

Senate Bill No. 708

CHAPTER 148

An act to amend Sections 14005.30 and 18940 of, to amend and repeal Section 14053.1 of, and to repeal and add Section 14007.65 of, the Welfare and Institutions Code, relating to human services, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 22, 1999. Filed with
Secretary of State July 22, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 708, Committee on Budget and Fiscal Review. Human services.

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.

Under legislation pending before the Governor, the department would be required, commencing August 1, 1999, to exercise a state option allowable under federal law governing the Medi-Cal program to exempt all resources from inclusion in determining Medi-Cal eligibility, if federal financial participation is available.

This bill would eliminate this requirement.

Legislation pending before the Governor provides that ancillary outpatient services shall be provided to any eligible individual aged 21 years or over, but who has not yet attained the age of 65 years, and who resides in an institution for mental diseases, regardless of the availability of federal financial participation.

This bill would repeal this provision on July 1, 2000.

Legislation pending before the Governor contains provisions relating to eligibility for long-term care services for certain aliens under the Medi-Cal program.

This bill would also repeal and reenact eligibility requirements for those services.

The bill would appropriate \$600,000 from the General Fund, and \$600,000 from the Federal Trust Fund to the State Department of Health Services for increased Medi-Cal fraud prevention activities.

Existing law, operative until July 1, 2000, requires each county to operate a county-administered program to provide cash assistance to aged, blind, and disabled legal immigrants who are noncitizens.

Legislation pending before the Governor would indefinitely extend this program and would revise eligibility requirements.

This bill would further revise eligibility requirements for this program.

The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

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

SECTION 1. Section 14005.30 of the Welfare and Institutions Code, as amended by Assembly Bill 1107 of the 1999–2000 Regular Session, is amended to read:

14005.30. (a) (1) To the extent that federal financial participation is available, Medi-Cal benefits under this chapter shall be provided to individuals eligible for services under Section 1396u-1 of Title 42 of the United States Code, including any options under Section 1396u-1(b)(2)(C) made available to and exercised by the state.

(2) The department shall exercise its option under Section 1396u-1(b)(2)(C) of Title 42 of the United States Code to adopt less restrictive income and resource eligibility standards and methodologies to the extent necessary to allow all recipients of benefits under Chapter 2 (commencing with Section 11200) to be eligible for Medi-Cal under paragraph (1).

(b) To the extent that federal financial participation is available, the department shall exercise its option under Section 1396u-1(b)(2)(C) of Title 42 of the United States Code as necessary to expand eligibility for Medi-Cal under subdivision (a) by establishing the amount of countable resources individuals or families are allowed to retain at the same amount medically needy individuals and families are allowed to retain, except that a family of one shall be allowed to retain countable resources in the amount of three thousand dollars (\$3,000).

(c) To the extent federal financial participation is available, the department shall, commencing March 1, 2000, adopt an income disregard for applicants equal to the difference between the income standard under the program adopted pursuant to Section 1931(b) of the federal Social Security Act (42 U.S.C. Sec. 1396u-1) and the amount equal to 100 percent of the federal poverty level applicable to the size of the family. A recipient shall be entitled to the same disregard, but only to the extent it is more beneficial than, and is substituted for, the earned income disregard available to recipients.

(d) Subdivision (b) shall be applied retroactively to January 1, 1998.

(e) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall implement, without taking regulatory action, subdivisions (a) and (b) of this section by means of an all county letter or similar instruction. Thereafter, the department shall adopt regulations in accordance with the requirements of Chapter 3.5



(commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Beginning six months after the effective date of this section, the department shall provide a status report to the Legislature on a semiannual basis until regulations have been adopted.

SEC. 2. Section 14053.1 of the Welfare and Institutions Code, as added by Assembly Bill 1107 of the 1999–2000 Regular Session, is amended to read:

14053.1. (a) Notwithstanding Section 14053, ancillary outpatient services, pursuant to Section 14132, for any eligible individual who is 21 years of age or over, and has not attained 65 years of age and who is a patient in an institution for mental diseases shall be covered regardless of the availability of federal financial participation.

(b) This section shall remain in effect only until July 1, 2000, and as of that date is repealed, unless a later enacted statute that is chaptered on or before July 1, 2000, deletes or extends that date.

SEC. 3. Section 14007.65 of the Welfare and Institutions Code, as added by Assembly Bill 1107 of the 1999–2000 Regular Session, is repealed.

SEC. 4. Section 14007.65 is added to the Welfare and Institutions Code, to read:

14007.65. (a) Aliens who were receiving long-term care services under the authority of subdivision (f) of Section 1 of Chapter 1441 of the Statutes of 1988 on the day prior to the effective date of this section shall continue to receive those long-term care services.

(b) On or after the effective date of this section, any alien applicant who is not lawfully present in the United States, who is otherwise eligible for Medi-Cal services, but who does not meet the requirements under subdivision (b) or (c) of Section 14007.5, would be eligible to receive federally reimbursable long-term care services pursuant to the medicaid program provided for pursuant to Title 19 of the federal Social Security Act (42 U.S.C. Sec. 1396 et seq.), shall be eligible to receive long-term care services to the extent that funding is made available for this purpose in the annual Budget Act. In no event shall expenditures for this program exceed the amount necessary to serve 110 percent of the 1999–2000 estimated eligible population without further authorization by the Legislature.

SEC. 5. Section 18940 of the Welfare and Institutions Code, as amended by Assembly Bill 1111 of the 1999–2000 Regular Session, is amended to read:

18940. (a) Except as otherwise provided in this chapter, the federal and state laws and regulations governing the SSI/SSP program shall also govern the program provided for under this chapter.

(b) Federal deeming rules and exemptions governing the SSI/SSP program, including all federal and state laws and regulations designed to protect SSI/SSP recipients and their resources, shall also



govern the program provided for under this chapter, except that for immigrants described in paragraph (3) of subdivision (a) of Section 18938 who do not meet exemptions from deeming, the period for deeming of a sponsor's income and resources shall be five years from the date of the sponsor's execution of the affidavit of support or the date of the immigrant's arrival in the United States, whichever is later.

(c) Notwithstanding any other provision in this chapter, immigrants who are victims of abuse by their sponsor or sponsor's spouse shall be exempt from deeming. Abuse shall be defined in the same manner as provided in Section 11495.1 and Section 11495.12. A sworn statement of abuse by a victim, or the representative of the victim if the victim is not able to competently swear, shall be sufficient to establish abuse if one or more additional items of evidence of abuse is also provided. Additional evidence may include, but is not limited to, the following:

- (1) Police, government agency, or court records or files.
- (2) Documentation from a domestic violence program, or from a legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse.
- (3) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim.
- (4) Physical evidence of abuse.
- (5) If the victim cannot provide additional evidence of abuse, then the sworn statement shall be sufficient if the county makes a determination documented in writing in the case file that the applicant is credible.

SEC. 6. There is hereby appropriated to the State Department of Health Services, in augmentation of Item 4260-001-0001 of the Budget Act of 1999, for increased Medi-Cal provider fraud prevention activities, the sum of six hundred thousand dollars (\$600,000) from the General Fund and six hundred thousand dollars (\$600,000) from the Federal Trust Fund.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for the administration of this act relating to human services for the entire 1999-2000 fiscal year, it is necessary that this act go into immediate effect.

