

AMENDED IN SENATE SEPTEMBER 5, 2013
AMENDED IN SENATE SEPTEMBER 3, 2013
AMENDED IN SENATE AUGUST 15, 2013
AMENDED IN ASSEMBLY MAY 13, 2013
AMENDED IN ASSEMBLY MAY 1, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 50

Introduced by Assembly Member Pan

December 21, 2012

An act to amend Sections 14005.28, 14005.30, 14005.36, 14005.37, 14005.39, 14005.61, 14011.66, 14015.8, 14016.6, 14102, 14132.02, 14154, and 15926 of, and to add Section 14005.22 to, to the Welfare and Institutions Code, relating to health care coverage, and declaring the urgency thereof, to take effect immediately *coverage*.

LEGISLATIVE COUNSEL'S DIGEST

AB 50, as amended, Pan. Health care coverage: Medi-Cal: eligibility. Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. ~~Chapters 3 and 4 of the First Extraordinary Session of 2013–14, to be effective on the 91st day after adjournment of that session, implement various provisions of the federal Patient Protection and Affordable Care Act (PPACA) relating to determining eligibility for the Medi-Cal program.~~

This bill would authorize the department to implement some of those provisions by, among other things, all-county letters, until the time any necessary regulations are adopted. The bill would require the department to adopt regulations implementing those provisions by July 1, 2015. This bill would, effective January 1, 2014, and under specified federal provisions applicable to qualified pregnant women and children, provide that a woman shall be eligible for full-scope Medi-Cal benefits if her income is less than 100% of the federal poverty level as determined, counted, and valued in accordance with federal law. *The bill would require the department to adopt regulations implementing that provision by January 1, 2017, and to provide semiannual status reports to the Legislature until that time.*

Because counties are required to make Medi-Cal eligibility determinations and this bill would expand Medi-Cal eligibility, the bill would impose a state-mandated local program.

~~Existing law, to be effective on the 91st day after adjournment of the First Extraordinary Session of 2013–14, would, commencing January 1, 2014, require the department to develop a program to implement provisions that would authorize individuals or their authorized representatives to select Medi-Cal managed care plans via the California Healthcare Eligibility, Enrollment, and Retention System (CalHEERS), as specified. In this regard, the program is required to include training of specialized county employees to carry out the program.~~

~~This bill would, instead, require the program to include training of individuals, including county human services staff, to carry out the program.~~

~~Existing law requires the department to establish and maintain a County Administrative Cost Control Plan under which costs for county administration for the determination of eligibility for benefits are controlled, as specified. Existing law requires the department to develop and implement a new budgeting methodology for Medi-Cal county administrative costs to be used to reimburse counties for eligibility determinations for applicants and beneficiaries, and requires that the budgeting methodology include identification of the costs of eligibility determinations for applicants, and the costs of eligibility redeterminations and case maintenance activities for recipients, for different groupings of cases.~~

~~This bill would instead provide that the budgeting methodology may include identification of the costs of eligibility determinations for applicants, and the costs of eligibility redeterminations and case~~

~~maintenance activities for recipients, for different groupings of cases. The bill would authorize the development of the new budgeting methodology to include, among other things, county survey of costs, time and motion studies, and in-person observations by department staff. The bill would require that the new budgeting methodology be implemented no sooner than the 2015–16 fiscal year and that it reflect the impact of PPACA implementation on county administrative work.~~

~~Existing law requires the California Health and Human Services Agency, in consultation with specified entities, to establish a standardized single, accessible application form and related renewal procedures for state health subsidy programs, as defined, in accordance with specified requirements. Existing law authorizes the form to include questions that are voluntary for applicants to answer regarding demographic data categories, including race, ethnicity, primary language, disability status, and other categories recognized by the federal Secretary of Health and Human Services pursuant to federal law.~~

~~This bill would authorize the form to also include questions that are voluntary for applicants to answer regarding sexual orientation and gender identity or expression. The bill would, effective January 1, 2015, require the form to include questions that are voluntary for applicants to answer regarding the demographic data categories specified. This bill would make other technical changes.~~

~~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.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$ -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 14005.22 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 14005.22. (a) Effective January 1, 2014, a woman shall be
- 4 eligible for full-scope Medi-Cal benefits under Section

1 1396a(a)(10)(A)(i)(III) of Title 42 of the United States Code if her
 2 income is less than 100 percent of the federal poverty level as
 3 determined, counted, and valued in accordance with the
 4 requirements of Section 1396a(e)(14) of Title 42 of the United
 5 States Code, as added by the federal Patient Protection and
 6 Affordable Care Act (Public Law 111-148) and as amended by
 7 the federal Health Care and Education Reconciliation Act of 2010
 8 (Public Law 111-152) and any subsequent amendments, and she
 9 meets all other eligibility requirements.

10 (b) Notwithstanding Chapter 3.5 (commencing with Section
 11 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
 12 the department, without taking any further regulatory action, shall
 13 implement, interpret, or make specific this section by means of
 14 all-county letters, plan letters, plan or provider bulletins, or similar
 15 instructions until the time regulations are adopted. The department
 16 shall adopt regulations by January 1, 2017, in accordance with the
 17 requirements of Chapter 3.5 (commencing with Section 11340) of
 18 Part 1 of Division 3 of Title 2 of the Government Code. Beginning
 19 six months after the effective date of this section, notwithstanding
 20 Section 10321.5 of the Government Code, the department shall
 21 provide a status report to the Legislature on a semiannual basis,
 22 in compliance with Section 9795 of the Government Code, until
 23 regulations have been adopted.

24 (c) This section shall be implemented only if and to the extent
 25 that federal financial participation is available and any necessary
 26 federal approvals have been obtained.

27 *SEC. 2. If the Commission on State Mandates determines that*
 28 *this act contains costs mandated by the state, reimbursement to*
 29 *local agencies and school districts for those costs shall be made*
 30 *pursuant to Part 7 (commencing with Section 17500) of Division*
 31 *4 of Title 2 of the Government Code.*

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**All matter omitted in this version of the bill
 appears in the bill as amended in the
 Senate, September 3, 2013. (JR11)**