

Introduced by Senator Marks

February 15, 1995

An act to repeal Section 14006.7 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 412, as introduced, Marks. Medi-Cal: liens.

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

Existing law requires that, except under specified circumstances, the department impose a lien upon the equity interest in the home or other property of an institutionalized Medi-Cal beneficiary, in order to secure his or her assets for future recovery.

This bill would repeal this requirement.

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 14006.7 of the Welfare and
- 2 Institutions Code is repealed.
- 3 ~~14006.7. The department shall impose a lien upon the~~
- 4 ~~equity interest in the home or other property of an~~
- 5 ~~institutionalized beneficiary in order to secure the assets~~
- 6 ~~of the beneficiary for future recovery, provided all of the~~
- 7 ~~following conditions are met:~~



- 1 ~~(a) The beneficiary has been admitted to a nursing~~
2 ~~facility.~~
- 3 ~~(b) None of the following individuals are lawfully~~
4 ~~residing in the beneficiary's home:~~
- 5 ~~(1) The beneficiary's spouse.~~
- 6 ~~(2) The beneficiary's child who is under age 21 or blind~~
7 ~~or permanently and totally disabled.~~
- 8 ~~(3) The beneficiary's sibling, if he or she has an equity~~
9 ~~interest in the home and if the sibling is residing in the~~
10 ~~individual's home and has resided in the individual's~~
11 ~~home for at least one year before the beneficiary was~~
12 ~~admitted to the nursing facility.~~
- 13 ~~(4) Any individual who was continuously residing in~~
14 ~~the individual's home for a period of at least two years~~
15 ~~immediately before the date of the individual's admission~~
16 ~~to the nursing facility, and who establishes to the~~
17 ~~satisfaction of the department that he or she provided~~
18 ~~care to that individual that permitted the individual to~~
19 ~~reside in his or her home rather than in an institution.~~
- 20 ~~(c) The department determines that the beneficiary~~
21 ~~cannot reasonably be expected to return home. There~~
22 ~~shall be a rebuttable presumption that the beneficiary~~
23 ~~cannot reasonably be expected to return home if any of~~
24 ~~the following conditions are met:~~
- 25 ~~(1) The beneficiary or a responsible person declares~~
26 ~~there is no intent to return home.~~
- 27 ~~(2) The beneficiary has been continuously authorized~~
28 ~~to receive institutional care or has been institutionalized~~
29 ~~for six months or longer with no discharge plan.~~
- 30 ~~(d) (1) The beneficiary has been given 30 days' notice~~
31 ~~of the department's intent to impose a lien and has an~~
32 ~~opportunity for hearing under the state hearing~~
33 ~~procedures. The notice shall explain the proposed lien~~
34 ~~and its effect upon the beneficiary's ownership interest.~~
- 35 ~~(2) The lien shall be recorded in the office of the~~
36 ~~county recorder in which the real property is located and~~
37 ~~shall contain the name of the record owner of the real~~
38 ~~property and a legal description of the property. When~~
39 ~~recorded, the lien shall have the force, effect, and priority~~
40 ~~of a judgment lien.~~



1 ~~(3) If and when a beneficiary returns home, the lien~~
2 ~~shall dissolve.~~

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