

**ASSEMBLY BILL**

**No. 376**

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**Introduced by Assembly Member Lopez**

February 18, 2015

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An act to amend Section 11265.8 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 376, as introduced, Lopez. CalWORKs eligibility: immunizations.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families block grant program, state, and county funds. Under existing law, all applicants for or recipients of CalWORKs are required to provide documentation that each child in the assistance unit who is not required to be enrolled in school has received all age appropriate immunizations, unless it has been medically determined that an immunization for the child is not appropriate or the applicant or recipient has filed with the county welfare department an affidavit that the immunizations are contrary to the applicant's or recipient's beliefs.

This bill would instead require the applicant or recipient to provide immunization records only if the county obtains a report from the California Immunization Registry but is unable to verify that the immunizations have been performed. By requiring counties to obtain these reports, the bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

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 11265.8 of the Welfare and Institutions  
 2 Code is amended to read:  
 3 11265.8. (a) All applicants for, *and recipients of*, aid under  
 4 this chapter, ~~within 30 days of the determination of eligibility for~~  
 5 ~~Medi-Cal benefits under Chapter 7 (commencing with Section~~  
 6 ~~14000), and 45 days for applicants already eligible for benefits~~  
 7 ~~under Chapter 7 (commencing with Section 14000), and all~~  
 8 ~~recipients of aid under this chapter within 45 days of a full or~~  
 9 ~~financial redetermination of eligibility for aid under this chapter,~~  
 10 ~~shall provide documentation~~ *shall ensure* that all children in the  
 11 assistance unit not required to be enrolled in school have received  
 12 all age appropriate immunizations, unless it has been medically  
 13 determined that an immunization for a child is not appropriate or  
 14 the applicant or recipient has filed with the county welfare  
 15 department an affidavit that the immunizations are contrary to the  
 16 applicant’s or recipient’s beliefs. *If an affidavit has not been filed*  
 17 *with the county welfare department, the county shall verify that*  
 18 *the immunizations have been performed by obtaining a report from*  
 19 *the California Immunization Registry established pursuant to*  
 20 *Section 120440 of the Health and Safety Code. If the registry does*  
 21 *not contain records of these immunizations, the county shall require*  
 22 *the applicant or recipient to provide documentation that the*  
 23 *immunizations have been performed, or are not medically*  
 24 *appropriate, within 30 days of the determination of eligibility for*  
 25 *Medi-Cal benefits under Chapter 7 (commencing with Section*  
 26 *14000), or 45 days for applicants already eligible for benefits*

1 *under Chapter 7 (commencing with Section 14000), or within 45*  
2 *days of a full or financial redetermination of eligibility for aid*  
3 *under this chapter.* If the county determines that good cause exists  
4 for not providing the required documentation due to lack of  
5 reasonable access to immunization services, the period shall be  
6 extended by an additional 30 days. If the documentation is not  
7 provided within the required time period, the needs of all parents  
8 or caretaker relatives in the assistance unit shall not be considered  
9 in determining the grant to the assistance unit under Section 11450  
10 until the required documentation is provided. The department shall  
11 track and maintain information concerning the number of sanctions  
12 imposed under this section.

13 (b) At the time of application and at the next redetermination  
14 of eligibility for aid under this chapter, all applicants and recipients  
15 shall be given notice advising them of their obligation to secure  
16 the immunizations required in subdivision (a). The notice shall  
17 also contain all of the following:

18 (1) The Recommended Childhood Immunization Schedule,  
19 United States, and the Recommended Immunization Schedule for  
20 Children Not Immunized on Schedule in the First Year of Life, as  
21 appropriate, approved by the Advisory Committee on Immunization  
22 Practices, the American Academy of Pediatrics, and the American  
23 Academy of Family Physicians.

24 (2) A description of how to obtain the immunizations through  
25 a fee-for-service provider that accepts Medi-Cal, a Medi-Cal  
26 managed care plan, a county public health clinic, or any other  
27 source that may be available in the county as appropriate.

28 (3) A statement that the applicant or recipient may file an  
29 affidavit claiming that the immunizations are contrary to the  
30 applicant's or recipient's beliefs.

31 SEC. 2. No appropriation pursuant to Section 15200 of the  
32 Welfare and Institutions Code shall be made for purposes of  
33 implementing this act.

34 SEC. 3. If the Commission on State Mandates determines that  
35 this act contains costs mandated by the state, reimbursement to  
36 local agencies and school districts for those costs shall be made  
37 pursuant to Part 7 (commencing with Section 17500) of Division  
38 4 of Title 2 of the Government Code.

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