

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**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 amended, 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~~ *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 *on behalf of the applicant or recipient* 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) (1) All applicants for, and recipients of, aid  
4 under this chapter shall ensure that all children in the assistance  
5 unit not required to be enrolled in school have received all-age  
6 appropriate age-appropriate immunizations, unless it has been  
7 medically determined that an immunization for a child is not  
8 appropriate or the applicant or recipient has filed with the county  
9 welfare department an affidavit that the immunizations are contrary  
10 to the applicant's or recipient's beliefs. ~~ff~~

11 (2) ~~If an applicant or recipient has not filed an affidavit has not~~  
12 ~~been filed~~ with the county welfare department, the county shall  
13 ~~verify on behalf of any applicant or recipient required to provide~~  
14 ~~documentation that the immunizations have been performed each~~  
15 ~~child in the assistance unit not required to be enrolled in school~~  
16 ~~has received all age-appropriate immunizations~~ by obtaining a  
17 report from the California Immunization Registry established  
18 pursuant to Section 120440 of the Health and Safety Code. If the  
19 registry does not contain records of these immunizations, the  
20 county shall require the applicant or recipient to provide  
21 documentation that the immunizations have been performed, ~~or~~  
22 ~~are not medically appropriate; or that it has been medically~~  
23 ~~determined that an immunization is not appropriate~~ within 30 days  
24 of the determination of eligibility for Medi-Cal benefits under

1 Chapter 7 (commencing with Section 14000), or 45 days for  
2 applicants already eligible for benefits under Chapter 7  
3 (commencing with Section 14000), or within 45 days of a full or  
4 financial redetermination of eligibility for aid under this chapter.  
5 If the county determines that good cause exists for not providing  
6 the required documentation due to lack of reasonable access to  
7 immunization services, the period shall be extended by an  
8 additional 30 days.††

9 (3) *If* the documentation is not provided within the required  
10 time period, the needs of all parents or caretaker relatives in the  
11 assistance unit shall not be considered in determining the grant to  
12 the assistance unit under Section 11450 until the required  
13 documentation is provided. The department shall track and  
14 maintain information concerning the number of sanctions imposed  
15 under this section.

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

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

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

31 (3) A statement that the applicant or recipient may file an  
32 affidavit claiming that the immunizations are contrary to the  
33 applicant's or recipient's beliefs.

34 SEC. 2. No appropriation pursuant to Section 15200 of the  
35 Welfare and Institutions Code shall be made for purposes of  
36 implementing this act.

37 SEC. 3. If the Commission on State Mandates determines that  
38 this act contains costs mandated by the state, reimbursement to  
39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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