

ASSEMBLY BILL

No. 1113

Introduced by Assembly Member Brownley

February 23, 2007

An act to amend Section 14007.9 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 1113, as introduced, Brownley. Medi-Cal: eligibility.

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. Existing law, until September 1, 2008, and subject to the receipt of federal financial participation, requires the department to adopt a federal option under which any employed individual who meets specified income and resource requirements, shall be eligible for benefits under the Medi-Cal program, subject to the payment of premiums. These provisions are repealed on January 1, 2009.

This bill would delete the inoperative and repeal dates of these provisions and thereby, extending their operation indefinitely.

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

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: yes.

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

1 SECTION 1. Section 14007.9 of the Welfare and Institutions
2 Code is amended to read:

3 14007.9. (a) The department shall adopt the option made
4 available under Section 1902(a)(10)(A)(ii)(XIII) of the federal
5 Social Security Act (42 U.S.C. Sec. 1396a(a)(10)(A)(ii)(XIII). In
6 order to be eligible for benefits under this section, an individual
7 shall be required to meet all of the following requirements:

8 (1) His or her net countable income is less than 250 percent of
9 the federal poverty level for one person or, if the deeming of
10 spousal income applies to the individual, his or her net countable
11 income is less than 250 percent of the federal poverty level for
12 two persons.

13 (2) He or she is disabled under Title II of the Social Security
14 Act (Subch. 2 (commencing with Sec. 401), Ch. 7, Title 42 U.S.C.),
15 Title XVI of the Social Security Act (Subch. 16 (commencing with
16 Sec. 1381), Ch. 7, Title 42, U.S.C.), or Section 1902(v) of the
17 Social Security Act (42 U.S.C. Sec. 1396a(v)). An individual shall
18 be determined to be eligible under this section without regard to
19 his or her ability to engage in, or actual engagement in, substantial
20 gainful activity, as defined in Section 223(d)(4) of the Social
21 Security Act (42 U.S.C. Sec. 423(d)(4)).

22 (3) Except as otherwise provided in this section, his or her net
23 nonexempt resources, which shall be determined in accordance
24 with the methodology used under Title XVI of the federal Social
25 Security Act (42 U.S.C. Sec. 1381 et seq.), are not in excess of the
26 limits provided for under those provisions.

27 (b) (1) Countable income shall be determined under Section
28 1612 of the Social Security Act (42 U.S.C. Sec. 1382a), except
29 that the individual’s disability income, including all federal and
30 state disability benefits and private disability insurance, shall be
31 exempted. Resources excluded under Section 1613 of the Social
32 Security Act (42 U.S.C. Sec. 1382b) shall be disregarded.

1 (2) Resources in the form of employer or individual retirement
2 arrangements authorized under the Internal Revenue Code shall
3 be exempted as authorized by Section 1902(r) of the Social Security
4 Act (42 U.S.C. Sec. 1396a(r)).

5 (c) Medi-Cal benefits provided under this chapter pursuant to
6 this section shall be available in the same amount, duration, and
7 scope as those benefits are available for persons who are eligible
8 for Medi-Cal benefits as categorically needy persons and as
9 specified in Section 14007.5.

10 (d) Individuals eligible for Medi-Cal benefits under this section
11 shall be subject to the payment of premiums determined under this
12 subdivision. The department shall establish sliding-scale premiums
13 that are based on countable income, with a minimum premium of
14 twenty dollars (\$20) per month and a maximum premium of two
15 hundred fifty dollars (\$250) per month, and shall, by regulations,
16 annually adjust the premiums. Prior to adjustment of any premiums
17 pursuant to this subdivision, the department shall submit a report
18 of proposed premium adjustments to the appropriate committees
19 of the Legislature as part of the annual budget act process.

20 (e) The department shall adopt regulations specifying the process
21 for discontinuance of eligibility under this section for nonpayment
22 of premiums for more than two months by a beneficiary.

23 (f) In order to implement the collection of premiums under this
24 section, the department may develop and execute a contract with
25 a public or private entity to collect premiums, or may amend any
26 existing or future premium-collection contract that it has executed.
27 Notwithstanding any other provision of law, any contract developed
28 and executed or amended pursuant to this subdivision is exempt
29 from the approval of the Director of General Services and from
30 the Public Contract Code.

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

39 (h) Notwithstanding any other provision of law, this section
40 shall be implemented only if, and to the extent that, the department

1 determines that federal financial participation is available pursuant
2 to Title XIX of the federal Social Security Act (42 U.S.C. Sec.
3 1396 et seq.).

4 (i) Subject to subdivision (h), this section shall be implemented
5 commencing April 1, 2000.

6 ~~(j) This section shall become inoperative on September 1, 2008,~~
7 ~~and as of January 1, 2009, is repealed, unless a later enacted statute~~
8 ~~that is enacted on or before January 1, 2009, extends or deletes the~~
9 ~~dates on which it becomes inoperative and is repealed.~~

10 SEC. 2. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.