

Introduced by Senator MonningFebruary 19, 2016

An act to amend Sections 11053 and 11053.2 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1339, as introduced, Monning. Public social services: intercounty transfers.

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the Temporary Assistance for Needy Families (TANF) program, each county provides cash assistance and other benefits to qualified low-income families.

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income persons are provided with health care services.

Existing law establishes a statewide program to enable eligible low-income persons to receive food stamps under the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh. Existing law requires counties to implement the program, including determining eligibility and distributing CalFresh benefits. Existing law requires the State Department of Social Services to establish and implement a process of intercounty transfer of eligibility for CalFresh benefits, and to take various regulatory actions.

Under existing law, a recipient of aid who is changing residence from one county to another within the state is required to notify the county paying aid to the recipient of the move, and to apply for a redetermination of eligibility within the new county of residence.

Existing law imposes various requirements on the relevant counties, including requiring the county to which the recipient has moved to determine the recipient's continued eligibility for payment of aid and, to the extent possible, the recipient's eligibility for the Medi-Cal program.

This bill would delete a requirement that the first county notify the second county of the recipient's move, and would instead provide that the new county of residence is responsible for the payment of aid and CalFresh benefits as soon as either county becomes aware of the recipient's move, and is responsible for the provision of Medi-Cal benefits as of the first day of the month following 30 days after the new county is notified of the recipient's relocation. The bill would also provide that a Medi-Cal beneficiary who is enrolled in a Medi-Cal managed care plan and who changes residence to a county in which that managed care plan does not operate, shall, prior to the transfer of his or her Medi-Cal benefits, be entitled to receive services from a Medi-Cal provider in the county to which he or she has moved. Because this bill imposes additional duties on counties with regard to the provision of aid, this bill would impose a state-mandated local program.

This bill would extend the dates upon which the State Department of Social Services would be required to establish and implement the CalFresh intercounty transfer process and take related regulatory action.

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 11053 of the Welfare and Institutions
- 2 Code is amended to read:

1 11053. (a) It shall be the responsibility of a recipient changing
2 residence from one county to another within the state to promptly
3 notify the county paying aid to the recipient of the move and to
4 apply for a redetermination of eligibility within the new county of
5 residence. ~~The first county shall notify the second county of the~~
6 ~~recipient's move as soon as the recipient's location in the second~~
7 ~~county is known. The~~ *As soon as either county is aware of the*
8 *move, the county to which the recipient has moved will be*
9 ~~responsible for determining the recipient's continued eligibility~~
10 ~~for payment of aid and, to the extent possible, as determined by~~
11 ~~the Director of Health Care Services, eligibility for the Medi-Cal~~
12 ~~program, responsible for providing Medi-Cal benefits~~ *as of the*
13 *first day of the month following 30 days after the first county has*
14 *notified the second county of the recipient's relocation. The first*
15 ~~county shall provide the second county with copies of those~~
16 ~~documents, as specified by the department, necessary to establish~~
17 ~~current eligibility and grant amount.~~

18 (b) *Notwithstanding subdivision (a) or any other law, a*
19 *Medi-Cal beneficiary who is enrolled in a Medi-Cal managed care*
20 *plan, and who changes residence to a county in which that*
21 *managed care plan does not operate, shall, prior to the transfer*
22 *of his or her Medi-Cal benefits, be entitled to receive services from*
23 *a Medi-Cal provider in the county to which he or she has moved.*

24 SEC. 2. Section 11053.2 of the Welfare and Institutions Code
25 is amended to read:

26 11053.2. (a) Notwithstanding any other law, the department
27 shall establish a process of intercounty transfer of eligibility for
28 CalFresh benefits provided under Chapter 10 (commencing with
29 Section 18900) of Part 6 when a recipient changes residence from
30 one county to another within the state. The intercounty transfer
31 process shall facilitate a recipient's move from one county to
32 another without a break in benefits and without requiring a new
33 application to be submitted to the new county of residence.

34 (b) (1) For CalFresh recipients who are receiving CalWORKs
35 benefits pursuant to Chapter 2 (commencing with Section 11200),
36 the intercounty transfer process utilized for CalWORKs shall be
37 used.

38 (2) For CalFresh recipients who are receiving Medi-Cal benefits
39 pursuant to Chapter 7 (commencing with Section 14000), but are
40 not receiving CalWORKs benefits pursuant to Chapter 2

1 (commencing with Section 11200), the intercounty transfer process
2 utilized for the Medi-Cal program shall be used.

3 (3) This subdivision shall be implemented no later than April
4 1, ~~2011~~ 2017.

5 (c) For CalFresh recipients who are not receiving CalWORKs
6 or Medi-Cal benefits as described in paragraphs (1) and (2) of
7 subdivision (b), an intercounty transfer process shall be developed,
8 in consultation with representatives of county human services
9 departments and advocates for recipients. To the greatest extent
10 possible, the process shall be simple, client friendly, ensure the
11 client does not need to provide copies of documents that were
12 previously provided to the prior county of residence, build on
13 existing processes for the programs described in paragraphs (1)
14 and (2) of subdivision (b), and minimize workload for county
15 eligibility operations. The process developed pursuant to this
16 subdivision shall be implemented no later than July 1, ~~2011~~ 2017.

17 (d) Upon the implementation of the intercounty transfer
18 procedures set forth in this section, it shall be the responsibility of
19 a recipient changing residence from one county to another within
20 the state to notify his or her prior county of residence of his or her
21 move. The prior county of residence shall notify the new county
22 of the recipient's move as soon as the recipient's location in the
23 new county is known. The new county of residence shall be
24 responsible for determining the recipient's continued eligibility
25 for payment of CalFresh benefits. To the extent permitted by
26 federal law, the new county of residence shall not be required to
27 interview persons in the CalFresh household to determine continued
28 eligibility until the next scheduled recertification or other regularly
29 scheduled interview.

30 (e) Notwithstanding the Administrative Procedure Act (Chapter
31 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
32 Title 2 of the Government Code), the department may implement
33 this section through all-county letters, or similar instructions from
34 the director no later than April 1, ~~2011~~ 2017, with respect to
35 subdivision (b), and no later than July 1, ~~2011~~ 2017, with respect
36 to subdivision (c).

37 (f) The department shall adopt regulations as otherwise
38 necessary to implement this section no later than July 1, ~~2012~~
39 2017. Emergency regulations adopted for implementation of this
40 section may be adopted by the director in accordance with the

1 Administrative Procedure Act (Chapter 3.5 (commencing with
2 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
3 Code). The adoption of emergency regulations shall be deemed to
4 be an emergency and necessary for immediate preservation of the
5 public peace, health and safety, or general welfare. The emergency
6 regulations shall be exempt from review by the Office of
7 Administrative Law. The emergency regulations authorized by
8 this section shall be submitted to the Office of Administrative Law
9 for filing with the Secretary of State and shall remain in effect for
10 no more than 180 days.

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

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