

AMENDED IN SENATE AUGUST 31, 2015

AMENDED IN SENATE JUNE 19, 2015

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 376

Introduced by Assembly Member Lopez

February 18, 2015

An act to 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 *ensure and* 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, commencing July 1, 2016, instead require the applicant or recipient to ~~provide immunization records only if the county~~

~~first reviews the California Immunization Registry but is unable to verify that the immunizations have been performed. By requiring counties to review the California Immunization Registry, the bill would impose a state-mandated local program: ensure that each child in the assistance unit who is not required to be enrolled in school has received all age-appropriate immunizations. The bill would also authorize the county to review the California Immunization Registry in lieu of initially requesting verification of an immunization before requiring the applicant or recipient to provide documentation that the immunization has been performed.~~

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-no~~. State-mandated local program: ~~yes-no~~.

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 aid under this chapter, within
 4 30 days of the determination of eligibility for Medi-Cal benefits
 5 under Chapter 7 (commencing with Section 14000), and 45 days
 6 for applicants already eligible for benefits under Chapter 7
 7 (commencing with Section 14000), and all recipients of aid under
 8 this chapter within 45 days of a full or financial redetermination
 9 of eligibility for aid under this chapter, shall provide documentation
 10 that all children in the assistance unit not required to be enrolled
 11 in school have received all ~~age-appropriate~~ *age-appropriate*
 12 immunizations, unless it has been medically determined that an
 13 immunization for a child is not appropriate or the applicant or
 14 recipient has filed with the county welfare department an affidavit

1 that the immunizations are contrary to the applicant's or recipient's
2 beliefs. If the county determines that good cause exists for not
3 providing the required documentation due to lack of reasonable
4 access to immunization services, the period shall be extended by
5 an additional 30 days. If the documentation is not provided within
6 the required time period, the needs of all parents or caretaker
7 relatives in the assistance unit shall not be considered in
8 determining the grant to the assistance unit under Section 11450
9 until the required documentation is provided. The department shall
10 track and maintain information concerning the number of sanctions
11 imposed under this section.

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

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

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

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

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

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

36 11265.8. (a) (1) All applicants for, and recipients of, aid under
37 this chapter shall ensure that all children in the assistance unit not
38 required to be enrolled in school have received all age-appropriate
39 immunizations, unless it has been medically determined that an
40 immunization for a child is not appropriate or the applicant or

1 recipient has filed with the county welfare department an affidavit
2 that the immunizations are contrary to the applicant's or recipient's
3 beliefs.

4 (2) In lieu of initially requesting verification of age-appropriate
5 immunizations, the county ~~shall~~ *may* first verify whether each child
6 described in paragraph (1) has received all age-appropriate
7 immunizations by reviewing the California Immunization Registry
8 established pursuant to Section 120440 of the Health and Safety
9 Code. If the registry does not contain records of these
10 immunizations, the county shall require the applicant or recipient
11 to provide documentation that the immunizations have been
12 performed, unless the applicant or recipient has filed an affidavit
13 that the immunizations are contrary to his or her beliefs or has
14 supplied documentation that it has been medically determined that
15 an immunization is not appropriate. This documentation shall be
16 provided within the following time periods:

17 (A) Within 30 days of the determination of an applicant's
18 eligibility for Medi-Cal benefits under Chapter 7 (commencing
19 with Section 14000).

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

22 (C) Within 45 days of a full or financial redetermination of
23 eligibility for aid under this chapter.

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

28 (4) If the documentation is not provided within the time periods
29 set forth in this section, the needs of all parents or caretaker
30 relatives in the assistance unit shall not be considered in
31 determining the grant to the assistance unit under Section 11450
32 until the required documentation is provided. The department shall
33 track and maintain information concerning the number of sanctions
34 imposed under this section.

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

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

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

11 (3) A statement that the applicant or recipient may file an
12 affidavit claiming that the immunizations are contrary to the
13 applicant's or recipient's beliefs.

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

15 SEC. 3. No appropriation pursuant to Section 15200 of the
16 Welfare and Institutions Code shall be made for purposes of
17 implementing this act.

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