

AMENDED IN ASSEMBLY JUNE 2, 1997
AMENDED IN ASSEMBLY MAY 7, 1997
AMENDED IN ASSEMBLY MARCH 5, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 112

**Introduced by Assembly Members Escutia, Gallegos, and
Villaraigosa**

**(Principal coauthors: Assembly Members Migden and
Murray)**

**(Coauthors: Assembly Members Alquist, Baca, Ducheny,
Havice, Keeley, Kuehl, Mazzoni, Martinez, Napolitano,
Perata, Shelley, Washington, Wildman, and Wright)**

(Coauthors: Senators Polanco, Solis, and Watson)

January 13, 1997

~~An act to add Chapter 7 (commencing with Section 124260)
to Part 2 of Division 106 of the Health and Safety Code, and
to amend Sections 14005.7 and 14051 of, and to add Section
14011.1 to, the Welfare and Institutions Code, relating to
relating to health.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 112, as amended, Escutia. Health care services.

Existing law provides for various preventive health care services programs.

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.

~~This bill would require the department to provide preventive health services coverage for any child under 18 years of age who is not eligible for the Medi-Cal program or who does not have comprehensive preventive health care coverage under any other public program or through private insurance.~~

~~Under existing law 2 of the categories of persons eligible for the Medi-Cal program are medically needy person and medically needy family person.~~

~~This bill would redefine the term medically needy family person.~~

~~Under existing law, certain persons in these eligibility categories must meet a share-of-cost requirement and an asset requirement in order to be eligible to receive Medi-Cal benefits.~~

~~The bill would also provide that a medically needy person or medically needy family person, aged 18 years or under and whose family income is not more than 200% of the federal poverty level, shall not be subject to either a share-of-cost or asset eligibility requirement in determining Medi-Cal eligibility. Persons aged 18 years or under whose family income exceeds 200% of the federal poverty level, but does not exceed 300% of that level would, however, be subject to a share-of-cost and an asset eligibility requirement.~~

~~Existing law requires a person applying for Medi-Cal eligibility under either of these categories to execute an affirmation setting forth facts about his or her income, resources, and other eligibility qualifications.~~

~~This bill would require the department, with respect to persons 18 years of age or under who are applying for Medi-Cal benefits under these eligibility categories, to revise the application process by taking specified actions.~~

~~Since each county is required to determine Medi-Cal eligibility, by modifying Medi-Cal eligibility requirements, the bill would create a state-mandated local program.~~

~~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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~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:~~

~~*This bill would express the intent of the Legislature that certain actions be taken with respect to Medi-Cal eligibility for certain teenagers, and the provision of preventive health care for persons 18 years of age or under.*~~

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

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

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) The state and federal governments, primarily
4 through the Medi-Cal program, fund many health care
5 programs for children.

6 (b) Nevertheless, more than 1,700,000 children in
7 California, about 80 percent of whom are from working
8 families, remain uninsured.

9 (c) California ranks 42nd out of the 50 states in the rate
10 of children without health insurance, and 47th in federal
11 medicaid payments per person in poverty.

12 (d) The state must take advantage of hundreds of
13 millions of federal dollars available to the state to extend
14 health insurance for working poor families and children.

15 ~~SEC. 2.—Chapter 7 (commencing with Section 124260)~~

16 *SEC. 2. It is the intent of the Legislature to do all of*
17 *the following:*

18 (a) *Expand Medi-Cal eligibility to include persons*
19 *aged 14 to 19 years of age, inclusive, and whose family*
20 *income is not more than 133 percent of the federal*
21 *poverty level, by permitting these persons to be eligible*
22 *without a share-of-cost or an asset eligibility requirement.*



1 (b) Subject to the availability of funds, expand
 2 Medi-Cal eligibility to include persons aged 14 to 18 years
 3 of age, inclusive, and whose family income exceeds 133
 4 percent, but is not more than 200 percent, of the federal
 5 poverty level, by permitting these persons to be eligible
 6 without a share-of-cost or an asset eligibility requirement.

7 (c) Subject to the availability of funds, expand
 8 Medi-Cal eligibility to include persons aged 14 to 18 years
 9 of age, inclusive, and whose family income exceeds 200
 10 percent of the federal poverty level, but does not exceed
 11 300 percent of that level, subject to a share-of-cost and an
 12 asset eligibility requirement.

13 (d) Require the State Department of Health Services
 14 to provide preventive health services coverage for any
 15 child under 18 years of age who is ineligible for the
 16 Medi-Cal program or who does not have comprehensive
 17 health care coverage under any other public program or
 18 through private insurance.

19 (e) Require the State Department of Health Services
 20 to revise the Medi-Cal eligibility application process to
 21 encourage Medi-Cal eligible persons 18 years of age or
 22 under to apply for Medi-Cal benefits.

23 is added to Part 2 of Division 106 of the Health and Safety
 24 Code, to read:

25

26 CHAPTER 7. ~~PREVENTIVE HEALTH CARE FOR CHILDREN~~

27

28 ~~124260. In addition to any requirement of this part,~~
 29 ~~the department shall provide preventive health services~~
 30 ~~coverage for any child under 18 years of age who is not~~
 31 ~~eligible for the Medi-Cal program or who does not have~~
 32 ~~comprehensive preventive health care coverage under~~
 33 ~~any other public program or through private insurance.~~
 34 ~~Eligibility under this section shall be subject to a premium~~
 35 ~~determined on a sliding scale basis, and an asset eligibility~~
 36 ~~requirement.~~

37 ~~SEC. 3. Section 14005.7 of the Welfare and Institutions~~
 38 ~~Code is amended to read:~~

39 ~~14005.7. (a) Medically needy persons and medically~~
 40 ~~needy family persons are entitled to health care services~~



1 ~~under Section 14005 providing all eligibility criteria~~
2 ~~established pursuant to this chapter are met.~~

3 ~~(b) Except as otherwise provided in this chapter or in~~
4 ~~Title XIX of the federal Social Security Act, no medically~~
5 ~~needy family person, medically needy person, or~~
6 ~~state-only Medi-Cal persons shall be entitled to receive~~
7 ~~health care services pursuant to Section 14005 during any~~
8 ~~month in which his or her share of cost has not been met.~~

9 ~~(c) (1) In the case of a medically needy person or a~~
10 ~~medically needy family person, aged 18 years or under~~
11 ~~and whose family's income is not in excess of 200 percent~~
12 ~~of the federal poverty level, eligibility shall not be subject~~
13 ~~to either a share of cost requirement or an asset eligibility~~
14 ~~requirement.~~

15 ~~(2) In the case of a medically needy person or a~~
16 ~~medically needy family person, aged 18 years or under~~
17 ~~and whose family's income exceeds 200 percent of the~~
18 ~~federal poverty level, but does not exceed 300 percent of~~
19 ~~the federal poverty level, the person shall be subject to an~~
20 ~~asset eligibility requirement, as well as a sliding scale~~
21 ~~share of cost requirement.~~

22 ~~(d) In the case of a medically needy person, monthly~~
23 ~~income, as determined, defined, counted, and valued, in~~
24 ~~accordance with Title XIX of the federal Social Security~~
25 ~~Act, in excess of the amount required for maintenance~~
26 ~~established pursuant to Section 14005.12, exclusive of any~~
27 ~~amounts considered exempt as income under Chapter 3~~
28 ~~(commencing with Section 12000), less amounts paid for~~
29 ~~Medicare and other health insurance premiums shall be~~
30 ~~the share of cost to be met under Section 14005.9.~~

31 ~~(e) Subject to subdivision (c), in the case of a~~
32 ~~medically needy family person or a state-only Medi-Cal~~
33 ~~person, monthly income, as determined, defined,~~
34 ~~counted, and valued, in accordance with Title XIX of the~~
35 ~~federal Social Security Act, in excess of the amount~~
36 ~~required for maintenance established pursuant to Section~~
37 ~~14005.12, exclusive of any amounts considered exempt as~~
38 ~~income under Chapter 2 (commencing with Section~~
39 ~~11200), less amounts paid for Medicare and other health~~



1 insurance premiums shall be the share of cost to be met
2 under Section 14005.9.

3 (f) In determining the income of a medically needy
4 person residing in a licensed community care facility,
5 income shall be determined, defined, counted, and
6 valued, in accordance with Title XIX of the federal Social
7 Security Act, any amount paid to the facility for
8 residential care and support that exceeds the amount
9 needed for maintenance shall be deemed unavailable for
10 the purposes of this chapter.

11 SEC. 4. Section 14011.1 is added to the Welfare and
12 Institutions Code, to read:

13 14011.1. With respect to the determination of
14 eligibility of any person 18 years of age or under, other
15 than a person eligible pursuant to Section 14005.1, the
16 department shall do both of the following:

17 (a) Revise the need for an asset test, as specified in
18 Section 14005.7, in determining eligibility.

19 (b) Improve the eligibility application process by
20 doing all of the following:

- 21 (1) Simplify and shorten the application form.
- 22 (2) Permit utilization of a mail-in application form.
- 23 (3) Develop a low-cost quick-response verification
24 system.

25 SEC. 5. Section 14051 of the Welfare and Institutions
26 Code is amended to read:

27 14051. (a) "Medically needy person" means an aged,
28 blind, or disabled person who meets the definition of
29 aged, blind, or disabled under the Supplemental Security
30 Income Program and whose income and resources are
31 insufficient to provide for the costs of health care or
32 coverage.

33 (b) "Medically needy family person" means a parent
34 or caretaker relative of a child who meets the deprivation
35 requirements of aid to families with dependent children
36 or a child under 21 years of age or a pregnant woman of
37 any age with a confirmed pregnancy, exclusive of those
38 persons specified in subdivision (a), whose income and
39 resources are insufficient to provide for the cost of health
40 care or coverage. "Medically needy family person" also



1 means any child 18 years of age or under whose family's
2 income does not exceed 300 percent of the federal
3 poverty level.

4 (e) Included under this section are children in foster
5 care for whom public agencies are assuming financial
6 responsibility in whole or in part, or a person receiving aid
7 under Chapter 2.1 (commencing with Section 16115) of
8 Part 4.

9 SEC. 6. Services provided to a person eligible under
10 the Medi-Cal program pursuant to the amendments
11 contained in Sections 3 and 4 of this act shall, to the extent,
12 if any, that federal financial participation is not available,
13 be funded through the use of state funds.

14 SEC. 7. Notwithstanding Section 17610 of the
15 Government Code, if the Commission on State Mandates
16 determines that this act contains costs mandated by the
17 state, reimbursement to local agencies and school
18 districts for those costs shall be made pursuant to Part 7
19 (commencing with Section 17500) of Division 4 of Title
20 2 of the Government Code. If the statewide cost of the
21 claim for reimbursement does not exceed one million
22 dollars (\$1,000,000), reimbursement shall be made from
23 the State Mandates Claims Fund.

24 Notwithstanding Section 17580 of the Government
25 Code, unless otherwise specified, the provisions of this act
26 shall become operative on the same date that the act
27 takes effect pursuant to the California Constitution.

