

AMENDED IN SENATE APRIL 17, 2012

AMENDED IN SENATE APRIL 12, 2012

SENATE BILL

No. 1487

Introduced by Senator Hernandez

February 24, 2012

An act to add Section 14005.27 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1487, as amended, Hernandez. Medi-Cal: eligibility: former foster youths.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which health care benefits are provided to qualified low-income individuals. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions.

This bill would, to the extent federal financial participation is available and to the extent required by federal law, extend Medi-Cal eligibility, including eligibility for the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program, to youths who were formerly in foster care and who are under 26 years of age, pursuant to prescribed provisions of federal law.

Because each county is responsible for making Medi-Cal eligibility determinations, by expanding 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. The Legislature finds and declares all of the*
2 *following:*
- 3 *(a) The United States is the only industrialized country in the*
4 *world without a universal health insurance system.*
- 5 *(b) In 2006, the United States Census reported that 46 million*
6 *Americans did not have health insurance.*
- 7 *(c) On March 23, 2010, President Obama signed the Patient*
8 *Protection and Affordable Care Act (Public Law 111-148), which*
9 *was amended by the Health Care and Education Reconciliation*
10 *Act of 2010 (Public Law 111-152), and collectively known as the*
11 *Affordable Care Act.*
- 12 *(d) The Affordable Care Act is the culmination of decades of*
13 *movement toward health reform, and is the most fundamental*
14 *legislative transformation of the United States health care system*
15 *in 40 years.*
- 16 *(e) The Affordable Care Act has accomplished all of the*
17 *following:*
- 18 *(1) It is estimated over three million uninsured Californians*
19 *will obtain health care coverage, resulting in close to universal*
20 *coverage among documented residents in California who are under*
21 *65 years of age.*
- 22 *(2) An estimated 2.5 million more young adults nationwide*
23 *currently have health insurance through their parents' plan.*
- 24 *(3) Over 350,000 low-income Californians are receiving*
25 *coverage through local low-income health programs through early*
26 *implementation of one of its provisions.*
- 27 *(4) Over 8,000 medically uninsurable Californians are currently*
28 *receiving health coverage through the Pre-Existing Condition*
29 *Insurance Plan.*

1 (5) *Individuals who receive Medicare benefits can get key*
2 *preventive services, including mammograms and other cancer*
3 *screening tests for free.*

4 (6) *Insurance companies can no longer deny coverage to*
5 *children because of a pre-existing condition.*

6 (7) *Insurance companies can no longer put a lifetime cap on*
7 *the dollar amount of coverage that an individual can receive.*

8 (8) *Insurance companies can no longer drop an individual's*
9 *coverage when he or she gets sick because of a mistake on an*
10 *application.*

11 (9) *Health insurers must spend 80 to 85 percent of consumers'*
12 *premiums on direct care for patients and efforts to improve care*
13 *quality.*

14 (f) *The Affordable Care Act is currently being challenged before*
15 *the United States Supreme Court, and a ruling is expected in June*
16 *2012.*

17 (g) *The Legislature remains confident that the United States*
18 *Supreme Court Justices will share the opinion expressed by Senior*
19 *Judge Lawrence Silberman of the United States Court of Appeals,*
20 *District of Columbia Circuit, that "the right to be free from federal*
21 *regulation is not absolute and yields to the imperative that*
22 *Congress be free to forge national solutions to national problems,"*
23 *and will uphold the law as constitutional.*

24 (h) *It is the intent of the Legislature to ensure full*
25 *implementation of the Affordable Care Act so that millions of*
26 *uninsured Californians can receive health insurance coverage and*
27 *those that have already obtained coverage under its provisions*
28 *can keep that coverage.*

29 (i) *It is further the intent of the Legislature to enact into state*
30 *law any provision of the Affordable Care Act that may be struck*
31 *down by the United States Supreme Court and that is necessary*
32 *to ensure all Californians receive the full promise of the act.*

33 **SECTION 1.**

34 **SEC. 2.** Section 14005.27 is added to the Welfare and
35 Institutions Code, to read:

36 14005.27. (a) To the extent federal financial participation is
37 available and to the extent required by federal law, the department
38 shall extend Medi-Cal eligibility, including eligibility for the Early
39 and Periodic Screening, Diagnosis, and Treatment (EPSDT)
40 Program, to youths who were formerly in foster care and who are

1 under 26 years of age, pursuant to the federal Patient Protection
2 and Affordable Care Act (Public Law 111-148), as amended by
3 the federal Health Care and Education Reconciliation Act of 2010
4 (Public Law 111-152).

5 (b) The department may implement this section by adopting
6 regulations in accordance with the requirements of Chapter 3.5
7 (commencing with Section 11340) of Part 1 of Division 3 of Title
8 2 of the Government Code.

9 ~~SEC. 2.~~

10 *SEC. 3.* 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.