

AMENDED IN SENATE MAY 19, 2009

AMENDED IN SENATE MARCH 16, 2009

SENATE BILL

No. 114

Introduced by Senators Liu and Pavley
(Principal coauthor: Assembly Member Jones)

January 29, 2009

An act to amend Section 14005.28 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 114, as amended, Liu. Medi-Cal: independent foster care adolescents.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. Existing law requires the department, if, and to the extent that, all necessary federal approvals are obtained for federal financial participation, to implement a federal option to extend Medi-Cal benefits to independent foster care adolescents, as defined in federal law.

This bill would specify that, if the department has exercised this option, commencing April 1, 2010, specified independent foster care adolescents would be deemed eligible for the benefits and would be automatically enrolled without requiring a new application and without an interruption in coverage.

This bill would require the department to develop and implement a simplified form for the annual redetermination of benefits. An independent foster care adolescent would only be required to fill out and return the form if previously provided information was no longer accurate.

This bill would specify that the bill would be implemented only if, and to the extent that, federal financial participation is available and any necessary federal approvals are obtained.

This bill would also prescribe a process for terminating the eligibility of an independent foster care adolescent.

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 14005.28 of the Welfare and Institutions
2 Code is amended to read:

3 14005.28. (a) To the extent federal financial participation is
4 available pursuant to an approved state plan amendment, the
5 department shall exercise its option under Section
6 1902(a)(10)(A)(ii)(XVII) of the federal Social Security Act (42
7 U.S.C. Sec. 1396a(a)(10)(A)(ii)(XVII)) to extend Medi-Cal benefits
8 to independent foster care adolescents, as defined in Section
9 1905(w)(1) of the federal Social Security Act (42 U.S.C. Sec.
10 1396d(w)(1)).

11 (b) An independent foster care adolescent who is in foster care
12 on his or her 18th birthday shall be deemed eligible for the benefits
13 extended pursuant to this section and shall be enrolled to receive
14 these benefits without any interruption in coverage and without
15 requiring a new application. ~~The department may terminate~~
16 ~~eligibility if it determines that an independent foster care adolescent~~
17 ~~is no longer eligible only after ineligibility is established and all~~
18 ~~due process requirements are met in accordance with state and~~
19 ~~federal law.~~

20 (c) The department shall develop and implement a simplified
21 form for redetermination. An independent foster care adolescent
22 shall fill out and return this form only if information previously
23 reported to the department is no longer accurate. Failure to return
24 the form alone ~~will~~ *shall* not constitute a basis for termination of
25 Medi-Cal ~~benefits~~ *eligibility* so long as all other eligibility
26 requirements have been met. ~~The department may terminate~~
27 ~~eligibility if it determines that an independent foster care adolescent~~
28 ~~is no longer eligible only after ineligibility is established and all~~
29 ~~due process requirements are met in accordance with state and~~
30 ~~federal law.~~

1 (d) Subdivisions (b) and (c) shall be implemented on April 1,
2 2010, and shall be implemented only to the extent that federal
3 financial participation is available, and any necessary federal
4 approvals are obtained.

5 (e) Notwithstanding Chapter 3.5 (commencing with Section
6 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
7 and if the state plan amendment described in subdivision (a) is
8 approved by the federal Centers for Medicare and Medicaid
9 Services, the department may implement this section without taking
10 any regulatory action and by means of all-county letters or similar
11 instructions. Thereafter, the department shall adopt regulations in
12 accordance with the requirements of Chapter 3.5 (commencing
13 with Section 11340) of Part 1 of Division 3 of Title 2 of the
14 Government Code.

15 (f) The department shall implement subdivision (a) on October
16 1, 2000, but only if, and to the extent that, the department has
17 obtained all necessary federal approvals.

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