

AMENDED IN ASSEMBLY APRIL 21, 2015

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~~ *amend, repeal, and add* 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 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~~ *would, commencing July 1, 2016*, 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 under~~  
4     ~~this chapter shall ensure that all children in the assistance unit not~~  
5     ~~required to be enrolled in school have received all age-appropriate~~  
6     ~~immunizations, unless it has been medically determined that an~~  
7     ~~immunization for a child is not appropriate or the applicant or~~  
8     ~~recipient has filed with the county welfare department an affidavit~~  
9     ~~that the immunizations are contrary to the applicant's or recipient's~~  
10    ~~beliefs.~~  
11    ~~(2) If an applicant or recipient has not filed an affidavit with~~  
12    ~~the county welfare department, the county shall verify on behalf~~  
13    ~~of any applicant or recipient required to provide documentation~~  
14    ~~that each child in the assistance unit not required to be enrolled in~~  
15    ~~school has received all age-appropriate immunizations by obtaining~~  
16    ~~a report from the California Immunization Registry established~~  
17    ~~pursuant to Section 120440 of the Health and Safety Code. If the~~  
18    ~~registry does not contain records of these immunizations, the~~  
19    ~~county shall require the applicant or recipient to provide~~  
20    ~~documentation that the immunizations have been performed or~~  
21    ~~that it has been medically determined that an immunization is not~~  
22    ~~appropriate within 30 days of the determination of eligibility for~~

1 ~~Medi-Cal benefits under Chapter 7 (commencing with Section~~  
2 ~~14000), or 45 days for applicants already eligible for benefits under~~  
3 ~~Chapter 7 (commencing with Section 14000), or within 45 days~~  
4 ~~of a full or financial redetermination of eligibility for aid under~~  
5 ~~this chapter. If the county determines that good cause exists for~~  
6 ~~not providing the required documentation due to lack of reasonable~~  
7 ~~access to immunization services, the period shall be extended by~~  
8 ~~an 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 *SECTION 1. Section 11265.8 of the Welfare and Institutions*  
35 *Code is amended to read:*

36 11265.8. (a) All applicants for aid under this chapter, within  
37 30 days of the determination of eligibility for Medi-Cal benefits  
38 under Chapter 7 (commencing with Section 14000), and 45 days  
39 for applicants already eligible for benefits under Chapter 7  
40 (commencing with Section 14000), and all recipients of aid under

1 this chapter within 45 days of a full or financial redetermination  
2 of eligibility for aid under this chapter, shall provide documentation  
3 that all children in the assistance unit not required to be enrolled  
4 in school have received all age appropriate immunizations, unless  
5 it has been medically determined that an immunization for a child  
6 is not appropriate or the applicant or recipient has filed with the  
7 county welfare department an affidavit that the immunizations are  
8 contrary to the applicant's or recipient's beliefs. If the county  
9 determines that good cause exists for not providing the required  
10 documentation due to lack of reasonable access to immunization  
11 services, the period shall be extended by an additional 30 days. If  
12 the documentation is not provided within the required time period,  
13 the needs of all parents or caretaker relatives in the assistance unit  
14 shall not be considered in determining the grant to the assistance  
15 unit under Section 11450 until the required documentation is  
16 provided. The department shall track and maintain information  
17 concerning the number of sanctions imposed under this section.

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

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

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

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

36 (c) *This section shall become inoperative on July 1, 2016, and,*  
37 *as of January 1, 2017, is repealed, unless a later enacted statute,*  
38 *that becomes operative on or before January 1, 2017, deletes or*  
39 *extends the dates on which it becomes inoperative and is repealed.*

1     *SEC. 2. Section 11265.8 is added to the Welfare and Institutions*  
2     *Code, to read:*

3     *11265.8. (a) (1) All applicants for, and recipients of, aid under*  
4     *this chapter shall ensure that all children in the assistance unit*  
5     *not required to be enrolled in school have received all*  
6     *age-appropriate immunizations, unless it has been medically*  
7     *determined that an immunization for a child is not appropriate or*  
8     *the applicant or recipient has filed with the county welfare*  
9     *department an affidavit that the immunizations are contrary to the*  
10    *applicant's or recipient's beliefs.*

11    *(2) The county shall verify that each child described in*  
12    *paragraph (1) has received all age-appropriate immunizations by*  
13    *obtaining a report from the California Immunization Registry*  
14    *established pursuant to Section 120440 of the Health and Safety*  
15    *Code. If the registry does not contain records of these*  
16    *immunizations, the county shall require the applicant or recipient*  
17    *to provide documentation that the immunizations have been*  
18    *performed, unless the applicant or recipient has filed an affidavit*  
19    *that the immunizations are contrary to his or her beliefs or has*  
20    *supplied documentation that it has been medically determined that*  
21    *an immunization is not appropriate. This documentation shall be*  
22    *provided within the following time periods:*

23    *(A) Within 30 days of the determination of an applicant's*  
24    *eligibility for Medi-Cal benefits under Chapter 7 (commencing*  
25    *with Section 14000).*

26    *(B) Within 45 days for an applicant who is already eligible for*  
27    *benefits under Chapter 7 (commencing with Section 14000).*

28    *(C) Within 45 days of a full or financial redetermination of*  
29    *eligibility for aid under this chapter.*

30    *(3) If the county determines that good cause exists for not*  
31    *providing the required documentation due to lack of reasonable*  
32    *access to immunization services, the period shall be extended by*  
33    *an additional 30 days.*

34    *(4) If the documentation is not provided within the time periods*  
35    *set forth in this section, the needs of all parents or caretaker*  
36    *relatives in the assistance unit shall not be considered in*  
37    *determining the grant to the assistance unit under Section 11450*  
38    *until the required documentation is provided. The department shall*  
39    *track and maintain information concerning the number of sanctions*  
40    *imposed under this section.*

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

6 (1) The Recommended Childhood Immunization Schedule,  
 7 United States, and the Recommended Immunization Schedule for  
 8 Children Not Immunized on Schedule in the First Year of Life, as  
 9 appropriate, approved by the Advisory Committee on Immunization  
 10 Practices, the American Academy of Pediatrics, and the American  
 11 Academy of Family Physicians.

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

16 (3) A statement that the applicant or recipient may file an  
 17 affidavit claiming that the immunizations are contrary to the  
 18 applicant's or recipient's beliefs.

19 (c) This section shall become operative on July 1, 2016.

20 ~~SEC. 2.~~

21 SEC. 3. No appropriation pursuant to Section 15200 of the  
 22 Welfare and Institutions Code shall be made for purposes of  
 23 implementing this act.

24 ~~SEC. 3.~~

25 SEC. 4. If the Commission on State Mandates determines that  
 26 this act contains costs mandated by the state, reimbursement to  
 27 local agencies and school districts for those costs shall be made  
 28 pursuant to Part 7 (commencing with Section 17500) of Division  
 29 4 of Title 2 of the Government Code.