

AMENDED IN ASSEMBLY APRIL 10, 2014

AMENDED IN ASSEMBLY MARCH 18, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1644

Introduced by Assembly Member Medina

February 11, 2014

An act to add Section 14124.27 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 1644, as amended, Medina. Medi-Cal: Drug Medi-Cal Program providers.

Existing law provides for the Drug Medi-Cal (DMC) Treatment Program, under which counties enter into contracts with the State Department of Health Care Services for providing various drug treatment services to Medi-Cal recipients, or the department directly contracts for those services if a county elects not to do so. *Existing law requires the department to designate Medi-Cal providers as "limited," "moderate," or "high" categorical risk and to conduct criminal background checks on Medi-Cal providers that the department designates as "high" categorical risk.*

~~This bill would require a county or the department, before contracting with a certified DMC provider, to obtain criminal background information to determine if the owner has been convicted of a crime involving fraud and to request subsequent arrest notification for those crimes designate all DMC Treatment Program providers as "high" categorical risk and would make them subject to background checks, as provided. The bill would authorize the department, on and after~~

January 1, 2018, to designate a DMC Treatment Program provider as “limited” or “moderate” categorical risk and, if it does so, would require the department to execute a declaration, to be posted on the department’s Internet Web site, that states the reason that a “high” categorical risk designation is no longer warranted. The bill would require the department to transmit a copy of the declaration to the Legislature.

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 14124.27 is added to the Welfare and
2 Institutions Code, to read:

3 14124.27. (a) Drug Medi-Cal Treatment Program providers
4 shall be categorized as “high” categorical risk pursuant to Section
5 14043.38 and shall be subject to background checks pursuant to
6 the provisions of that section.

7 (b) On and after January 1, 2018, the department may designate
8 a Drug Medi-Cal Treatment Program provider as “limited” or
9 “moderate” categorical risk pursuant to Section 14043.38 and
10 federal regulations. To designate a Drug Medi-Cal Treatment
11 Program provider as “limited” or “moderate” the department
12 shall execute a declaration, to be retained by the director and
13 posted on the department’s Internet Web site, that states the reason
14 that a “high” categorical risk designation is no longer warranted.
15 The department shall transmit a copy of this declaration to the
16 Legislature.

17 ~~SECTION 1. Section 14124.27 is added to the Welfare and~~
18 ~~Institutions Code, to read:~~

19 ~~14124.27. (a) A county or the department, before contracting~~
20 ~~with a certified Drug Medi-Cal (DMC) provider, shall obtain state~~
21 ~~summary criminal history information from the Department of~~
22 ~~Justice for the DMC provider’s owner to determine if the owner~~
23 ~~has been convicted of any crime involving fraud.~~

24 ~~(b) The owner of the DMC provider shall submit fingerprint~~
25 ~~images and related information to the Department of Justice for~~
26 ~~purposes of obtaining information as to the existence and content~~
27 ~~of a record of state or federal convictions, and state or federal~~
28 ~~arrests for which the Department of Justice establishes that the~~

1 person is free on bail or on his or her own recognizance pending
2 trial or appeal. The Department of Justice shall review the available
3 information and compile and disseminate a response to the county
4 or the department, as appropriate, pursuant to Section 11105 of
5 the Penal Code.

6 (e) ~~The county or department contracting with the DMC provider~~
7 ~~shall request subsequent arrest notification service from the~~
8 ~~Department of Justice, as provided under Section 11105.2 of the~~
9 ~~Penal Code, for the owner of the DMC provider for crimes~~
10 ~~involving fraud.~~

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