

ASSEMBLY BILL

No. 1235

Introduced by Assembly Member Gipson

February 27, 2015

An act relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 1235, as introduced, Gipson. Long-term care: home upkeep allowance.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Qualified individuals under the Medi-Cal program include medically needy persons and medically needy family persons who meet the required eligibility criteria, including applicable income requirements.

Existing law requires the department to establish income levels for maintenance need at the lowest levels that reasonably permit a medically needy individual to meet his or her basic needs for food, clothing, and shelter, and for which federal financial participation will still be provided under applicable federal law. In calculating the income of a medically needy individual in a medical institution or nursing facility, or a person receiving institutional or noninstitutional services from a Program of All-Inclusive Care for the Elderly organization, the required monthly maintenance amount includes, among other things, an amount providing for the upkeep and maintenance of the individual's home. This amount is also referred to as the home upkeep allowance.

Existing law authorizes the Director of Health Care Services to adopt, amend, or repeal reasonable rules and regulations to carry out the purposes and intent of the Medi-Cal program, that are not inconsistent with any state statute. The department has adopted regulatory requirements relating to the determination of the above home upkeep allowance.

This bill would declare the intent of the Legislature to enact legislation to prohibit the use of in-kind value of housing as a basis for calculating the home upkeep allowance for a patient in long-term care and prohibit eligibility for the allowance from being based on the date when patient status is established, and to require the calculation for the allowance to be based on the actual cost of maintaining the patient's home. The bill would declare the intent of the Legislature to enact legislation to require the department to adopt conforming regulations, and to notify specified parties of those regulatory changes. The bill would declare the Legislature's intent to enact legislation to require the department to advise appropriate Medi-Cal patients of the availability of the home upkeep allowance.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. (a) It is the intent of the Legislature to enact
2 legislation to do all of the following, with respect to the Medi-Cal
3 home upkeep allowance that may be available to long-term care
4 residents:
- 5 (1) Prohibit the use of in-kind value of housing as a basis for
6 calculating the home upkeep allowance for a patient in long-term
7 care.
- 8 (2) Prohibit eligibility for the allowance being based on the date
9 when patient status is established.
- 10 (3) Require the calculation for the allowance to be based on the
11 actual cost of maintaining the patient's home.
- 12 (b) It is the intent of the Legislature to enact legislation to require
13 the State Department of Health Care Services to do all of the
14 following:
- 15 (1) Adopt or revise regulations to reflect the requirements of
16 paragraphs (1) to (3), inclusive, of subdivision (a).

1 (2) Notify all Medi-Cal branches, eligibility workers, long-term
2 care facilities, hospital discharge planners, and organizations
3 receiving state funds to assist nursing home residents, of the new
4 regulatory requirements.

5 (3) Ensure that all Medi-Cal patients who are discharged to or
6 residing in a long-term care facility are informed of the availability
7 of the allowance.

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