

**ASSEMBLY BILL**

**No. 155**

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**Introduced by Assembly Member Migden**

January 15, 1999

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An act to add Section 14007.9 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 155, as introduced, Migden. Public social services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.

This bill would specify that any employed individual whose countable income, determined by criteria specified in the bill, does not exceed 250% of the federal poverty line and who is disabled for specified purposes, shall be eligible for benefits under the Medi-Cal program, subject to the payment of premiums.

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 14007.9 is added to the Welfare
- 2 and Institutions Code, to read:
- 3 14007.9. (a) (1) Any employed individual with a net
- 4 countable income that does not exceed 250 percent of the
- 5 federal poverty line shall be eligible for Medi-Cal benefits

1 under this chapter, subject to the requirements of this  
2 section, including payment of monthly premiums  
3 established by the department if the individual meets the  
4 requirements of paragraph (2).

5 (2) An individual shall be deemed eligible for benefits  
6 under this chapter if he or she is determined to be  
7 disabled under Title II of the Social Security Act (Subch.  
8 2 (commencing with Sec. 401), Ch. 7, Title 42 U.S.C.),  
9 Title XVI of the Social Security Act (Subch. 16  
10 (commencing with Sec. 1381), Ch. 7, Title 42, U.S.C.), or  
11 Section 1902(v) of the Social Security Act (42 U.S.C. Sec.  
12 1396a(v)). An individual shall be determined to be  
13 eligible under this section without regard to his or her  
14 ability to engage in, or actual engagement in, substantial  
15 gainful activity, as defined in Section 223(d)(4) of the  
16 Social Security Act (42 U.S.C. Sec. 423(d)(4)).

17 (b) (1) For purposes of this section, countable income  
18 shall be determined under the criteria contained in  
19 Section 1612 of the Social Security Act (42 U.S.C. Sec.  
20 1382a), subject to paragraphs (2), (3), and (4).

21 (2) Disability income benefits received by an  
22 applicant's family shall be fully disregarded in  
23 determining countable income for up to 12 months in any  
24 60-month period, in the same manner as provided by  
25 Section 1902r of the Social Security Act (42 U.S.C. Sec.  
26 1396a(r)).

27 (3) Resources specified in Section 1613 of the Social  
28 Security Act (42 U.S.C. Sec. 1382b) shall be disregarded.

29 (4) Resources in the form of employer or individual  
30 retirement arrangements authorized under the Internal  
31 Revenue Code shall be disregarded in the same manner  
32 as provided in Section 1902r of the Social Security Act (42  
33 U.S.C. Sec. 1396a(r)).

34 (c) Medi-Cal benefits provided under this chapter  
35 pursuant to this section shall be available in the same  
36 amount, duration, and scope as those benefits are  
37 available for persons who are eligible for Medi-Cal  
38 benefits as categorically needy persons who are  
39 recipients of Supplemental Security Income benefits.



1 (d) Individuals eligible for Medi-Cal benefits under  
2 this section shall be subject to the payment of premiums  
3 determined under this subdivision. The department shall  
4 establish sliding-scale premiums that are based on  
5 countable income, with a minimum premium of ten  
6 dollars (\$10) per month and a maximum premium of two  
7 hundred dollars (\$200) per month, and shall, by  
8 regulations, annually adjust the premiums. Prior to  
9 adjustment of any premiums pursuant to this subdivision,  
10 the department shall submit a report of proposed  
11 premium adjustments to the appropriate committees of  
12 the Legislature as part of the annual budget act process.

13 (e) For purposes of this section, “disabled” shall mean  
14 the same as the term is defined for purposes of the State  
15 Supplemental Program contained in Chapter 3  
16 (commencing with Section 12000).

17 (f) This section shall not apply to any individual during  
18 any time his or her income is excluded from the  
19 determination of eligibility pursuant to subsection (b) of  
20 Section 1382h of Title 42 of the United States Code.

21 (g) It is the intent of the Legislature that the  
22 department seek federal waivers in order to maximize  
23 federal financial support for implementation of this  
24 section.

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