

AMENDED IN SENATE APRIL 22, 1999

SENATE BILL

No. 82

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 amended, 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.



1 (b) Studies show that for every one dollar (\$1) spent
2 on prenatal care services, three dollars (\$3) are saved in
3 medical costs associated with pregnancy, birth, and
4 postnatal care. The fifty-eight million dollar (\$58,000,000)
5 savings by denying prenatal care to undocumented
6 women will be more than offset by costs of care for
7 maternal complications and low birth weight babies
8 ranging up to one hundred twenty million dollars
9 (\$120,000,000) annually.

10 (c) While the cost of prenatal care and normal
11 delivery is under three thousand dollars (\$3,000), the cost
12 of a low birth weight baby, including the first year of care,
13 averages seventeen thousand dollars (\$17,000). Charges
14 for initial hospitalization can reach one million dollars
15 (\$1,000,000).

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

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

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

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

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

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



1 For purposes of this section, aliens “permanently
2 residing in the United States under color of law” shall be
3 interpreted to include all aliens residing in the United
4 States with the knowledge and permission of the *United*
5 *States* Immigration and Naturalization Service and whose
6 departure the *United States* Immigration and
7 Naturalization Service does not contemplate enforcing
8 and with respect to whom federal financial participation
9 is available under Title XIX of the *federal* Social Security
10 Act.

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

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

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

32 (2) Serious impairment to bodily functions.

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

39 (e) Pursuant to Section 14001.2, each county
40 department shall require that each applicant for, or



1 beneficiary of, Medi-Cal, including a child, shall provide
2 his or her social security account number, or numbers, if
3 he or she has more than one social security number.

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

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

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

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

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



1 department shall provide adequate notice to the
2 individual of any adverse action and shall accord the
3 individual an opportunity for a fair hearing if he or she
4 requests one.

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

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

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

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

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

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

38 (k) Aliens who were receiving long-term care or renal
39 dialysis services (1) on the day prior to the effective date
40 of the amendment to paragraph (1) of subdivision (f) of



1 Section 1 of Chapter 1441 of the Statutes of 1988 at the
2 1991–92 Regular Session of the Legislature and (2) under
3 the authority of paragraph (1) of subdivision (f) of
4 Section 1 of Chapter 1441 of the Statutes of 1988 as it read
5 on June 30, 1992, shall continue to receive these services.
6 The authority for continuation of long-term care or renal
7 dialysis services in this subdivision shall not apply to any
8 person whose long-term care or renal dialysis services end
9 for any reason after the effective date of the amendment
10 described in this subdivision.

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

13 14007.7. Any alien who is otherwise eligible for
14 Medi-Cal services, but who does not meet the
15 requirements under subdivision (b) or (c) of Section
16 14007.5, shall be eligible for medically necessary
17 pregnancy-related services.

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

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

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



1 ~~the effective date of the statute enacting the~~
2 ~~appropriation.~~

O

