

Assembly Bill No. 794

CHAPTER 23

An act to add Section 12698.35 to the Insurance Code, and to add Section 14007.705 to the Welfare and Institutions Code, relating to health care.

[Approved by Governor June 29, 2005. Filed with
Secretary of State June 30, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 794, Chu. Health care funding: aliens: Access for Infants and Mothers Program (AIM).

Existing law provides for the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health care services to children under 19 years of age. The Healthy Families Program is supported from allocations from the federal State Children's Health Insurance Program (SCHIP).

Existing law establishes the Access for Infants and Mothers (AIM) Program, administered by the Managed Risk Medical Insurance Board, to provide health insurance coverage for certain eligible persons who pay a subscriber contribution. The AIM Program provides coverage, at a minimum, to subscribers during one pregnancy, and for 60 days thereafter, and to children less than 2 years of age who were born of a pregnancy covered under this program to a woman enrolled in the program before July 1, 2004.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits.

Existing law provides that any alien who is otherwise eligible for Medi-Cal services, but who does not meet certain federal residency requirements, is only eligible for care and services that are necessary for the treatment of an emergency medical condition and medical care directly related to the emergency and for medically necessary pregnancy-related services. However, the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 makes any alien who is not a qualified alien, as defined, ineligible for federal public benefits, including medical assistance under the federal Medicaid Program for assistance other than care and services necessary for the treatment of an emergency medical condition. Federal law also prohibits a state from providing defined state public benefits to certain aliens, unless state legislation is enacted subsequent to the effective date of the act, August 22, 1996.

This bill would provide that the department may accept or use federal moneys allocated to the state under SCHIP to fund the medically necessary pregnancy-related services provided to aliens under the Medi-Cal program,

and would authorize the board to accept and use these moneys for women in the AIM Program, only when, during the period of coverage under these programs, the woman is the beneficiary. This bill would provide that it is a declaration of existing law.

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

SECTION 1. Section 12698.35 is added to the Insurance Code, to read:

12698.35. (a) Through its courts, statutes, and under its Constitution, California protects a woman's right to reproductive privacy. California reaffirms these protections and specifically its Supreme Court decision in *People v. Belous* (1969) 71 Cal.2d 954, 966-68.

(b) The State Department of Health Services and the Managed Risk Medical Insurance Board may accept or use moneys under Title XXI of the federal Social Security Act (known as the State Children's Health Insurance Program or S-CHIP), as interpreted in Section 457.10 of Title 42 of the Code of Federal Regulations, to fund services for women pursuant to Section 14007.7 of the Welfare and Institutions Code (Medi-Cal) and Part 6.3 (commencing with Section 12695) (Access for Infants and Mothers (AIM)) only when, during the period of coverage, the woman is the beneficiary. The scope of services covered under Medi-Cal and AIM, as defined in statutes, regulations, and state plans, is not altered by this section or the state plan amendment submitted pursuant to this section.

(c) California's S-CHIP plan and any amendments submitted and implemented pursuant to this section shall be consistent with subdivisions (a) and (b).

(d) This section is a declaration of existing law.

SEC. 2. Section 14007.705 is added to the Welfare and Institutions Code, to read:

14007.705. (a) Through its courts and statutes, and under its Constitution, California protects a woman's right to reproductive privacy. California reaffirms these protections and specifically its Supreme Court decision in *People v. Belous* (1969) 71 Cal.2d 954, 966-68.

(b) The State Department of Health Services and the Managed Risk Medical Insurance Board may accept or use moneys under Title XXI of the federal Social Security Act (known as the State Children's Health Insurance Program or S-CHIP), as interpreted in Section 457.10 of Title 42 of the Code of Federal Regulations, to fund services for women pursuant to Section 14007.7 (Medi-Cal) and Part 6.3 (commencing with Section 12695) (Access for Infants and Mothers (AIM)) of Division 2 of the Insurance Code only when, during the period of coverage, the woman is the beneficiary. The scope of services covered under Medi-Cal and AIM, as defined in statutes, regulations, and state plans, is not altered by this section or the state plan amendment submitted pursuant to this section.

- (c) California's S-CHIP plan and any amendments submitted and implemented pursuant to this section shall be consistent with subdivisions (a) and (b).
- (d) This section is a declaration of existing law.