

AMENDED IN SENATE JUNE 3, 1997

AMENDED IN SENATE APRIL 7, 1997

**SENATE BILL**

**No. 1140**

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**Introduced by Committee on Health and Human Services  
(Senators Watson (Chair), Hughes, Polanco, Solis,  
Thompson, and Vasconcellos)**

February 28, 1997

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An act to amend Section 14007.5 of the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1140, as amended, Committee on Health and Human Services. Medi-Cal.

Existing law provides for the State Supplementary Program for the Aged, Blind and Disabled (SSP), which requires the State Department of Social Services to contract with the United States Secretary of Health and Human Services to make payments to SSP recipients to supplement supplemental security income (SSI) payments made available pursuant to the federal Social Security Act.

Under existing law an alien is eligible for the full scope of Medi-Cal benefits if the alien has been lawfully admitted for permanent residence, or is otherwise permanently residing in the United States under color of law, and provides for limited Medi-Cal eligibility with respect to other aliens.

This bill would revise the eligibility requirements for aliens to eliminate the limited Medi-Cal eligibility category of aliens whose immigration status has been adjusted to lawful

temporary resident or lawful permanent residence in accordance with federal law.

*This bill would not become operative until July 1, 1998, unless an appropriation is made for purposes of implementing that section in either the Budget Act of 1997 or in another statute enacted during the 1997 portion of the 1997-98 Regular Session, in which case Section 1 of this act shall become operative on January 1, 1998, or the effective date of the statute enacting the appropriation, whichever is later.*

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 14007.5 of the Welfare and  
2 Institutions Code is amended to read:

3 14007.5. (a) Aliens shall be eligible for Medi-Cal,  
4 whether federally funded or state funded, only to the  
5 same extent as permitted under federal law and  
6 regulations for receipt of federal financial participation  
7 under Title XIX of the Social Security Act, except as  
8 otherwise provided in this section.

9 (b) An alien shall only be eligible for the full scope of  
10 Medi-Cal benefits, if the alien has been lawfully admitted  
11 for permanent residence, or is otherwise permanently  
12 residing in the United States under color of law.

13 For purposes of this section, aliens “permanently  
14 residing in the United States under color of law” shall be  
15 interpreted to include all aliens residing in the United  
16 States with the knowledge and permission of the  
17 Immigration and Naturalization Service and whose  
18 departure the Immigration and Naturalization Service  
19 does not contemplate enforcing.

20 (c) Any alien who is otherwise eligible for Medi-Cal  
21 services, but who does not meet the requirements under  
22 subdivision (b), shall only be eligible for care and services  
23 that are necessary for the treatment of an emergency  
24 medical condition and medical care directly related to  
25 the emergency, as defined in federal law, and for  
26 medically necessary pregnancy-related services. For



1 purposes of this section, the term “emergency medical  
2 condition” means a medical condition manifesting itself  
3 by acute symptoms of sufficient severity, including severe  
4 pain, such that the absence of immediate medical  
5 attention could reasonably be expected to result in any of  
6 the following:

7 (1) Placing the patient’s health in serious jeopardy.

8 (2) Serious impairment to bodily functions.

9 (3) Serious dysfunction to any bodily organ or part. It  
10 is the intent of this section to entitle eligible individuals  
11 to inpatient and outpatient services that are necessary for  
12 the treatment of the emergency medical condition in the  
13 same manner as administered by the department  
14 through regulations and provisions of federal law.

15 (d) Pursuant to Section 14001.2, each county  
16 department shall require that each applicant for, or  
17 beneficiary of, Medi-Cal, including a child, shall provide  
18 his or her social security number account number, or  
19 numbers, if he or she has more than one social security  
20 number.

21 (e) (1) In order to be eligible for benefits under  
22 subdivision (b), an alien applicant or beneficiary shall  
23 present alien registration documentation or other proof  
24 of satisfactory immigration status from the United States  
25 Immigration and Naturalization Service.

26 (2) Any alien who meets all other program  
27 requirements but who lacks documentation of alien  
28 registration or other proof of satisfactory immigration  
29 status shall be provided a reasonable opportunity to  
30 submit the evidence. For purposes of this paragraph,  
31 “reasonable opportunity” means 30 days or the time it  
32 actually takes the county to process the Medi-Cal  
33 application, whichever is longer.

34 (3) During the reasonable opportunity period under  
35 paragraph (2), the county department shall process the  
36 applicant’s application for medical assistance in a manner  
37 that conforms to its normal processing procedures and  
38 timeframes.

39 (f) (1) The county department shall grant only the  
40 Medi-Cal benefits set forth in subdivision (c) to any



1 individual who, after 30 calendar days or the time it  
2 actually takes the county to process the Medi-Cal  
3 application, whichever is longer, has failed to submit  
4 documents constituting reasonable evidence indicating a  
5 satisfactory immigration status for Medi-Cal purposes, or  
6 who is reported by the Immigration and Naturalization  
7 Service to lack a satisfactory immigration status for  
8 Medi-Cal purposes.

9 (2) If an alien has been receiving Medi-Cal benefits  
10 based on eligibility established prior to the effective date  
11 of this section and that individual, upon redetermination  
12 of eligibility for benefits, fails to submit documents  
13 constituting reasonable evidence indicating a satisfactory  
14 immigration status for Medi-Cal purposes, the county  
15 department shall discontinue the Medi-Cal benefits,  
16 except for the care and services set forth in subdivision  
17 (d). The county department shall provide adequate  
18 notice to the individual of any adverse action and shall  
19 accord the individual an opportunity for a fair hearing if  
20 he or she requests one.

21 (g) To the extent permitted by federal law and  
22 regulations, an alien applying for services under  
23 subdivision (b) shall be granted eligibility for the scope  
24 of services to which he or she would otherwise be entitled  
25 if, at the time the county department makes the  
26 determination about his or her eligibility, the alien meets  
27 either of the following requirements:

28 (1) He or she has not had a reasonable opportunity to  
29 submit documents constituting reasonable evidence  
30 indicating satisfactory immigration status.

31 (2) He or she has provided documents constituting  
32 reasonable evidence indicating a satisfactory  
33 immigration status, but the county department has not  
34 received timely verification of the alien's immigration  
35 status from the Immigration and Naturalization Service.

36 (3) The verification process shall protect the privacy  
37 of all participants. An alien's immigration status shall be  
38 subject to verification by the Immigration and  
39 Naturalization Service, to the extent required for receipt



1 of federal financial participation in the Medi-Cal  
2 program.

3 (h) If an alien does not declare status as a lawful  
4 permanent resident or alien permanently residing under  
5 color of law, or as an alien legalized under Section 210,  
6 210A, or 245A of the federal Immigration and Nationality  
7 Act (P.L. 82-414), Medi-Cal coverage under subdivision  
8 (c) shall be provided to the individual if he or she is  
9 otherwise eligible.

10 (i) If an alien subject to this section is not fluent in  
11 English, the county department shall provide an  
12 understandable explanation of the requirements of this  
13 section in a language in which the alien is fluent.

14 (j) Aliens who were receiving long-term care or renal  
15 dialysis services (1) on the day prior to the effective date  
16 of the amendment to paragraph (1) of subdivision (f) of  
17 Section 1 of Chapter 1441 of the Statutes of 1988 at the  
18 1991-92 Regular Session of the Legislature and (2) under  
19 the authority of paragraph (1) of subdivision (f) of  
20 Section 1 of Chapter 1441 of the Statutes of 1988 as it read  
21 on June 30, 1992, shall continue to receive these services.  
22 The authority for continuation of long-term care or renal  
23 dialysis services in this subdivision shall not apply to any  
24 person whose long-term care or renal dialysis services end  
25 for any reason after the effective date of the amendment  
26 described in this subdivision.

27 *SEC. 2. Section 1 of this act shall not become*  
28 *operative until July 1, 1998, unless an appropriation is*  
29 *made for purposes of implementing that section in either*  
30 *the Budget Act of 1997 or in another statute enacted*  
31 *during the 1997 portion of the 1997-98 Regular Session, in*  
32 *which case Section 1 of this act shall become operative on*  
33 *January 1, 1998, or the effective date of the statute*  
34 *enacting the appropriation, whichever is later.*

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