

Assembly Bill No. 376

Passed the Assembly September 8, 2015

Chief Clerk of the Assembly

Passed the Senate September 3, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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 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 people of the State of California do enact as follows:

SECTION 1. Section 11265.8 of the Welfare and Institutions Code is amended to read:

11265.8. (a) All applicants for aid under this chapter, within 30 days of the determination of eligibility for Medi-Cal benefits under Chapter 7 (commencing with Section 14000), and 45 days for applicants already eligible for benefits under Chapter 7 (commencing with Section 14000), and all recipients of aid under this chapter within 45 days of a full or financial redetermination of eligibility for aid under this chapter, shall provide documentation that all children in the assistance unit not required to be enrolled in school have received all age-appropriate immunizations, unless it has been medically determined that an immunization for a 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. If the county determines that good cause exists for not providing the required documentation due to lack of reasonable access to immunization services, the period shall be extended by an additional 30 days. If the documentation is not provided within the required time period, the needs of all parents or caretaker relatives in the assistance unit shall not be considered in determining the grant to the assistance unit under Section 11450 until the required documentation is provided. The department shall track and maintain information concerning the number of sanctions imposed under this section.

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

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

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

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

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

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

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

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

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

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

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

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

(4) If the documentation is not provided within the time periods set forth in this section, the needs of all parents or caretaker

relatives in the assistance unit shall not be considered in determining the grant to the assistance unit under Section 11450 until the required documentation is provided. The department shall track and maintain information concerning the number of sanctions imposed under this section.

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

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

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

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

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

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

Approved _____, 2015

Governor