

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 175

Introduced by Assembly Member V. Manuel Pérez

January 24, 2013

~~An act relating to vehicles.~~ *An act to add Section 124557 to the Health and Safety Code, relating to health care coverage.*

LEGISLATIVE COUNSEL'S DIGEST

AB 175, as amended, V. Manuel Pérez. ~~Vehicles: towing and impoundment: unlicensed drivers.~~ *Health care coverage.*

Existing law requires the State Department of Health Care Services to maintain a program for seasonal agricultural and migratory workers and their families that includes technical and financial assistance to local agencies concerned with the health of seasonal agricultural and migratory workers and their families in coordination with similar programs of the federal government, other states, and voluntary agencies, and to grant funds to eligible private, nonprofit, community-based primary care clinics for the purpose of establishing and maintaining a health services program for seasonal agricultural and migratory workers and their families. Existing federal law, the federal Patient Protection and Affordable Care Act (PPACA), enacts various health care coverage market reforms that take effect January 1, 2014.

This bill would establish the Uncovered Health Trust Fund for the purpose of providing health care coverage to workers ineligible for health care coverage under federal and state programs, including the PPACA. This bill would authorize voluntary contributions to be deposited into the trust.

The bill would require that trust moneys, as specified, be distributed by the Primary Health Care Services Branch of the department through its Rural Health Clinic Program. The bill would require the department to publish a list of employers who contributed to the trust and make that list available to nonprofit community health centers. The bill would also require the department to provide those employers with a list of nonprofit community health centers accessible to workers.

This bill would require the department, on or before January 1, 2015, to prepare an application form, as specified, for nonprofit community health centers to use to apply for moneys from the trust. The bill would require a nonprofit community center applying for trust moneys to submit the application to the department. The bill would require the department to distribute trust moneys according to specified criteria. The bill would require nonprofit community health centers to utilize mobile medical units and provide transportation to workers who reside or are employed in geographical areas that make access to clinic sites difficult.

This bill would require that the costs to the department of administering the trust be provided from the trust, and would prohibit these costs from exceeding 10% of the total trust moneys.

~~Existing law authorizes a peace officer to impound for 30 days a vehicle driven by a person who had never been issued a driver's license. Existing law subjects to forfeiture, and requires the impoundment of, a vehicle driven by an unlicensed driver who is a registered owner of the vehicle and who has a previous misdemeanor conviction of operating a vehicle without a driver's license.~~

~~This bill would state the intent of the Legislature to enact legislation to prohibit a peace officer from impounding a vehicle solely on the basis that the driver is unlicensed.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

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

- 1 SECTION 1. *The Legislature hereby finds and declares the*
- 2 *following:*
- 3 (a) *An analysis of data collected by the United States*
- 4 *government in March 2008, about insurance coverage in the prior*
- 5 *calendar year, found that 33.2 percent of all immigrants did not*

1 *have health insurance compared to 12.7 percent of native-born*
2 *Americans.*

3 *(b) Immigrants account for 27.1 percent of all those without*
4 *health insurance. Immigrants are 12.5 percent of the nation's total*
5 *population.*

6 *(c) Lack of health insurance is a significant problem, even for*
7 *long-time immigrant residents. Among immigrants who arrived*
8 *in the country in the 1980s, 28.7 percent lacked health insurance*
9 *in 2007.*

10 *(d) The high level of uninsured amongst the immigrant*
11 *population means that they often have jobs that do not provide*
12 *insurance while their low incomes make private insurance too*
13 *expensive.*

14 *(e) California is home to almost one-third of all immigrants in*
15 *the United States.*

16 *(f) Many of these immigrants are much more likely to work in*
17 *small business, agriculture, labor, cleaning or repair, and sales,*
18 *technology, and administration industries.*

19 *(g) In 2010, 7 million individuals or 21.5 percent of California's*
20 *population was uninsured, with adults comprising 86 percent of*
21 *the uninsured.*

22 *(h) Based on an analysis by the University of California, Los*
23 *Angeles, Center for Health Policy Research, the federal Patient*
24 *Protection and Affordable Care Act (PPACA), will reduce*
25 *California's eligible uninsured population to 2.72 million by 2019.*

26 *(i) A report by the Central Coast Health Network in 2012 found*
27 *that between 300,000 and 1 million farm workers in California*
28 *will remain uninsured under the PPACA because of their*
29 *ineligibility to participate in the program and their lack of sufficient*
30 *income.*

31 *(j) Based on the annual income earned by many workers in*
32 *small business, agriculture, restaurants, sales, and service*
33 *industries in California, these workers will not be covered by the*
34 *PPACA and expansion of Medicaid.*

35 *SEC. 2. Section 124557 is added to the Health and Safety Code,*
36 *to read:*

37 *124557. (a) The following definitions apply for purposes of*
38 *this section:*

39 *(1) "Contributing employer" means a person who employs an*
40 *individual who is ineligible to receive health care coverage under*

1 state or federal programs and contributes money to the Uncovered
2 Worker Health Trust Fund.

3 (2) “Trust” means the Uncovered Worker Health Trust Fund.

4 (3) “Uncovered worker” means an individual who is ineligible
5 to receive health care coverage under state or federal programs
6 and is working in the state for an employer who contributes money
7 to the Uncovered Worker Health Trust Fund.

8 (b) There is hereby created the Uncovered Worker Health Trust
9 Fund for the purpose of providing comprehensive health insurance
10 coverage to uncovered workers. Voluntary contributions may be
11 deposited into the trust from the following sources:

12 (1) Private donors.

13 (2) Charitable and philanthropic organizations.

14 (3) Contributing employers.

15 (c) The department shall, on or before January 1, 2015, prepare
16 and make available an application form for nonprofit community
17 health centers to use in requesting moneys from the trust. The
18 department shall include in the application form a memorandum
19 of understanding that contains space for the following information,
20 in addition to any other data the department deems relevant:

21 (1) The name of the contributing employer.

22 (2) The number of uncovered workers that will be employed by
23 the contributing employer.

24 (3) The length of time that uncovered workers will be employed
25 by the contributing employer and the time that those workers will
26 continue to require health care services.

27 (4) The estimated cost of providing health care services to the
28 contributing employer’s uncovered workers.

29 (d) Nonprofit community health centers applying for moneys
30 from the trust shall submit the application to the department.

31 (e) Moneys from the trust shall be allocated to participating
32 nonprofit community health centers no later than July 1, 2015,
33 unless the department determines that the trust has an insufficient
34 balance to carry out the requirements of this section, in which case
35 the department may delay implementation until the trust has a
36 balance of one million dollars (\$1,000,000) or more.

37 (1) The Primary Health Care Services Branch of the department,
38 through its Rural Health Clinic Program, shall distribute moneys
39 from the trust to nonprofit community health centers to provide

1 *comprehensive primary health care services, including mental*
2 *health and dental care, to uncovered workers.*

3 *(2) The department shall allocate moneys from the trust to*
4 *nonprofit community health centers based on the number of*
5 *uncovered workers to be served, the length of time the uncovered*
6 *worker will be employed by the contributing employer,*
7 *geographical location, and any other criteria developed by the*
8 *department in consultation with contributing employers and*
9 *nonprofit community health centers.*

10 *(f) (1) The department shall publish a list of contributing*
11 *employers and shall make that list available to nonprofit*
12 *community health centers that serve uncovered workers.*

13 *(2) The department shall publish a list of nonprofit community*
14 *clinics located in the proximity of, and accessible to, uncovered*
15 *workers and shall provide that list to contributing employers.*

16 *(g) Nonprofit community health centers shall utilize mobile*
17 *medical units or provide transportation to uncovered workers who*
18 *reside or are employed in geographical areas that make access to*
19 *clinic sites difficult.*

20 *(h) The cost to the department of administering the trust shall*
21 *be provided from the trust. Administrative costs shall not exceed*
22 *10 percent of the total moneys in the trust.*

23 *(i) Nothing in this act shall detract, impede, or violate any*
24 *provision of the PPACA.*

25 ~~SECTION 1. It is the intent of the Legislature to enact~~
26 ~~legislation to prohibit a peace officer from impounding a vehicle~~
27 ~~solely on the basis that the driver is unlicensed.~~