

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 30, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 396

Introduced by Assembly Member Mitchell

(Coauthors: Assembly Members Blumenfeld, Dickinson, and Jeffries)

February 14, 2011

An act to add Section 14053.8 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 396, as amended, Mitchell. Medi-Cal: juvenile detention facilities.

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 provisions. Existing federal law, with certain exceptions, excludes federal financial participation for medical care provided to any individual who is an inmate in a public institution, and existing state law suspends Medi-Cal benefits, for a specified period of time, to an individual under 21 years of age who is an inmate of a public institution. *Existing state law also provides that no person shall be denied benefits, for whom and for which federal financial participation is available, based solely on the individual's incarcerated status.*

Existing law authorizes the Department of Corrections and Rehabilitation and the State Department of Health Care Services, to the extent that federal participation is not jeopardized and federal approval is obtained, to develop a process for the provision of inpatient hospital

services to inmates who would otherwise be eligible for Medi-Cal, but for their institutional status as inmates. Existing law also authorizes, to the extent federal financial participation is available, the State Department of Health Care Services to provide Medi-Cal eligibility and reimbursement for inpatient hospital services to inmates, as defined.

This bill would additionally require the State Department of Health Care Services to develop a process to allow counties to receive any available federal financial participation for health care services provided to juvenile detainees who are admitted as inpatients in a medical institution. The bill would require the department to consult with counties in the development of this process, and would require the department to seek any federal approvals necessary to implement the process. The bill would also limit application of this process to counties that elect to voluntarily provide the nonfederal share of expenditures for health care services, and would require that the federal financial participation associated with services provided pursuant to the process be paid to the participating counties. The bill would provide that these provisions shall be implemented only to the extent that any necessary federal approval is obtained and existing levels of federal financial participation are not jeopardized. The bill would make related findings and declarations.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Federal financial participation may be available for counties
- 4 that provide health care services to juvenile detainees while the
- 5 juveniles are admitted as patients in a medical institution.
- 6 (b) Current law provides that an individual under 21 years of
- 7 age who is an inmate of a public institution shall have his or her
- 8 Medi-Cal services suspended for up to one year.
- 9 (c) The eligibility procedures of the State Department of Health
- 10 Care Services currently do not allow counties to obtain available
- 11 federal financial participation for health care services provided to
- 12 juvenile detainees when they have been transferred to a medical
- 13 institution for inpatient services.

1 (d) Pursuant to Section 5072 of the Penal Code and Section
2 14053.7 of the Welfare and Institutions Code, the department is
3 authorized to develop a process to maximize federal financial
4 participation for inpatient hospital services to adult inmates residing
5 in a state prison facility.

6 (e) To reduce the fiscal strain on counties, it is imperative that
7 the department work with counties to develop and implement a
8 similar process to allow counties to obtain federal financial
9 participation based on county expenditures for inpatient hospital
10 services provided to juveniles in their custody.

11 SEC. 2. Section 14053.8 is added to the Welfare and
12 Institutions Code, to read:

13 14053.8. (a) Notwithstanding any other provision of law, the
14 department shall develop a process to allow counties to receive
15 any available federal financial participation for health care services
16 provided to juvenile detainees who are admitted as inpatients in a
17 medical institution. This process shall be coordinated, to the extent
18 possible, with the processes and procedures established pursuant
19 to Section 14053.7 of this code and Section 5072 of the Penal
20 Code. *This subdivision shall not be construed to alter or abrogate*
21 *any obligation of the state pursuant to an administrative action*
22 *or a court order that is final and no longer subject to appeal to*
23 *fund and reimburse counties for any medical services provided to*
24 *a juvenile detainee.*

25 (b) A juvenile detainee who is an inpatient in a medical
26 institution shall not be denied Medi-Cal eligibility because of his
27 or her institutional status as a detainee of a public institution.

28 (c) The department shall consult with counties in the
29 development of the process pursuant to this section.

30 (d) The department shall seek any federal approvals necessary
31 to implement the process developed pursuant to this section. This
32 section shall be implemented only if and to the extent that any
33 necessary federal approval is obtained, and only to the extent that
34 existing levels of federal financial participation are not otherwise
35 jeopardized.

36 (e) Notwithstanding any other provision of law, as part of the
37 process developed pursuant to this section, the department may
38 exempt the juvenile detainees from enrollment into new or existing
39 managed care health plans.

1 (f) The process developed pursuant to this section shall be
2 implemented in only those counties that elect to voluntarily provide
3 the nonfederal share of expenditures for health care services to
4 juvenile detainees who, but for their inpatient status, would be
5 ineligible for Medi-Cal as detainees of a public institution.

6 (g) The federal financial participation received pursuant to the
7 process implemented under this section shall be paid to the
8 participating counties for services rendered to the juvenile
9 detainees.

10 (h) Notwithstanding Chapter 3.5 (commencing with Section
11 11340) of Part 1 of Division 2 of Title 2 of the Government Code,
12 the department may, without taking any further regulatory action,
13 implement this section by means of all-county letters or similar
14 instructions.