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CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1413

Introduced by Assembly Member Members Fuentes and Coto

(Principal coauthor: Senator Cedillo)

(Coauthor Coauthors: Assembly Member Beall Members Ammiano, Brownley, Coto, De León, Eng, Fong, Furutani, Jones, Ma, Nava, Salas, Torlakson, and Torrico)

(Coauthors: Senators Correa, DeSaulnier, Ducheny, Florez, Hancock, Leno, Padilla, Romero, Wiggins, and Yee)

February 27, 2009

~~An act to amend Section 14181 of the Welfare and Institutions Code, relating to Medi-Cal. An act to add Section 69508.5 to the Education Code, relating to student financial aid.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1413, as amended, ~~Coto Fuentes. Medi-Cal: waiver or demonstration project: chronic disease self-management programs. Student financial aid.~~

(1) The Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher

education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable.

Existing law requires that a person, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year, and who, if he or she is an alien without lawful immigration status, has filed a prescribed affidavit, is exempt from paying nonresident tuition at the California Community Colleges and the California State University.

This bill would amend the Donahoe Higher Education Act to provide that persons who are exempt from paying nonresident tuition under the above provision, or who meet equivalent requirements adopted by the regents, are eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law. This bill would require the Student Aid Commission to establish procedures and forms that enable those persons who are exempt from paying nonresident tuition under the above provision to apply for, and participate in, all student financial aid programs administered by the State of California to the full extent permitted by federal law. This bill would prohibit persons who are exempt from paying nonresident tuition under the provision described above from being eligible for Competitive Cal Grant A and B Awards unless specified conditions are met. The bill would make these provisions operative as of July 1, 2011.

(2) Existing federal law requires that a state may provide that an alien who is not lawfully present in the United States is eligible for any state or local public benefit for which that alien would otherwise be ineligible under a specified federal law only through enactment of a state law that affirmatively provides for that eligibility.

This bill would find and declare that the amendments to the Donahoe Higher Education Act described above are state laws within the meaning of this federal provision.

(3) This bill would provide that it would become operative only if SB 1460 of the 2009–10 Regular Session is enacted and becomes effective on or before January 1, 2011.

~~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. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions.~~

~~Existing law requires the department to submit an application to the federal Centers for Medicare and Medicaid Services (CMS) for a waiver or demonstration project that would implement specified objectives. Existing law requires the California Health and Human Services Agency or successor entity or designated department to submit an implementation plan to the appropriate policy and fiscal committees of the Legislature for implementation of the above-described waiver or demonstration project. Existing law requires the implementation plan to specifically address certain elements, including specific requirements and standards related to care coordination and care management. Existing law requires the agency or successor entity or designated department, prior to preparing the implementation plan, to convene a stakeholder committee to advise on preparation of the implementation plan.~~

~~This bill would require the stakeholder committee to assess the current rate of use of chronic disease self-management programs among Medi-Cal beneficiaries and identify opportunities to promote more widespread use of those programs.~~

~~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 69508.5 is added to the Education Code,
- 2 to read:
- 3 69508.5. (a) Notwithstanding any other law, and except as
- 4 provided for in subdivision (c), a person who meets the
- 5 requirements of subdivision (a) of Section 68130.5, or who meets
- 6 equivalent requirements adopted by the Regents of the University
- 7 of California, is eligible to apply for, and participate in, any student
- 8 financial aid program administered by the State of California to
- 9 the full extent permitted by federal law. The Legislature finds and
- 10 declares that this section is a state law within the meaning of
- 11 subsection (d) of Section 1621 of Title 8 of the United States Code.
- 12 (b) Notwithstanding any other law, the Student Aid Commission
- 13 shall establish procedures and forms that enable persons who are
- 14 exempt from paying nonresident tuition under Section 68130.5, or

1 *who meet equivalent requirements adopted by the regents, to apply*
2 *for, and participate in, all student financial aid programs*
3 *administered by the State of California to the full extent permitted*
4 *by federal law.*

5 *(c) A student who is exempt from paying nonresident tuition*
6 *under Section 68130.5 shall not be eligible for Competitive Cal*
7 *Grant A and B Awards unless funding remains available after all*
8 *California students not exempt pursuant to Section 68130.5 have*
9 *received Competitive Cal Grant A and B Awards that they are*
10 *eligible for.*

11 *(d) This section shall become operative on July 1, 2011.*

12 *SEC. 2. This bill shall become operative only if Senate Bill*
13 *1460 of the 2009–10 Regular Session is enacted and becomes*
14 *operative on or before January 1, 2011.*

15 ~~SECTION 1. Section 14181 of the Welfare and Institutions~~
16 ~~Code is amended to read:~~

17 ~~14181. (a) The California Health and Human Services Agency~~
18 ~~or successor entity or designated department shall submit an~~
19 ~~implementation plan to the appropriate policy and fiscal committees~~
20 ~~of the Legislature for implementation of the federally approved~~
21 ~~waiver or demonstration project. The implementation plan shall~~
22 ~~be developed in consultation with a stakeholder advisory committee~~
23 ~~established pursuant to subdivision (b). The implementation plan~~
24 ~~shall specifically address the multiple and complex needs of seniors~~
25 ~~and persons with disabilities, dual eligibles, children with special~~
26 ~~health care needs, and persons with behavioral health conditions,~~
27 ~~and the specific strategies the agency or successor entity or~~
28 ~~designated department will use to ensure the provision of quality,~~
29 ~~accessible health care services under the waiver or demonstration~~
30 ~~project, including, at a minimum, the following elements:~~

31 ~~(1) Criteria, performance standards, and indicators shall be~~
32 ~~adopted to ensure that plan services meet the multiple and complex~~
33 ~~needs of beneficiaries and comply with the requirements of this~~
34 ~~article. The performance standards shall incorporate, at a minimum,~~
35 ~~existing statutory and regulatory requirements and protections~~
36 ~~applicable to two-plan model and geographic managed care plans,~~
37 ~~as well as those protections available under the Knox-Keene Health~~
38 ~~Care Service Plan Act of 1975 (Chapter 2.2 (commencing with~~
39 ~~Section 1340) of Division 2 of the Health and Safety Code), but~~
40 ~~in addition shall include specific requirements and standards based~~

1 on the multiple and complex care needs of seniors and persons
2 with disabilities, dual eligibles, children with special health care
3 needs, and persons with behavioral health conditions, including,
4 but not limited to, standards where applicable to the organized
5 delivery system model in all of the following areas:
6 (A) Plan readiness.
7 (B) Availability and accessibility of services, including physical
8 access and communication access.
9 (C) Benefit management and scope of services.
10 (D) Care coordination and care management.
11 (E) Beneficiary complaints, grievances, and appeals.
12 (F) Beneficiary participation.
13 (G) Continuity of care.
14 (H) Cultural and linguistic appropriateness.
15 (I) Financial management.
16 (J) Measurement and improvement of health outcomes.
17 (K) Marketing, assignment, enrollment, and disenrollment.
18 (L) Network capacity, including travel time and distance and
19 specialty care access.
20 (M) Performance measurement and improvement.
21 (N) Provider grievances and appeals.
22 (O) Quality care.
23 (P) Recordkeeping and reporting.
24 (2) Strategies to be used to monitor performance of all
25 contractors and to ensure compliance with all components of the
26 waiver or demonstration project.
27 (3) Provision of a comprehensive timeline of key milestones
28 for implementation of the waiver or demonstration project
29 components.
30 (4) Provision of a framework for evaluation of the waiver or
31 demonstration project, including the process, timelines, and criteria
32 for evaluating implementation, as well as the method for providing
33 periodic updates of outcomes and key implementation concerns.
34 (b) Prior to preparing the implementation plan required by this
35 section, the agency or successor entity or designated department,
36 shall convene a stakeholder committee to advise on preparation
37 of the implementation plan. The stakeholder committee shall
38 include, but not be limited to, persons with disabilities, seniors,
39 and representatives of legal services agencies that serve clients in
40 the affected populations, health plans, specialty care providers,

1 ~~physicians, hospitals, county government, labor, and others as~~
2 ~~deemed appropriate by the agency or successor entity or designated~~
3 ~~department. The stakeholder committee shall advise on the~~
4 ~~implementation of the waiver or demonstration project until the~~
5 ~~expiration of the waiver or demonstration project.~~

6 ~~(e) The stakeholder committee convened pursuant to subdivision~~
7 ~~(b), or any successor committee or subcommittee that advises on~~
8 ~~the implementation of the waiver or demonstration project, shall~~
9 ~~do both of the following:~~

10 ~~(1) Assess the current rate of use of chronic disease~~
11 ~~self-management programs among Medi-Cal beneficiaries.~~

12 ~~(2) Identify opportunities to promote more widespread use of~~
13 ~~chronic disease self-management programs.~~