

AMENDED IN ASSEMBLY APRIL 24, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1328

Introduced by Assembly Member Hayashi

February 23, 2007

An act to add Section 14011.61 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 1328, as amended, Hayashi. Medi-Cal: eligibility for benefits.

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 requires the State Department of Health Care Services to exercise certain options provided under federal law to implement a program for accelerated enrollment of children in the Medi-Cal program.

This bill would also require the department to exercise the option under federal law, to the extent that federal financial participation is available, to implement a program of ~~accelerated enrollment~~ *presumptive eligibility* into Medi-Cal of children meeting specified eligibility requirements, as determined by the counties. Because counties administer the Medi-Cal eligibility determination process, 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 14011.61 is added to the Welfare and
 2 Institutions Code, to read:
 3 14011.61. (a) To the extent federal financial participation is
 4 available, the department shall exercise the option provided in
 5 Section 1920a of the federal Social Security Act (42 U.S.C. Sec.
 6 1396r-1a) to implement a program for ~~accelerated enrollment~~
 7 *presumptive eligibility* of children.
 8 (b) The department shall designate all 58 counties as qualified
 9 entities for determining eligibility under this section.
 10 (c) The county shall grant a child ~~accelerated enrollment~~
 11 *presumptive eligibility* into the Medi-Cal program when a child
 12 meets all of the following:
 13 (1) The child, or his or her parent or guardian, submits an
 14 application for the Medi-Cal program directly to the county.
 15 (2) The child is under 19 years of age at the time of the
 16 application.
 17 (3) The child's income is within the income limits for
 18 Medi-Cal's no-share-of-cost program.
 19 (4) The child is not receiving Medi-Cal benefits at the time the
 20 application is submitted.
 21 (d) The department shall implement this section only if, and to
 22 the extent that, federal financial participation is available.
 23 (e) The department shall seek federal approval of any state plan
 24 amendments necessary to implement this section. When federal
 25 approval of the state plan amendment or amendments is received,
 26 the department shall commence implementation of this section on
 27 the first day of the second month following the month in which
 28 federal approval of the state plan amendment or amendments is
 29 received, or on July 1, 2008, whichever is later.
 30 (f) Notwithstanding Chapter 3.5 (commencing with Section
 31 11340) of Part 1 of Division 3 of Title 2 of the Government Code,

1 the department shall, without taking any regulatory action,
2 implement this section by means of all-county letters; the all-county
3 letters shall be developed in consultation with consumer advocates
4 and other stakeholders. Thereafter, the department shall adopt
5 regulations in accordance with the requirements of Chapter 3.5
6 (commencing with Section 11340) of Part 1 of Division 3 of Title
7 2 of the Government Code.

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

O