

AMENDED IN SENATE JULY 9, 2013
AMENDED IN SENATE JUNE 24, 2013
AMENDED IN ASSEMBLY MAY 24, 2013
AMENDED IN ASSEMBLY APRIL 11, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 720

Introduced by Assembly Member Skinner

February 21, 2013

An act to add Section 4011.11 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 720, as amended, Skinner. Inmates: health care enrollment.

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 Program provisions. ~~Commencing~~ *Existing federal law prohibits federal financial participation for medical care provided to inmates of a public institution, except when the inmate is a patient in a medical institution.*

Commencing January 1, 2014, the federal Patient Protection and Affordable Care Act expands eligibility under the Medicaid Program for certain groups *and enacts various other health care coverage market reforms that take effect on that date.* Existing federal law ~~prohibits persons who are involuntarily incarcerated in jail from obtaining these services, but permits persons detained in jail, but not sentenced to jail, to be eligible for services, as specified.~~ *requires the Secretary of Health*

and Human Services to develop and provide to each state a single, streamlined form that may be used to apply for all state health subsidy programs, as defined, within the state.

This bill would require the board of supervisors in each county to designate an entity, ~~as defined,~~ to assist certain jail inmates to apply for a health insurance affordability program, as defined. The bill would provide that county jail inmates who are currently enrolled in the Medi-Cal program ~~and who would become ineligible for benefits because of detention retain enrollment in that program, unless shall not be terminated from the program due to their detention, unless required by federal law or they become~~ otherwise ineligible, as specified. The bill would require the State Department of Health Care Services to establish, subject to federal law, a process to enable counties to obtain federal financial participation for these provisions.

By imposing additional duties on local governments, this 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 4011.11 is added to the Penal Code, to
- 2 read:
- 3 4011.11. (a) (1) The board of supervisors in each county shall
- 4 designate an entity to assist county jail inmates described in
- 5 subdivision (c) with submitting an application for a health
- 6 insurance affordability program consistent with federal
- 7 requirements.
- 8 (2) The board of supervisors shall not designate the county
- 9 sheriff as the entity to assist with submitting an application for a
- 10 health insurance affordability program for county jail inmates
- 11 described in subdivision (c) unless the county sheriff agrees to
- 12 perform this function.

1 (3) If the board of supervisors designates a community-based
2 organization as the entity to assist with submitting an application
3 for a health insurance affordability program for county jail inmates
4 described in subdivision (c), the designation shall be subject to
5 approval by the jail administrator, or his or her designee.

6 (b) The jail administrator, or his or her designee, shall coordinate
7 with the entity designated pursuant to subdivision (a).

8 (c) The entity designated pursuant to subdivision (a) shall assist
9 county jail inmates with submitting an application for a health
10 insurance affordability program if all of the following conditions
11 are met:

12 (1) The inmate has been in detention for at least 72 hours
13 *following remand into custody by a court or magistrate.*

14 (2) The inmate appears potentially eligible to be enrolled in the
15 health insurance affordability program upon release.

16 (3) The inmate does not currently have health care coverage.

17 (d) Consistent with federal regulations, county jail inmates who
18 are currently enrolled in the Medi-Cal program shall not be
19 terminated from the program due to their detention unless required
20 by federal law, or they become otherwise ineligible.

21 (e) Notwithstanding any other provision of law, and only to the
22 extent that federal law allows, the State Department of Health Care
23 Services shall establish a process to enable counties to obtain the
24 maximum available federal financial participation for
25 administrative activities related to this section.

26 (f) Notwithstanding any other law, the entity designated pursuant
27 to subdivision (a) is authorized to act on behalf of a county jail
28 inmate, for purposes of applying for or a determination of eligibility
29 for a health insurance affordability program.

30 ~~(g) For purposes of this section, the following definitions apply:~~

31 ~~(1) "Entity" means an individual, governmental agency, or~~
32 ~~community-based organization.~~

33 ~~(2) "Health~~

34 ~~(g) For purposes of this section, "health insurance affordability~~
35 ~~program" means a program that is one of the following:~~

36 ~~(A)~~

37 ~~(1) The state's Medi-Cal program under Title XIX of the federal~~
38 ~~Social Security Act.~~

39 ~~(B)~~

1 (2) The state’s children’s health insurance program (CHIP)
2 under title XXI of the federal Social Security Act.

3 ~~(C)~~

4 (3) A program that makes coverage in a qualified health plan
5 through the California Health Benefit Exchange established
6 pursuant to Section 100500 of the Government Code with advance
7 payment of the premium tax credit established under Section 36B
8 of the Internal Revenue Code available to qualified individuals.

9 ~~(D)~~

10 (4) A program that makes available coverage in a qualified
11 health plan through the California Health Benefit Exchange
12 established pursuant to Section 100500 of the Government Code
13 with cost-sharing reductions established under Section 1402 of the
14 federal Patient Protection and Affordable Care Act (Public Law
15 111-148) and any subsequent amendments to that act.

16 (h) Notwithstanding Chapter 3.5 (commencing with Section
17 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
18 the department may implement this section by means of all-county
19 letters or similar instructions, without taking regulatory action.

20 SEC. 2. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.