

ASSEMBLY BILL

No. 2394

**Introduced by Assembly Member Eduardo Garcia
(Coauthors: Assembly Members Brown and Wood)**

February 18, 2016

An act to amend Section 14132 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 2394, as introduced, Eduardo Garcia. Medi-Cal: nonmedical transportation.

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 Program provisions. Existing law provides for a schedule of benefits under the Medi-Cal program, which includes medical transportation services, subject to utilization controls.

This bill would add to the schedule of benefits nonmedical transportation, as defined, subject to utilization controls and permissible time and distance standards, for a beneficiary to obtain covered Medi-Cal services. The bill would specify that these provisions shall not be interpreted to add a new benefit to the Medi-Cal program. The bill would require the department to adopt regulations by July 1, 2018. Commencing July 1, 2017, the bill would require the department to provide a status report to the Legislature on a semiannual basis until regulations have been adopted.

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

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

1 SECTION 1. Section 14132 of the Welfare and Institutions
2 Code is amended to read:
3 14132. The following is the schedule of benefits under this
4 chapter:
5 (a) Outpatient services are covered as follows:
6 Physician, hospital or clinic outpatient, surgical center,
7 respiratory care, optometric, chiropractic, psychology, podiatric,
8 occupational therapy, physical therapy, speech therapy, audiology,
9 acupuncture to the extent federal matching funds are provided for
10 acupuncture, and services of persons rendering treatment by prayer
11 or healing by spiritual means in the practice of any church or
12 religious denomination insofar as these can be encompassed by
13 federal participation under an approved plan, subject to utilization
14 controls.
15 (b) (1) Inpatient hospital services, including, but not limited
16 to, physician and podiatric services, physical therapy and
17 occupational therapy, are covered subject to utilization controls.
18 (2) For Medi-Cal fee-for-service beneficiaries, emergency
19 services and care that are necessary for the treatment of an
20 emergency medical condition and medical care directly related to
21 the emergency medical condition. This paragraph shall not be
22 construed to change the obligation of Medi-Cal managed care
23 plans to provide emergency services and care. For the purposes of
24 this paragraph, “emergency services and care” and “emergency
25 medical condition” shall have the same meanings as those terms
26 are defined in Section 1317.1 of the Health and Safety Code.
27 (c) Nursing facility services, subacute care services, and services
28 provided by any category of intermediate care facility for the
29 developmentally disabled, including podiatry, physician, nurse
30 practitioner services, and prescribed drugs, as described in
31 subdivision (d), are covered subject to utilization controls.
32 Respiratory care, physical therapy, occupational therapy, speech
33 therapy, and audiology services for patients in nursing facilities
34 and any category of intermediate care facility for the
35 developmentally disabled are covered subject to utilization controls.
36 (d) (1) Purchase of prescribed drugs is covered subject to the
37 Medi-Cal List of Contract Drugs and utilization controls.

1 (2) Purchase of drugs used to treat erectile dysfunction or any
2 off-label uses of those drugs are covered only to the extent that
3 federal financial participation is available.

4 (3) (A) To the extent required by federal law, the purchase of
5 outpatient prescribed drugs, for which the prescription is executed
6 by a prescriber in written, nonelectronic form on or after April 1,
7 2008, is covered only when executed on a tamper resistant
8 prescription form. The implementation of this paragraph shall
9 conform to the guidance issued by the federal Centers for Medicare
10 and Medicaid Services but shall not conflict with state statutes on
11 the characteristics of tamper resistant prescriptions for controlled
12 substances, including Section 11162.1 of the Health and Safety
13 Code. The department shall provide providers and beneficiaries
14 with as much flexibility in implementing these rules as allowed
15 by the federal government. The department shall notify and consult
16 with appropriate stakeholders in implementing, interpreting, or
17 making specific this paragraph.

18 (B) Notwithstanding Chapter 3.5 (commencing with Section
19 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
20 the department may take the actions specified in subparagraph (A)
21 by means of a provider bulletin or notice, policy letter, or other
22 similar instructions without taking regulatory action.

23 (4) (A) (i) For the purposes of this paragraph, nonlegend has
24 the same meaning as defined in subdivision (a) of Section
25 14105.45.

26 (ii) Nonlegend acetaminophen-containing products, with the
27 exception of children's acetaminophen-containing products,
28 selected by the department are not covered benefits.

29 (iii) Nonlegend cough and cold products selected by the
30 department are not covered benefits. This clause shall be
31 implemented on the first day of the first calendar month following
32 90 days after the effective date of the act that added this clause,
33 or on the first day of the first calendar month following 60 days
34 after the date the department secures all necessary federal approvals
35 to implement this section, whichever is later.

36 (iv) Beneficiaries under the Early and Periodic Screening,
37 Diagnosis, and Treatment Program shall be exempt from clauses
38 (ii) and (iii).

39 (B) Notwithstanding Chapter 3.5 (commencing with Section
40 11340) of Part 1 of Division 3 of Title 2 of the Government Code,

1 the department may take the actions specified in subparagraph (A)
2 by means of a provider bulletin or notice, policy letter, or other
3 similar instruction without taking regulatory action.

4 (e) Outpatient dialysis services and home hemodialysis services,
5 including physician services, medical supplies, drugs and
6 equipment required for dialysis, are covered, subject to utilization
7 controls.

8 (f) Anesthesiologist services when provided as part of an
9 outpatient medical procedure, nurse anesthetist services when
10 rendered in an inpatient or outpatient setting under conditions set
11 forth by the director, outpatient laboratory services, and X-ray
12 services are covered, subject to utilization controls. Nothing in
13 this subdivision shall be construed to require prior authorization
14 for anesthesiologist services provided as part of an outpatient
15 medical procedure or for portable X-ray services in a nursing
16 facility or any category of intermediate care facility for the
17 developmentally disabled.

18 (g) Blood and blood derivatives are covered.

19 (h) (1) Emergency and essential diagnostic and restorative
20 dental services, except for orthodontic, fixed bridgework, and
21 partial dentures that are not necessary for balance of a complete
22 artificial denture, are covered, subject to utilization controls. The
23 utilization controls shall allow emergency and essential diagnostic
24 and restorative dental services and prostheses that are necessary
25 to prevent a significant disability or to replace previously furnished
26 prostheses ~~which~~ *that* are lost or destroyed due to circumstances
27 beyond the beneficiary's control. Notwithstanding the foregoing,
28 the director may by regulation provide for certain fixed artificial
29 dentures necessary for obtaining employment or for medical
30 conditions that preclude the use of removable dental prostheses,
31 and for orthodontic services in cleft palate deformities administered
32 by the department's California Children Services Program.

33 (2) For persons 21 years of age or older, the services specified
34 in paragraph (1) shall be provided subject to the following
35 conditions:

36 (A) Periodontal treatment is not a benefit.

37 (B) Endodontic therapy is not a benefit except for vital
38 pulpotomy.

39 (C) Laboratory processed crowns are not a benefit.

1 (D) Removable prosthetics shall be a benefit only for patients
2 as a requirement for employment.

3 (E) The director may, by regulation, provide for the provision
4 of fixed artificial dentures that are necessary for medical conditions
5 that preclude the use of removable dental prostheses.

6 (F) Notwithstanding the conditions specified in subparagraphs
7 (A) to (E), inclusive, the department may approve services for
8 persons with special medical disorders subject to utilization review.

9 (3) Paragraph (2) shall become inoperative July 1, 1995.

10 (i) Medical transportation is covered, subject to utilization
11 controls.

12 (j) Home health care services are covered, subject to utilization
13 controls.

14 (k) Prosthetic and orthotic devices and eyeglasses are covered,
15 subject to utilization controls. Utilization controls shall allow
16 replacement of prosthetic and orthotic devices and eyeglasses
17 necessary because of loss or destruction due to circumstances
18 beyond the beneficiary's control. Frame styles for eyeglasses
19 replaced pursuant to this subdivision shall not change more than
20 once every two years, unless the department so directs.

21 Orthopedic and conventional shoes are covered when provided
22 by a prosthetic and orthotic supplier on the prescription of a
23 physician and when at least one of the shoes will be attached to a
24 prosthesis or brace, subject to utilization controls. Modification
25 of stock conventional or orthopedic shoes when medically
26 indicated, is covered subject to utilization controls. When there is
27 a clearly established medical need that cannot be satisfied by the
28 modification of stock conventional or orthopedic shoes,
29 custom-made orthopedic shoes are covered, subject to utilization
30 controls.

31 Therapeutic shoes and inserts are covered when provided to
32 beneficiaries with a diagnosis of diabetes, subject to utilization
33 controls, to the extent that federal financial participation is
34 available.

35 (l) Hearing aids are covered, subject to utilization controls.
36 Utilization controls shall allow replacement of hearing aids
37 necessary because of loss or destruction due to circumstances
38 beyond the beneficiary's control.

39 (m) Durable medical equipment and medical supplies are
40 covered, subject to utilization controls. The utilization controls

1 shall allow the replacement of durable medical equipment and
2 medical supplies when necessary because of loss or destruction
3 due to circumstances beyond the beneficiary's control. The
4 utilization controls shall allow authorization of durable medical
5 equipment needed to assist a disabled beneficiary in caring for a
6 child for whom the disabled beneficiary is a parent, stepparent,
7 foster parent, or legal guardian, subject to the availability of federal
8 financial participation. The department shall adopt emergency
9 regulations to define and establish criteria for assistive durable
10 medical equipment in accordance with the rulemaking provisions
11 of the Administrative Procedure Act (Chapter 3.5 (commencing
12 with Section 11340) of Part 1 of Division 3 of Title 2 of the
13 Government Code).

14 (n) Family planning services are covered, subject to utilization
15 controls. However, for Medi-Cal managed care plans, any
16 utilization controls shall be subject to Section 1367.25 of the Health
17 and Safety Code.

18 (o) Inpatient intensive rehabilitation hospital services, including
19 respiratory rehabilitation services, in a general acute care hospital
20 are covered, subject to utilization controls, when either of the
21 following criteria are met:

22 (1) A patient with a permanent disability or severe impairment
23 requires an inpatient intensive rehabilitation hospital program as
24 described in Section 14064 to develop function beyond the limited
25 amount that would occur in the normal course of recovery.

26 (2) A patient with a chronic or progressive disease requires an
27 inpatient intensive rehabilitation hospital program as described in
28 Section 14064 to maintain the patient's present functional level as
29 long as possible.

30 (p) (1) Adult day health care is covered in accordance with
31 Chapter 8.7 (commencing with Section 14520).

32 (2) Commencing 30 days after the effective date of the act that
33 added this paragraph, and notwithstanding the number of days
34 previously approved through a treatment authorization request,
35 adult day health care is covered for a maximum of three days per
36 week.

37 (3) As provided in accordance with paragraph (4), adult day
38 health care is covered for a maximum of five days per week.

1 (4) As of the date that the director makes the declaration
2 described in subdivision (g) of Section 14525.1, paragraph (2)
3 shall become inoperative and paragraph (3) shall become operative.

4 (q) (1) Application of fluoride, or other appropriate fluoride
5 treatment as defined by the department, and other prophylaxis
6 treatment for children 17 years of age and under are covered.

7 (2) All dental hygiene services provided by a registered dental
8 hygienist, registered dental hygienist in extended functions, and
9 registered dental hygienist in alternative practice licensed pursuant
10 to Sections 1753, 1917, 1918, and 1922 of the Business and
11 Professions Code may be covered as long as they are within the
12 scope of Denti-Cal benefits and they are necessary services
13 provided by a registered dental hygienist, registered dental
14 hygienist in extended functions, or registered dental hygienist in
15 alternative practice.

16 (r) (1) Paramedic services performed by a city, county, or
17 special district, or pursuant to a contract with a city, county, or
18 special district, and pursuant to a program established under *former*
19 Article 3 (commencing with Section 1480) of Chapter 2.5 of
20 Division 2 of the Health and Safety Code by a paramedic certified
21 pursuant to that article, and consisting of defibrillation and those
22 services specified in subdivision (3) of *former* Section 1482 of the
23 article.

24 (2) All providers enrolled under this subdivision shall satisfy
25 all applicable statutory and regulatory requirements for becoming
26 a Medi-Cal provider.

27 (3) This subdivision shall be implemented only to the extent
28 funding is available under Section 14106.6.

29 (s) In-home medical care services are covered when medically
30 appropriate and subject to utilization controls, for beneficiaries
31 who would otherwise require care for an extended period of time
32 in an acute care hospital at a cost higher than in-home medical
33 care services. The director shall have the authority under this
34 section to contract with organizations qualified to provide in-home
35 medical care services to those persons. These services may be
36 provided to patients placed in shared or congregate living
37 arrangements, if a home setting is not medically appropriate or
38 available to the beneficiary. As used in this section, “in-home
39 medical care service” includes utility bills directly attributable to

- 1 continuous, 24-hour operation of life-sustaining medical equipment,
2 to the extent that federal financial participation is available.
- 3 As used in this subdivision, in-home medical care services
4 include, but are not limited to:
- 5 (1) Level-of-care and cost-of-care evaluations.
 - 6 (2) Expenses, directly attributable to home care activities, for
7 materials.
 - 8 (3) Physician fees for home visits.
 - 9 (4) Expenses directly attributable to home care activities for
10 shelter and modification to shelter.
 - 11 (5) Expenses directly attributable to additional costs of special
12 diets, including tube feeding.
 - 13 (6) Medically related personal services.
 - 14 (7) Home nursing education.
 - 15 (8) Emergency maintenance repair.
 - 16 (9) Home health agency personnel benefits ~~which~~ *that* permit
17 coverage of care during periods when regular personnel are on
18 vacation or using sick leave.
 - 19 (10) All services needed to maintain antiseptic conditions at
20 stoma or shunt sites on the body.
 - 21 (11) Emergency and nonemergency medical transportation.
 - 22 (12) Medical supplies.
 - 23 (13) Medical equipment, including, but not limited to, scales,
24 gurneys, and equipment racks suitable for paralyzed patients.
 - 25 (14) Utility use directly attributable to the requirements of home
26 care activities ~~which~~ *that* are in addition to normal utility use.
 - 27 (15) Special drugs and medications.
 - 28 (16) Home health agency supervision of visiting staff ~~which~~
29 *that* is medically necessary, but not included in the home health
30 agency rate.
 - 31 (17) Therapy services.
 - 32 (18) Household appliances and household utensil costs directly
33 attributable to home care activities.
 - 34 (19) Modification of medical equipment for home use.
 - 35 (20) Training and orientation for use of life-support systems,
36 including, but not limited to, support of respiratory functions.
 - 37 (21) Respiratory care practitioner services as defined in Sections
38 3702 and 3703 of the Business and Professions Code, subject to
39 prescription by a physician and surgeon.

1 Beneficiaries receiving in-home medical care services are entitled
2 to the full range of services within the Medi-Cal scope of benefits
3 as defined by this section, subject to medical necessity and
4 applicable utilization control. Services provided pursuant to this
5 subdivision, which are not otherwise included in the Medi-Cal
6 schedule of benefits, shall be available only to the extent that
7 federal financial participation for these services is available in
8 accordance with a home- and community-based services waiver.

9 (t) Home- and community-based services approved by the
10 United States Department of Health and Human Services are
11 covered to the extent that federal financial participation is available
12 for those services under the state plan or waivers granted in
13 accordance with Section 1315 or 1396n of Title 42 of the United
14 States Code. The director may seek waivers for any or all home-
15 and community-based services approvable under Section 1315 or
16 1396n of Title 42 of the United States Code. Coverage for those
17 services shall be limited by the terms, conditions, and duration of
18 the federal waivers.

19 (u) Comprehensive perinatal services, as provided through an
20 agreement with a health care provider designated in Section
21 14134.5 and meeting the standards developed by the department
22 pursuant to Section 14134.5, subject to utilization controls.

23 The department shall seek any federal waivers necessary to
24 implement the provisions of this subdivision. The provisions for
25 which appropriate federal waivers cannot be obtained shall not be
26 implemented. Provisions for which waivers are obtained or for
27 which waivers are not required shall be implemented
28 notwithstanding any inability to obtain federal waivers for the
29 other provisions. No provision of this subdivision shall be
30 implemented unless matching funds from Subchapter XIX
31 (commencing with Section 1396) of Chapter 7 of Title 42 of the
32 United States Code are available.

33 (v) Early and periodic screening, diagnosis, and treatment for
34 any individual under 21 years of age is covered, consistent with
35 the requirements of Subchapter XIX (commencing with Section
36 1396) of Chapter 7 of Title 42 of the United States Code.

37 (w) Hospice service which is Medicare-certified hospice service
38 is covered, subject to utilization controls. Coverage shall be
39 available only to the extent that no additional net program costs
40 are incurred.

1 (x) When a claim for treatment provided to a beneficiary
2 includes both services ~~which~~ *that* are authorized and reimbursable
3 under this chapter, and services ~~which~~ *that* are not reimbursable
4 under this ~~chapter~~, *chapter* that portion of the claim for the
5 treatment and services authorized and reimbursable under this
6 chapter shall be payable.

7 (y) Home- and community-based services approved by the
8 United States Department of Health and Human Services for
9 beneficiaries with a diagnosis of AIDS or ARC, who require
10 intermediate care or a higher level of care.

11 Services provided pursuant to a waiver obtained from the
12 Secretary of the United States Department of Health and Human
13 Services pursuant to this subdivision, and which are not otherwise
14 included in the Medi-Cal schedule of benefits, shall be available
15 only to the extent that federal financial participation for these
16 services is available in accordance with the waiver, and subject to
17 the terms, conditions, and duration of the waiver. These services
18 shall be provided to individual beneficiaries in accordance with
19 the client's needs as identified in the plan of care, and subject to
20 medical necessity and applicable utilization control.

21 The director may under this section contract with organizations
22 qualified to provide, directly or by subcontract, services provided
23 for in this subdivision to eligible beneficiaries. Contracts or
24 agreements entered into pursuant to this division shall not be
25 subject to the Public Contract Code.

26 (z) Respiratory care when provided in organized health care
27 systems as defined in Section 3701 of the Business and Professions
28 Code, and as an in-home medical service as outlined in subdivision
29 (s).

30 (aa) (1) There is hereby established in the department, a
31 program to provide comprehensive clinical family planning
32 services to any person who has a family income at or below 200
33 percent of the federal poverty level, as revised annually, and who
34 is eligible to receive these services pursuant to the waiver identified
35 in paragraph (2). This program shall be known as the Family
36 Planning, Access, Care, and Treatment (Family PACT) Program.

37 (2) The department shall seek a waiver in accordance with
38 Section 1315 of Title 42 of the United States Code, or a state plan
39 amendment adopted in accordance with Section
40 1396a(a)(10)(A)(ii)(XXI) of Title 42 of the United States Code,

1 which was added to Section 1396a of Title 42 of the United States
2 Code by Section 2303(a)(2) of the federal Patient Protection and
3 Affordable Care Act (PPACA) (Public Law 111-148), for a
4 program to provide comprehensive clinical family planning
5 services as described in paragraph (8). Under the waiver, the
6 program shall be operated only in accordance with the waiver and
7 the statutes and regulations in paragraph (4) and subject to the
8 terms, conditions, and duration of the waiver. Under the state plan
9 amendment, which shall replace the waiver and shall be known as
10 the Family PACT successor state plan amendment, the program
11 shall be operated only in accordance with this subdivision and the
12 statutes and regulations in paragraph (4). The state shall use the
13 standards and processes imposed by the state on January 1, 2007,
14 including the application of an eligibility discount factor to the
15 extent required by the federal Centers for Medicare and Medicaid
16 Services, for purposes of determining eligibility as permitted under
17 Section 1396a(a)(10)(A)(ii)(XXI) of Title 42 of the United States
18 Code. To the extent that federal financial participation is available,
19 the program shall continue to conduct education, outreach,
20 enrollment, service delivery, and evaluation services as specified
21 under the waiver. The services shall be provided under the program
22 only if the waiver and, when applicable, the successor state plan
23 amendment are approved by the federal Centers for Medicare and
24 Medicaid Services and only to the extent that federal financial
25 participation is available for the services. Nothing in this section
26 shall prohibit the department from seeking the Family PACT
27 successor state plan amendment during the operation of the waiver.

28 (3) Solely for the purposes of the waiver or Family PACT
29 successor state plan amendment and notwithstanding any other
30 ~~provision of law~~, the collection and use of an individual's social
31 security number shall be necessary only to the extent required by
32 federal law.

33 (4) Sections 14105.3 to 14105.39, inclusive, 14107.11, 24005,
34 and 24013, and any regulations adopted under these statutes shall
35 apply to the program provided for under this subdivision. No other
36 provision of law under the Medi-Cal program or the State-Only
37 Family Planning Program shall apply to the program provided for
38 under this subdivision.

39 (5) Notwithstanding Chapter 3.5 (commencing with Section
40 11340) of Part 1 of Division 3 of Title 2 of the Government Code,

1 the department may implement, without taking regulatory action,
2 the provisions of the waiver after its approval by the federal Health
3 Care Financing Administration *Centers for Medicare and Medicaid*
4 *Services* and the provisions of this section by means of an
5 all-county letter or similar instruction to providers. Thereafter, the
6 department shall adopt regulations to implement this section and
7 the approved waiver in accordance with the requirements of
8 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
9 3 of Title 2 of the Government Code. Beginning six months after
10 the effective date of the act adding this subdivision, the department
11 shall provide a status report to the Legislature on a semiannual
12 basis until regulations have been adopted.

13 (6) In the event that the Department of Finance determines that
14 the program operated under the authority of the waiver described
15 in paragraph (2) or the Family PACT successor state plan
16 amendment is no longer cost effective, this subdivision shall
17 become inoperative on the first day of the first month following
18 the issuance of a 30-day notification of that determination in
19 writing by the Department of Finance to the chairperson in each
20 house that considers appropriations, the chairpersons of the
21 committees, and the appropriate subcommittees in each house that
22 considers the State Budget, and the Chairperson of the Joint
23 Legislative Budget Committee.

24 (7) If this subdivision ceases to be operative, all persons who
25 have received or are eligible to receive comprehensive clinical
26 family planning services pursuant to the waiver described in
27 paragraph (2) shall receive family planning services under the
28 Medi-Cal program pursuant to subdivision (n) if they are otherwise
29 eligible for Medi-Cal with no share of cost, or shall receive
30 comprehensive clinical family planning services under the program
31 established in Division 24 (commencing with Section 24000) either
32 if they are eligible for Medi-Cal with a share of cost or if they are
33 otherwise eligible under Section 24003.

34 (8) For purposes of this subdivision, “comprehensive clinical
35 family planning services” means the process of establishing
36 objectives for the number and spacing of children, and selecting
37 the means by which those objectives may be achieved. These
38 means include a broad range of acceptable and effective methods
39 and services to limit or enhance fertility, including contraceptive
40 methods, federal Food and Drug Administration approved

1 contraceptive drugs, devices, and supplies, natural family planning,
2 abstinence methods, and basic, limited fertility management.
3 Comprehensive clinical family planning services include, but are
4 not limited to, preconception counseling, maternal and fetal health
5 counseling, general reproductive health care, including diagnosis
6 and treatment of infections and conditions, including cancer, that
7 threaten reproductive capability, medical family planning treatment
8 and procedures, including supplies and followup, and
9 informational, counseling, and educational services.
10 Comprehensive clinical family planning services shall not include
11 abortion, pregnancy testing solely for the purposes of referral for
12 abortion or services ancillary to abortions, or pregnancy care that
13 is not incident to the diagnosis of pregnancy. Comprehensive
14 clinical family planning services shall be subject to utilization
15 control and include all of the following:

16 (A) Family planning related services and male and female
17 sterilization. Family planning services for men and women shall
18 include emergency services and services for complications directly
19 related to the contraceptive method, federal Food and Drug
20 Administration approved contraceptive drugs, devices, and
21 supplies, and followup, consultation, and referral services, as
22 indicated, which may require treatment authorization requests.

23 (B) All United States Department of Agriculture, federal Food
24 and Drug Administration approved contraceptive drugs, devices,
25 and supplies that are in keeping with current standards of practice
26 and from which the individual may choose.

27 (C) Culturally and linguistically appropriate health education
28 and counseling services, including informed consent, that include
29 all of the following:

- 30 (i) Psychosocial and medical aspects of contraception.
- 31 (ii) Sexuality.
- 32 (iii) Fertility.
- 33 (iv) Pregnancy.
- 34 (v) Parenthood.
- 35 (vi) Infertility.
- 36 (vii) Reproductive health care.
- 37 (viii) Preconception and nutrition counseling.
- 38 (ix) Prevention and treatment of sexually transmitted infection.

1 (x) Use of contraceptive methods, federal Food and Drug
2 Administration approved contraceptive drugs, devices, and
3 supplies.

4 (xi) Possible contraceptive consequences and followup.

5 (xii) Interpersonal communication and negotiation of
6 relationships to assist individuals and couples in effective
7 contraceptive method use and planning families.

8 (D) A comprehensive health history, updated at the next periodic
9 visit (between 11 and 24 months after initial examination) that
10 includes a complete obstetrical history, gynecological history,
11 contraceptive history, personal medical history, health risk factors,
12 and family health history, including genetic or hereditary
13 conditions.

14 (E) A complete physical examination on initial and subsequent
15 periodic visits.

16 (F) Services, drugs, devices, and supplies deemed by the federal
17 Centers for Medicare and Medicaid Services to be appropriate for
18 inclusion in the program.

19 (9) In order to maximize the availability of federal financial
20 participation under this subdivision, the director shall have the
21 discretion to implement the Family PACT successor state plan
22 amendment retroactively to July 1, 2010.

23 (ab) (1) Purchase of prescribed enteral nutrition products is
24 covered, subject to the Medi-Cal list of enteral nutrition products
25 and utilization controls.

26 (2) Purchase of enteral nutrition products is limited to those
27 products to be administered through a feeding tube, including, but
28 not limited to, a gastric, nasogastric, or jejunostomy tube.
29 Beneficiaries under the Early and Periodic Screening, Diagnosis,
30 and Treatment Program shall be exempt from this paragraph.

31 (3) Notwithstanding paragraph (2), the department may deem
32 an enteral nutrition product, not administered through a feeding
33 tube, including, but not limited to, a gastric, nasogastric, or
34 jejunostomy tube, a benefit for patients with diagnoses, including,
35 but not limited to, malabsorption and inborn errors of metabolism,
36 if the product has been shown to be neither investigational nor
37 experimental when used as part of a therapeutic regimen to prevent
38 serious disability or death.

39 (4) Notwithstanding Chapter 3.5 (commencing with Section
40 11340) of Part 1 of Division 3 of Title 2 of the Government Code,

1 the department may implement the amendments to this subdivision
2 made by the act that added this paragraph by means of all-county
3 letters, provider bulletins, or similar instructions, without taking
4 regulatory action.

5 (5) The amendments made to this subdivision by the act that
6 added this paragraph shall be implemented June 1, 2011, or on the
7 first day of the first calendar month following 60 days after the
8 date the department secures all necessary federal approvals to
9 implement this section, whichever is later.

10 (ac) Diabetic testing supplies are covered when provided by a
11 pharmacy, subject to utilization controls.

12 *(ad) (1) Nonmedical transportation is covered, subject to*
13 *utilization controls and permissible time and distance standards,*
14 *for a beneficiary to obtain covered Medi-Cal services.*

15 *(2) (A) (i) Nonmedical transportation includes, at a minimum,*
16 *roundtrip transportation for a beneficiary to obtain covered*
17 *Medi-Cal services by passenger car, taxicab, or any other form*
18 *of public or private conveyance, and mileage reimbursement when*
19 *conveyance is in a private vehicle arranged by the beneficiary and*
20 *not through a transportation broker, bus passes, taxi vouchers, or*
21 *train tickets.*

22 *(ii) Nonmedical transportation does not include the*
23 *transportation of sick, injured, invalid, convalescent, infirm, or*
24 *otherwise incapacitated beneficiaries by ambulances, litter vans,*
25 *or wheelchair vans licensed, operated, and equipped in accordance*
26 *with state and local statutes, ordinances, or regulations.*

27 *(B) Nonmedical transportation shall be provided for a*
28 *beneficiary who can attest in a manner to be specified by the*
29 *department that other currently available resources have been*
30 *reasonably exhausted.*

31 *(3) Nonmedical transportation shall be provided in a form and*
32 *manner that is accessible, in terms of physical and geographic*
33 *accessibility, for the beneficiary and consistent with applicable*
34 *state and federal disability rights laws.*

35 *(4) It is the intent of the Legislature in enacting this subdivision*
36 *to affirm the requirement under Section 431.53 of Title 42 of the*
37 *Code of Federal Regulations, in which the department is required*
38 *to ensure necessary transportation, including nonmedical*
39 *transportation, for recipients to and from covered services. This*

1 *subdivision shall not be interpreted to add a new benefit to the*
2 *Medi-Cal program.*

3 *(5) The department shall seek any federal approvals that may*
4 *be required to implement this subdivision, including, but not limited*
5 *to, approval of revisions to the existing state plan that the*
6 *department determines are necessary to implement this subdivision.*

7 *(6) Notwithstanding Chapter 3.5 (commencing with Section*
8 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
9 *the department, without taking any further regulatory action, shall*
10 *implement, interpret, or make specific this subdivision by means*
11 *of all-county letters, plan letters, plan or provider bulletins, or*
12 *similar instructions until the time regulations are adopted. By July*
13 *1, 2018, the department shall adopt regulations in accordance*
14 *with the requirements of Chapter 3.5 (commencing with Section*
15 *11340) of Part 1 of Division 3 of Title 2 of the Government Code.*
16 *Commencing July 1, 2017, and notwithstanding Section 10231.5*
17 *of the Government Code, the department shall provide a status*
18 *report to the Legislature on a semiannual basis, in compliance*
19 *with Section 9795 of the Government Code, until regulations have*
20 *been adopted.*