

Introduced by Senators Vasconcellos, Escutia, and Solis

December 7, 1998

An act to amend Section 14007.5 of, and to add Section 14007.7 to, the Welfare and Institution Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

SB 82, as introduced, Vasconcellos. Medi-Cal.

Under existing California law, any alien who is otherwise eligible for Medi-Cal services, but who does not meet specified requirements relating to residency status, 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 any alien who is otherwise eligible for Medi-Cal services, but who does not meet specified requirements relating to residency status, is eligible for medically necessary pregnancy-related services.

This bill would provide that these provisions would not become operative until July 1, 2000, unless an appropriation is made for purposes of implementing this bill in either the Budget Act of 1999 or in another statute enacted during the 1999 portion of the 1999-2000 Regular Session, in which case these provisions would become operative on the later of the effective date of this bill or the effective date of the statute enacting the appropriation.

Under existing law, counties are responsible for determining eligibility for Medi-Cal benefits. By making certain aliens eligible for Medi-Cal benefits, this bill would increase county responsibilities in eligibility determinations, and would result in 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.

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

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) Prenatal care has long been recognized as a means
4 of reducing the incidence of low birth weight infants and
5 of birth complications by identifying mothers at risk of
6 adverse birth outcomes and by providing medical,
7 nutritional, and educational interventions necessary to
8 reduce the risk of those outcomes.

9 (b) Studies show that for every one dollar (\$1) spent
10 on prenatal care services, three dollars (\$3) are saved in
11 medical costs associated with pregnancy, birth, and



1 postnatal care. The fifty-eight million dollar (\$58,000,000)
2 savings by denying prenatal care to undocumented
3 women will be more than offset by costs of care for
4 maternal complications and low birth weight babies
5 ranging up to one hundred twenty million dollars
6 (\$120,000,000) annually.

7 (c) While the cost of prenatal care and normal
8 delivery is under three thousand dollars (\$3,000), the cost
9 of a low birth weight baby, including the first year of care,
10 averages seventeen thousand dollars (\$17,000). Charges
11 for initial hospitalization can reach one million dollars
12 (\$1,000,000).

13 (d) Since any infant born in the United States is
14 deemed a citizen, all the costs associated with an infant's
15 adverse birth outcome will be covered by the state
16 through Medi-Cal and other programs.

17 (e) Infants with adverse birth outcomes are more
18 likely than other infants to experience long-term medical,
19 educational, and social problems, demanding additional
20 long-term costs borne by the state.

21 (f) Studies have shown that prenatal care is not a
22 magnet for illegal immigration.

23 SEC. 2. Section 14007.5 of the Welfare and Institutions
24 Code is amended to read:

25 14007.5. (a) Aliens shall be eligible for Medi-Cal,
26 whether federally funded or state-funded, only to the
27 same extent as permitted under federal law and
28 regulations for receipt of federal financial participation
29 under Title XIX of the Social Security Act, except as
30 otherwise provided in this section *and Section 14007.7*.

31 (b) In accordance with Section 1903(v)(1) of the
32 federal Social Security Act (42 U.S.C. Sec. 1396b(v)(1)),
33 an alien shall only be eligible for the full scope of Medi-Cal
34 benefits, if the alien has been lawfully admitted for
35 permanent residence, or is otherwise permanently
36 residing in the United States under color of law.

37 For purposes of this section, aliens "permanently
38 residing in the United States under color of law" shall be
39 interpreted to include all aliens residing in the United
40 States with the knowledge and permission of the



1 Immigration and Naturalization Service and whose
2 departure the Immigration and Naturalization Service
3 does not contemplate enforcing and with respect to
4 whom federal financial participation is available under
5 Title XIX of the Social Security Act.

6 (c) Any alien whose immigration status has been
7 adjusted either to lawful temporary resident or lawful
8 permanent resident in accordance with the provisions of
9 Section 210, 210A, or 245A of the federal Immigration and
10 Nationality Act, and who meets all other eligibility
11 requirements, shall be eligible only for care and services
12 under Medi-Cal for which the alien is not disqualified
13 pursuant to those sections of the federal act.

14 (d) Any alien who is otherwise eligible for Medi-Cal
15 services, but who does not meet the requirements under
16 subdivision (b) or (c), shall only be eligible for care and
17 services that are necessary for the treatment of an
18 emergency medical condition and medical care directly
19 related to the emergency, as defined in federal law, ~~and~~
20 ~~for medically necessary pregnancy-related services.~~ For
21 purposes of this section, the term “emergency medical
22 condition” means a medical condition manifesting itself
23 by acute symptoms of sufficient severity, including severe
24 pain, such that the absence of immediate medical
25 attention could reasonably be expected to result in any of
26 the following:

27 (1) Placing the patient’s health in serious jeopardy.

28 (2) Serious impairment to bodily functions.

29 (3) Serious dysfunction to any bodily organ or part. It
30 is the intent of this section to entitle eligible individuals
31 to inpatient and outpatient services that are necessary for
32 the treatment of the emergency medical condition in the
33 same manner as administered by the department
34 through regulations and provisions of federal law.

35 (e) Pursuant to Section 14001.2, each county
36 department shall require that each applicant for, or
37 beneficiary of, Medi-Cal, including a child, shall provide
38 his or her social security ~~number~~ account number, or
39 numbers, if he or she has more than one social security
40 number.



1 (f) (1) In order to be eligible for benefits under
2 subdivision (b) or (c), an alien applicant or beneficiary
3 shall present alien registration documentation or other
4 proof of satisfactory immigration status from the United
5 States Immigration and Naturalization Service.

6 (2) Any alien who meets all other program
7 requirements but who lacks documentation of alien
8 registration or other proof of satisfactory immigration
9 status shall be provided a reasonable opportunity to
10 submit the evidence. For purposes of this paragraph,
11 “reasonable opportunity” means 30 days or the time it
12 actually takes the county to process the Medi-Cal
13 application, whichever is longer.

14 (3) During the reasonable opportunity period under
15 paragraph (2), the county department shall process the
16 applicant’s application for medical assistance in a manner
17 that conforms to its normal processing procedures and
18 timeframes.

19 (g) (1) The county department shall grant only the
20 Medi-Cal benefits set forth in subdivision (d) *of this*
21 *section or in Section 14007.7* to any individual who, after
22 30 calendar days or the time it actually takes the county
23 to process the Medi-Cal application, whichever is longer,
24 has failed to submit documents constituting reasonable
25 evidence indicating a satisfactory immigration status for
26 Medi-Cal purposes, or who is reported by the
27 Immigration and Naturalization Service to lack a
28 satisfactory immigration status for Medi-Cal purposes.

29 (2) If an alien has been receiving Medi-Cal benefits
30 based on eligibility established prior to the effective date
31 of this section and that individual, upon redetermination
32 of eligibility for benefits, fails to submit documents
33 constituting reasonable evidence indicating a satisfactory
34 immigration status for Medi-Cal purposes, the county
35 department shall discontinue the Medi-Cal benefits,
36 except for the care and services set forth in subdivision
37 (d) *of this section or Section 14007.7*. The county
38 department shall provide adequate notice to the
39 individual of any adverse action and shall accord the



1 individual an opportunity for a fair hearing if he or she
2 requests one.

3 (h) To the extent permitted by federal law and
4 regulations, an alien applying for services under
5 subdivisions (b) and (c) shall be granted eligibility for the
6 scope of services to which he or she would otherwise be
7 entitled if, at the time the county department makes the
8 determination about his or her eligibility, the alien meets
9 either of the following requirements:

10 (1) He or she has not had a reasonable opportunity to
11 submit documents constituting reasonable evidence
12 indicating satisfactory immigration status.

13 (2) He or she has provided documents constituting
14 reasonable evidence indicating a satisfactory
15 immigration status, but the county department has not
16 received timely verification of the alien's immigration
17 status from the Immigration and Naturalization Service.

18 (3) The verification process shall protect the privacy
19 of all participants. An alien's immigration status shall be
20 subject to verification by the Immigration and
21 Naturalization Service, to the extent required for receipt
22 of federal financial participation in the Medi-Cal
23 program.

24 (i) If an alien does not declare status as a lawful
25 permanent resident or alien permanently residing under
26 color of law, or as an alien legalized under Section 210,
27 210A, or 245A of the federal Immigration and Nationality
28 Act (P.L. 82-414), Medi-Cal coverage under subdivision
29 (d) of *this section* or *Section 14007.7* shall be provided to
30 the individual if he or she is otherwise eligible.

31 (j) If an alien subject to this section is not fluent in
32 English, the county department shall provide an
33 understandable explanation of the requirements of this
34 section in a language in which the alien is fluent.

35 (k) Aliens who were receiving long-term care or renal
36 dialysis services (1) on the day prior to the effective date
37 of the amendment to paragraph (1) of subdivision (f) of
38 Section 1 of Chapter 1441 of the Statutes of 1988 at the
39 1991-92 Regular Session of the Legislature and (2) under
40 the authority of paragraph (1) of subdivision (f) of



1 Section 1 of Chapter 1441 of the Statutes of 1988 as it read
2 on June 30, 1992, shall continue to receive these services.
3 The authority for continuation of long-term care or renal
4 dialysis services in this subdivision shall not apply to any
5 person whose long-term care or renal dialysis services end
6 for any reason after the effective date of the amendment
7 described in this subdivision.

8 SEC. 3. Section 14007.7 is added to the Welfare and
9 Institutions Code, to read:

10 14007.7. Any alien who is otherwise eligible for
11 Medi-Cal services, but who does not meet the
12 requirements under subdivision (b) or (c) of Section
13 14007.5, shall be eligible for medically necessary
14 pregnancy-related services.

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

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

29 SEC. 5. Sections 2 and 3 of this act shall not become
30 operative until July 1, 2000, unless an appropriation is
31 made for purposes of implementing this act in either the
32 Budget Act of 1999 or in another statute enacted during
33 the 1999 portion of the 1999-2000 Regular Session, in
34 which case Sections 2 and 3 of this act shall become
35 operative on the later of the effective date of this act or
36 the effective date of the statute enacting the
37 appropriation.

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