
15 8 (commencing with Section 14200) shall be suspended effective  
16 the date he or she becomes an inmate of a public institution. The  
17 suspension will end on the date he or she is no longer an inmate  
18 of a public institution or one year from the date he or she becomes  
19 an inmate of a public institution, whichever is sooner.

20 (d) Nothing in this section shall create a state-funded benefit  
21 or program. Health care services under this chapter and Chapter  
22 8 (commencing with Section 14200) shall not be available to  
23 inmates of public institutions whose Medi-Cal benefits have been  
24 suspended under this section.

25 (e) This section shall be implemented only if and to the extent  
26 allowed by federal law. This section shall be implemented only to  
27 the extent that any necessary federal approval of state plan  
28 amendments or other federal approvals are obtained.

29 (f) If any part of this section is in conflict with or does not  
30 comply with federal law, this entire section shall be inoperable.

31 (g) This section shall be implemented on January 1, 2010, or  
32 the date when all necessary federal approvals are obtained,  
33 whichever is later.

1 (h) By January 1, 2010, or the date when all necessary federal  
2 approvals are obtained, whichever is later, the department, in  
3 consultation with the Chief Probation Officers of California and  
4 the County Welfare Directors Association, shall establish the  
5 protocols and procedures necessary to implement this section,  
6 including any needed changes to the protocols and procedures  
7 previously established to implement Section 14029.5.

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

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

17 ~~14011.95. (a) For purposes of this section, "child" means any~~  
18 ~~individual under 21 years of age.~~

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

21 ~~(c) Commencing January 1, 2009, the department, in~~  
22 ~~consultation with the Chief Probation Officers of California and~~  
23 ~~the County Welfare Directors Association, shall establish the~~  
24 ~~protocols and procedures necessary to ensure both of the following:~~

25 ~~(1) Medi-Cal eligibility is not terminated in violation of this~~  
26 ~~section.~~

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

30 ~~(d) Notwithstanding Chapter 3.5 (commencing with Section~~  
31 ~~11340) of Part 1 of Division 3 of Title 2 of the Government Code,~~  
32 ~~the department shall implement this section by means of all-county~~  
33 ~~letters or similar instructions, without taking any further regulatory~~  
34 ~~action. Thereafter, but no later than January 1, 2011, the department~~  
35 ~~shall adopt regulations, as necessary, to implement this section in~~  
36 ~~accordance with the requirements of Chapter 3.5 (commencing~~  
37 ~~with Section 11340) of Part 1 of Division 3 of Title 2 of the~~  
38 ~~Government Code.~~

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

1 14029.5. (a) (1) Commencing January 1, 2008, immediately  
2 following the issuance of an order of the juvenile court, pertaining  
3 to the disposition of a ward of the county, committing that ward  
4 to a juvenile hall, camp, or ranch for 30 days or longer, the county  
5 juvenile detention facility shall provide the appropriate county  
6 welfare department with the ward's name, his or her scheduled or  
7 actual release date, any known information regarding the ward's  
8 Medi-Cal status prior to disposition, and sufficient information,  
9 when available, for the county welfare department to begin the  
10 process of determining the ward's eligibility for benefits under  
11 this chapter, including, if the ward is a minor, contact information  
12 for the ward's parent or guardian, if available.

13 (2) ~~(A)~~ If the ward is a minor, prior to providing information  
14 to the county welfare department pursuant to paragraph (1), the  
15 county juvenile detention facility shall notify the parent or  
16 guardian, in writing, of its intention to submit the information  
17 required by that paragraph to the county welfare department. The  
18 parent or guardian shall be given a reasonable time to opt out of  
19 the Medi-Cal eligibility determination provided for under this  
20 section, in which case the county juvenile detention facility shall  
21 not comply with paragraph (1).

22 ~~(B) No later than July 1, 2009, the department shall, in~~  
23 ~~consultation with stakeholders, including, but not limited to, county~~  
24 ~~probation departments, county human services agencies, and~~  
25 ~~consumer advocates, develop a model notification letter for use~~  
26 ~~by juvenile detention facilities to meet the requirements of~~  
27 ~~subparagraph (A).~~

28 (3) For purposes of this section, "ward" means a person in the  
29 custody of a county juvenile detention facility.

30 (b) (1) Upon receipt of the information described in paragraph  
31 (1) of subdivision (a), and pursuant to the protocols and procedures  
32 developed pursuant to subdivision (c), the county welfare  
33 department shall initiate an application for any ward not already  
34 enrolled in the Medi-Cal program, and determine the individual's  
35 eligibility for benefits under the Medi-Cal program. If the ward is  
36 a minor, the county welfare department shall promptly contact the  
37 parent or guardian to arrange for completion of the application. If  
38 ~~the minor's parent or guardian~~ *cooperation of the minor's parent*  
39 *or guardian is necessary to complete the application, but the parent*  
40 *or guardian fails to cooperate in completing the application, the*

1 county welfare department shall deny the application in accordance  
2 with due process requirements. The county shall expedite the  
3 application of a ward who, according to the information provided  
4 pursuant to paragraph (1) of subdivision (a), is scheduled to be  
5 released in fewer than 45 days.

6 (2) If the county welfare department determines that the ward  
7 does not meet the eligibility requirements for the Medi-Cal  
8 program, the county welfare department, with the consent of the  
9 ward's parent or guardian, if the ward is a minor, shall forward  
10 the ward's information to the appropriate entity to determine  
11 eligibility for the Healthy Families Program, or other appropriate  
12 health coverage program, as determined by the department.

13 (3) If the county welfare department determines that a ward  
14 meets eligibility requirements for the Medi-Cal program, the county  
15 shall provide sufficient documentation to enable the ward to obtain  
16 necessary medical care upon his or her release from custody.

17 ~~(e) (1) No later than January 1, 2010, and after the development  
18 and dissemination of the model notification letter, as required by  
19 subparagraph (B) of paragraph (2) of subdivision (a), the  
20 department shall convene a workgroup for the purpose of reviewing  
21 the implementation of this section, and making recommendations,  
22 if appropriate, to increase the rate of successful eligibility  
23 determinations and minimize county administrative burden. The  
24 workgroup shall consider, at a minimum, whether to recommend  
25 an opt-in, rather than an opt-out, process for parents of wards who  
26 are minors.~~

27 ~~(2) The workgroup shall include representatives of the Chief  
28 Probation Officers of California and the County Welfare Directors  
29 Association, legislative staff, and consumer advocates.~~

30 ~~(d)~~

31 (c) Notwithstanding Chapter 3.5 (commencing with Section  
32 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
33 the department shall implement this section by means of all-county  
34 letters or similar instructions, without taking any further regulatory  
35 action. Thereafter, the department shall adopt regulations, as  
36 necessary, to implement this section in accordance with the  
37 requirements of Chapter 3.5 (commencing with Section 11340) of  
38 Part 1 of Division 3 of Title 2 of the Government Code.

39 (e)

1     (d) The department shall seek any federal waivers necessary  
2 for the implementation of this section.

3     *SEC. 3. If the Commission on State Mandates determines that*  
4 *this act contains costs mandated by the state, reimbursement to*  
5 *local agencies and school districts for those costs shall be made*  
6 *pursuant to Part 7 (commencing with Section 17500) of Division*  
7 *4 of Title 2 of the Government Code.*

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