

AMENDED IN ASSEMBLY JUNE 4, 2013

CALIFORNIA LEGISLATURE—2013–14 FIRST EXTRAORDINARY SESSION

SENATE BILL

No. 1

Introduced by Senators Hernandez and Steinberg

(Coauthors: Senators Calderon, Correa, De León, Hueso, and Lara)

(Coauthors: Assembly Members Alejo, Blumenfield, Campos, Eggman, Garcia, Gomez, Roger Hernández, V. Manuel Pérez, and Quirk-Silva)

January 28, 2013

An act to amend Section 12698.30 of the Insurance Code, and to amend Sections ~~14005.31, 14005.32, 14005.36, 14005.39~~, 14132, and 15926 of, to amend and repeal Sections *14005.38, 14008.85, 14011.16, and 14011.17* of, to amend, repeal, and add Sections 14005.18, 14005.28, 14005.30, *14005.31, 14005.32, 14005.37, 14007.1, 14007.6, and 14012* of, ~~and~~ to add Sections *14000.7, 14005.60, 14005.62, 14005.63, 14005.64, 14005.65, 14007.15, 14014.5, 14015.7, 14055, 14057, 14102, 14102.5, and 14132.02* to, *and to add and repeal Section 14015.5 of*, the Welfare and Institutions Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, Hernandez. Medi-Cal: eligibility.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions.

This bill would, commencing January 1, 2014, implement various provisions of the federal Patient Protection and Affordable Care Act (Affordable Care Act), as amended, by, among other things, modifying provisions relating to determining eligibility for certain groups. The

bill would, in this regard, extend Medi-Cal eligibility to specified adults *and former foster children* and would require that income eligibility be determined based on modified adjusted gross income (MAGI), as prescribed. The bill would prohibit the use of an asset or resources test for individuals whose financial eligibility for Medi-Cal is determined based on the application of MAGI. The bill would also add, commencing January 1, 2014, benefits, services, and coverage included in the essential health benefits package, as adopted by the state and approved by the United States Secretary of Health and Human Services, to the schedule of Medi-Cal benefits.

Because counties are required to make Medi-Cal eligibility determinations and this bill would expand Medi-Cal eligibility, the bill would impose 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.~~

~~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:~~

This bill would require that a person who wishes to apply for an insurance affordability program, as defined, be allowed to file an application on his or her own behalf or on behalf of his or her family and would authorize a person to be accompanied, assisted, and represented in the application and renewal process by an individual or organization of his or her choice. This bill would also require the department, to the extent required by federal law, to provide assistance to any applicant or beneficiary who requests help with the application or redetermination.

The bill would require the California Health Benefit Exchange (Exchange) to implement a workflow transfer protocol, as prescribed, for persons calling the customer service center operated by the Exchange for the purpose of applying for an insurance affordability program, to ascertain which individuals are potentially eligible for Medi-Cal. This bill would also prescribe the authority the department, the Exchange, and the counties would have, until July 1, 2015, to perform Medi-Cal eligibility determinations.

Existing law requires the department to adopt regulations for use by the county in determining whether an applicant is a resident of the state and of the county, subject to the requirements of federal law. Existing

law requires that the regulations require that state residency be established only if certain requirements are met, including the requirement that the applicant makes specified declarations under penalty of perjury.

This bill would revise those provisions to, among other things, further prescribe the circumstances under which state residency may be established and to require the department to electronically verify an individual's state residency using certain sources and would set forth how an individual may establish state residency if the department is unable to electronically verify his or her state residency. The bill would, for purposes of establishing state residency, authorize an individual to make various declarations under penalty of perjury, and would authorize other individuals, such as parents or legal guardians, to make various declarations under penalty of perjury regarding the individual's state residency if the individual is incapable of indicating intent. By expanding the crime of perjury, the bill would impose a state-mandated local program.

Existing law requires Medi-Cal beneficiaries, with some exceptions, to file semiannual status reports to ensure that beneficiaries make timely and accurate reports of any change in circumstance that may affect their eligibility and requires, with some exceptions, a county to promptly redetermine eligibility whenever a county receives information about changes in a beneficiary's circumstances that may affect eligibility for Medi-Cal benefits.

This bill would, commencing January 1, 2014, revise these provisions to, among other things, delete the semiannual status report requirement and require a county to perform redeterminations every 12 months. The bill would require any forms signed by the beneficiary for purposes of redetermining eligibility to be signed under penalty of perjury. By expanding the crime of perjury, the bill would impose 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.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains

costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 the
2 following:

3 (a) The United States is the only industrialized country in the
4 world without a universal health insurance system.

5 (b) (1) In 2006, the United States Census reported that 46
6 million Americans did not have health insurance.

7 (2) In California in 2009, according to the UCLA Center for
8 Health Policy Research's "The State of Health Insurance in
9 California: Findings from the 2009 California Health Interview
10 Survey," 7.1 million Californians were uninsured in 2009,
11 amounting to 21.1 percent of nonelderly Californians who had no
12 health insurance coverage for all or some of 2009, up nearly 2
13 percentage points from 2007.

14 (c) On March 23, 2010, President Obama signed the Patient
15 Protection and Affordable Care Act (Public Law 111-148), which
16 was amended by the Health Care and Education Reconciliation
17 Act of 2010 (Public Law 111-152), and together are referred to as
18 the Affordable Care Act of 2010 (Affordable Care Act).

19 (d) The Affordable Care Act is the culmination of decades of
20 movement toward health reform, and is the most fundamental
21 legislative transformation of the United States health care system
22 in 40 years.

23 (e) As a result of the enactment of the Affordable Care Act,
24 according to estimates by the UCLA Center for Health Policy
25 Research and the UC Berkeley Labor Center, using the California
26 Simulation of Insurance Markets, in 2019, after the Affordable
27 Care Act is fully implemented:

28 (1) Between 89 and 92 percent of Californians under 65 years
29 of age will have health coverage.

30 (2) Between 1.2 and 1.6 million individuals will be newly
31 enrolled in Medi-Cal.

32 (f) It is the intent of the Legislature to ensure full implementation
33 of the Affordable Care Act, including the Medi-Cal expansion for

1 individuals with incomes below 133 percent of the federal poverty
2 level, so that millions of uninsured Californians can receive health
3 care coverage.

4 SEC. 2. Section 12698.30 of the Insurance Code is amended
5 to read:

6 12698.30. (a) (1) Subject to paragraph (2), at a minimum,
7 coverage shall be provided to subscribers during one pregnancy,
8 and for 60 days thereafter, and to children less than two years of
9 age who were born of a pregnancy covered under this program to
10 a woman enrolled in the program before July 1, 2004.

11 (2) Commencing January 1, 2014, at a minimum, coverage shall
12 be provided to subscribers during one pregnancy, and until the end
13 of the month in which the 60th day thereafter occurs, and to
14 children less than two years of age who were born of a pregnancy
15 covered under this program to a woman enrolled in the program
16 before July 1, 2004.

17 (b) Coverage provided pursuant to this part shall include, at a
18 minimum, those services required to be provided by health care
19 service plans approved by the United States Secretary of Health
20 and Human Services as a federally qualified health care service
21 plan pursuant to Section 417.101 of Title 42 of the Code of Federal
22 Regulations.

23 (c) Coverage shall include health education services related to
24 tobacco use.

25 (d) Medically necessary prescription drugs shall be a required
26 benefit in the coverage provided under this part.

27 SEC. 3. Section 14000.7 is added to the *Welfare and Institutions*
28 *Code*, to read:

29 14000.7. (a) *The department shall provide assistance to any*
30 *applicant or beneficiary that requests help with the application or*
31 *redetermination process to the extent required by federal law.*

32 (b) *The assistance provided under subdivision (a) shall be*
33 *available to the individual in person, over the telephone, and*
34 *online, and in a manner that is accessible to individuals with*
35 *disabilities and those who have limited English proficiency.*

36 (c) *To the extent otherwise required by Chapter 3.5*
37 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
38 *2 of the Government Code, the department shall adopt emergency*
39 *regulations implementing this section no later than July 1, 2015.*
40 *The department may thereafter readopt the emergency regulations*

1 pursuant to that chapter. The adoption and readoption, by the
 2 department, of regulations implementing this section shall be
 3 deemed to be an emergency and necessary to avoid serious harm
 4 to the public peace, health, safety, or general welfare for purposes
 5 of Sections 11346.1 and 11349.6 of the Government Code, and
 6 the department is hereby exempted from the requirement that it
 7 describe facts showing the need for immediate action and from
 8 review by the Office of Administrative Law.

9 (d) This section shall be implemented only if and to the extent
 10 that federal financial participation is available and any necessary
 11 federal approvals have been obtained.

12 (e) This section shall become operative on January 1, 2014.

13 ~~SEC. 3.~~

14 SEC. 4. Section 14005.18 of the Welfare and Institutions Code
 15 is amended to read:

16 14005.18. (a) A woman is eligible, to the extent required by
 17 federal law, as though she were pregnant, for all pregnancy-related
 18 and postpartum services for a 60-day period beginning on the last
 19 day of pregnancy.

20 For purposes of this section, “postpartum services” means those
 21 services provided after childbirth, child delivery, or miscarriage.

22 (b) This section shall remain in effect only until January 1, 2014,
 23 and as of that date is repealed, unless a later enacted statute, that
 24 is enacted before January 1, 2014, deletes or extends that date.

25 ~~SEC. 4.~~

26 SEC. 5. Section 14005.18 is added to the Welfare and
 27 Institutions Code, to read:

28 14005.18. (a) To help prevent premature delivery and low
 29 birth weights, the leading causes of infant and maternal morbidity
 30 and mortality, and to promote women’s overall health, well-being,
 31 and financial security and that of their families, it is imperative
 32 that pregnant women enrolled in Medi-Cal be provided with all
 33 medically necessary services. Therefore, a woman is eligible, to
 34 the extent required by federal law, as though she were pregnant,
 35 for all pregnancy-related and postpartum services for a ~~60-day~~
 36 period beginning on the last day of pregnancy and continuing until
 37 the end of the month in which the 60th day of postpartum occurs.

38 (b) For purposes of this section, the following definitions shall
 39 apply:

1 (1) “Pregnancy-related services” means, at a minimum, all
2 services required under the state plan ~~unless federal approval is~~
3 ~~granted after January 1, 2014, pursuant to the procedure under the~~
4 ~~Preamble to the Final Rule at page 17149 of volume 77 of the~~
5 ~~Federal Register (March 23, 2012) to provide fewer benefits during~~
6 ~~pregnancy.~~

7 (2) “Postpartum services” means those services provided after
8 childbirth, child delivery, or miscarriage.

9 (c) This section shall become operative January 1, 2014.

10 ~~SEC. 5.~~

11 *SEC. 6.* Section 14005.28 of the Welfare and Institutions Code
12 is amended to read:

13 14005.28. (a) To the extent federal financial participation is
14 available pursuant to an approved state plan amendment, the
15 department shall exercise its option under Section
16 1902(a)(10)(A)(ii)(XVII) of the federal Social Security Act (42
17 U.S.C. Sec. 1396a(a)(10)(A)(ii)(XVII)) to extend Medi-Cal benefits
18 to independent foster care adolescents, as defined in Section
19 1905(w)(1) of the federal Social Security Act (42 U.S.C. Sec.
20 1396d(w)(1)).

21 (b) Notwithstanding Chapter 3.5 (commencing with Section
22 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
23 and if the state plan amendment described in subdivision (a) is
24 approved by the federal Health Care Financing Administration,
25 the department may implement subdivision (a) without taking any
26 regulatory action and by means of all-county letters or similar
27 instructions. Thereafter, the department shall adopt regulations in
28 accordance with the requirements of Chapter 3.5 (commencing
29 with Section 11340) of Part 1 of Division 3 of Title 2 of the
30 Government Code.

31 (c) The department shall implement subdivision (a) on October
32 1, 2000, but only if, and to the extent that, the department has
33 obtained all necessary federal approvals.

34 ~~(d) The department shall identify and track all former~~
35 ~~independent foster care adolescents who, on or after January 1,~~
36 ~~2013, lost Medi-Cal coverage as a result of attaining 21 years of~~
37 ~~age.~~

38 (e)

1 (d) This section shall remain in effect only until January 1, 2014,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2014, deletes or extends that date.

4 ~~SEC. 6. Section 14005.28 is added to the Welfare and
5 Institutions Code, to read:~~

6 ~~14005.28. (a) Commencing January 1, 2014, and to the extent
7 federal financial participation is available pursuant to an approved
8 state plan amendment, the department shall implement Section
9 1902(a)(10)(A)(i)(IX) of the federal Social Security Act (42 U.S.C.
10 Sec. 1396a(a)(10)(A)(i)(IX)) to provide Medi-Cal benefits to a
11 former foster care adolescent until his or her 26th birthday.~~

12 ~~(1) A foster care adolescent who was in foster care on his or
13 her 18th birthday shall be deemed eligible for the benefits provided
14 pursuant to this section and shall be enrolled to receive these
15 benefits until his or her 26th birthday without any interruption in
16 coverage and without requiring a new application.~~

17 ~~(2) The department shall develop procedures to identify
18 individuals who meet the criteria in paragraph (1), including, but
19 not limited to, former foster care adolescents who lost Medi-Cal
20 coverage as a result of attaining 21 years of age, and reenroll them
21 in Medi-Cal.~~

22 ~~(3) The department shall develop and implement a simplified
23 redetermination form for this program. A recipient qualifying for
24 the benefits extended pursuant to this section shall fill out and
25 return this form only if information previously reported to the
26 department is no longer accurate. Failure to return the form alone
27 will not constitute a basis for termination of Medi-Cal. If the form
28 is returned as undeliverable and the county is otherwise unable to
29 establish contact, the recipient shall remain eligible for
30 fee-for-service Medi-Cal until such time as contact is reestablished
31 or ineligibility is established, and to the extent federal financial
32 participation is available. The department may terminate eligibility
33 if it determines that the recipient is no longer eligible only after
34 ineligibility is established and all due process requirements are
35 met in accordance with state and federal law.~~

36 ~~(4) This section shall be implemented to the extent that federal
37 financial participation is available, and any necessary federal
38 approvals are obtained.~~

39 ~~(b) This section shall become operative January 1, 2014.~~

1 SEC. 7. Section 14005.28 is added to the Welfare and
2 Institutions Code, 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 implement Section 1902(a)(10)(A)(i)(IX) of the
6 federal Social Security Act (42 U.S.C. Sec. 1396a(a)(10)(A)(i)(IX))
7 to provide Medi-Cal benefits to an individual who is in foster care
8 on his or her 18th birthday until his or her 26th birthday. In
9 addition, the department shall implement the option in paragraph
10 (3) of subdivision (b) of Section 435.150 of Title 42 of the Code
11 of Federal Regulations to provide Medi-Cal benefits to individuals
12 that were in foster care and enrolled in Medicaid in any state.

13 (1) A foster care adolescent who is in foster care on his or her
14 18th birthday shall be enrolled to receive benefits under this section
15 without any interruption in coverage and without requiring a new
16 application.

17 (2) The department shall develop procedures to identify and
18 enroll individuals who meet the criteria for Medi-Cal eligibility
19 in this subdivision, including, but not limited to, former foster care
20 adolescents who were in foster care on their 18th birthday and
21 who lost Medi-Cal coverage as a result of attaining 21 years of
22 age. The department shall work with counties to identify and
23 conduct outreach to former foster care adolescents who lost
24 Medi-Cal coverage during the 2013 calendar year as a result of
25 attaining 21 years of age, to ensure they are aware of the ability
26 to reenroll under the coverage provided pursuant to this section.

27 (3) (A) The department shall develop and implement a simplified
28 redetermination form for this program. A beneficiary qualifying
29 for the benefits extended pursuant to this section shall fill out and
30 return this form only if information known to the department is no
31 longer accurate or is materially incomplete.

32 (B) The department shall seek federal approval to institute a
33 renewal process that allows a beneficiary receiving benefits under
34 this section to remain on Medi-Cal after a redetermination form
35 is returned as undeliverable and the county is otherwise unable
36 to establish contact. If federal approval is granted, the recipient
37 shall remain eligible for services under the Medi-Cal
38 fee-for-service program until the time contact is reestablished or
39 ineligibility is established, and to the extent federal financial
40 participation is available.

1 (C) The department shall terminate eligibility only after it
2 determines that the recipient is no longer eligible and all due
3 process requirements are met in accordance with state and federal
4 law.

5 (b) This section shall be implemented only if and to the extent
6 that federal financial participation is available.

7 (c) This section shall become operative January 1, 2014.

8 ~~SEC. 7:~~

9 SEC. 8. Section 14005.30 of the Welfare and Institutions Code
10 is amended to read:

11 14005.30. (a) (1) To the extent that federal financial
12 participation is available, Medi-Cal benefits under this chapter
13 shall be provided to individuals eligible for services under Section
14 1396u-1 of Title 42 of the United States Code, including any
15 options under Section 1396u-1(b)(2)(C) made available to and
16 exercised by the state.

17 (2) The department shall exercise its option under Section
18 1396u-1(b)(2)(C) of Title 42 of the United States Code to adopt
19 less restrictive income and resource eligibility standards and
20 methodologies to the extent necessary to allow all recipients of
21 benefits under Chapter 2 (commencing with Section 11200) to be
22 eligible for Medi-Cal under paragraph (1).

23 (3) To the extent federal financial participation is available, the
24 department shall exercise its option under Section 1396u-1(b)(2)(C)
25 of Title 42 of the United States Code authorizing the state to
26 disregard all changes in income or assets of a beneficiary until the
27 next annual redetermination under Section 14012. The department
28 shall implement this paragraph only if, and to the extent that the
29 State Child Health Insurance Program waiver described in Section
30 12693.755 of the Insurance Code extending Healthy Families
31 Program eligibility to parents and certain other adults is approved
32 and implemented.

33 (b) To the extent that federal financial participation is available,
34 the department shall exercise its option under Section
35 1396u-1(b)(2)(C) of Title 42 of the United States Code as necessary
36 to expand eligibility for Medi-Cal under subdivision (a) by
37 establishing the amount of countable resources individuals or
38 families are allowed to retain at the same amount medically needy
39 individuals and families are allowed to retain, except that a family

1 of one shall be allowed to retain countable resources in the amount
2 of three thousand dollars (\$3,000).

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

13 (d) For purposes of calculating income under this section during
14 any calendar year, increases in social security benefit payments
15 under Title II of the federal Social Security Act (42 U.S.C. Sec.
16 401 and following) *et seq.*) arising from cost-of-living adjustments
17 shall be disregarded commencing in the month that these social
18 security benefit payments are increased by the cost-of-living
19 adjustment through the month before the month in which a change
20 in the federal poverty level requires the department to modify the
21 income disregard pursuant to subdivision (c) and in which new
22 income limits for the program established by this section are
23 adopted by the department.

24 (e) Subdivision (b) shall be applied retroactively to January 1,
25 1998.

26 (f) Notwithstanding Chapter 3.5 (commencing with Section
27 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
28 the department shall implement, without taking regulatory action,
29 subdivisions (a) and (b) of this section by means of an ~~all-county~~
30 *all-county* letter or similar instruction. Thereafter, the department
31 shall adopt regulations in accordance with the requirements of
32 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
33 3 of Title 2 of the Government Code.

34 (g) This section shall remain in effect only until January 1, 2014,
35 and as of that date is repealed, unless a later enacted statute, that
36 is enacted before January 1, 2014, deletes or extends that date.

37 ~~SEC. 8.~~

38 *SEC. 9.* Section 14005.30 is added to the Welfare and
39 Institutions Code, to read:

1 14005.30. (a) (1) To the extent that federal financial
2 participation is available, Medi-Cal benefits under this chapter
3 shall be provided to individuals eligible for services under Section
4 1396u-1 of Title 42 of the United States Code, known as the
5 Section 1931(b) program, including any options under Section
6 1396u-1(b)(2)(C) made available to and exercised by the state.

7 (2) The department shall exercise its option under Section
8 1396u-1(b)(2)(C) of Title 42 of the United States Code to adopt
9 less restrictive income and resource eligibility standards and
10 methodologies to the extent necessary to allow all recipients of
11 benefits under Chapter 2 (commencing with Section 11200) to be
12 eligible for Medi-Cal under paragraph (1).

13 (b) Commencing January 1, 2014, pursuant to Section
14 1396a(e)(14)(C) of Title 42 of the United States Code, there shall
15 be no assets test and no deprivation test for any individual under
16 this section.

17 (c) For purposes of calculating income under this section during
18 any calendar year, increases in social security benefit payments
19 under Title II of the federal Social Security Act (42 U.S.C. Sec.
20 401 et seq.) arising from cost-of-living adjustments shall be
21 disregarded commencing in the month that these social security
22 benefit payments are increased by the cost-of-living adjustment
23 through the month before the month in which a change in the
24 federal poverty level requires the department to modify the income
25 disregard pursuant to subdivision (c) and in which new income
26 limits for the program established by this section are adopted by
27 the department.

28 (d) This section shall become operative January 1, 2014.

29 ~~SEC. 9.~~

30 *SEC. 10.* Section 14005.31 of the Welfare and Institutions
31 Code is amended to read:

32 14005.31. (a) (1) Subject to paragraph (2), for any person
33 whose eligibility for benefits under Section 14005.30 has been
34 determined with a concurrent determination of eligibility for cash
35 aid under Chapter 2 (commencing with Section 11200), loss of
36 eligibility or termination of cash aid under Chapter 2 (commencing
37 with Section 11200) shall not result in a loss of eligibility or
38 termination of benefits under Section 14005.30 absent the existence
39 of a factor that would result in loss of eligibility for benefits under
40 Section 14005.30 for a person whose eligibility under Section

1 14005.30 was determined without a concurrent determination of
2 eligibility for benefits under Chapter 2 (commencing with Section
3 11200).

4 (2) Notwithstanding paragraph (1), a person whose eligibility
5 would otherwise be terminated pursuant to that paragraph shall
6 not have his or her eligibility terminated until the transfer
7 procedures set forth in Section 14005.32 or the redetermination
8 procedures set forth in Section 14005.37 and all due process
9 requirements have been met.

10 (b) The department, in consultation with the counties and
11 representatives of consumers, managed care plans, and Medi-Cal
12 providers, shall prepare a simple, clear, consumer-friendly notice
13 to be used by the counties, to inform Medi-Cal beneficiaries whose
14 eligibility for cash aid under Chapter 2 (commencing with Section
15 11200) has ended, but whose eligibility for benefits under Section
16 14005.30 continues pursuant to subdivision (a), that their benefits
17 will continue. To the extent feasible, the notice shall be sent out
18 at the same time as the notice of discontinuation of cash aid, and
19 shall include all of the following:

20 (1) A statement that Medi-Cal benefits will continue even though
21 cash aid under the CalWORKs program has been terminated.

22 (2) A statement that continued receipt of Medi-Cal benefits will
23 not be counted against any time limits in existence for receipt of
24 cash aid under the CalWORKs program.

25 (3) ~~(A)~~—A statement that the Medi-Cal beneficiary does not
26 need to fill out monthly status reports in order to remain eligible
27 for Medi-Cal, but ~~may~~ *shall* be required to submit a semiannual
28 status report and annual reaffirmation forms. The notice shall
29 remind individuals whose cash aid ended under the CalWORKs
30 program as a result of not submitting a status report that he or she
31 should review his or her circumstances to determine if changes
32 have occurred that should be reported to the Medi-Cal eligibility
33 worker.

34 ~~(B)~~—Commencing January 1, 2014, the semiannual status report
35 requirement shall not be included in the statement described in
36 subparagraph (A).

37 (4) A statement describing the responsibility of the Medi-Cal
38 beneficiary to report to the county, within 10 days, significant
39 changes that may affect eligibility.

40 (5) A telephone number to call for more information.

1 (6) A statement that the Medi-Cal beneficiary's eligibility
 2 worker will not change, or, if the case has been reassigned, the
 3 new worker's name, address, and telephone number, and the hours
 4 during which the county's eligibility workers can be contacted.

5 (c) This section shall be implemented on or before July 1, 2001,
 6 but only to the extent that federal financial participation under
 7 Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396
 8 et seq.) is available.

9 (d) Notwithstanding Chapter 3.5 (commencing with Section
 10 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
 11 the department shall, without taking any regulatory action,
 12 implement this section by means of ~~all-county~~ *all-county* letters
 13 or similar instructions. Thereafter, the department shall adopt
 14 regulations in accordance with the requirements of Chapter 3.5
 15 (commencing with Section 11340) of Part 1 of Division 3 of Title
 16 2 of the Government Code. Comprehensive implementing
 17 instructions shall be issued to the counties no later than March 1,
 18 2001.

19 (e) *This section shall remain in effect only until January 1, 2014,*
 20 *and as of that date is repealed, unless a later enacted statute, that*
 21 *is enacted before January 1, 2014, deletes or extends that date.*

22 *SEC. 11. Section 14005.31 is added to the Welfare and*
 23 *Institutions Code, to read:*

24 *14005.31. (a) (1) Subject to paragraph (2), for any person*
 25 *whose eligibility for benefits under Section 14005.30 has been*
 26 *determined with a concurrent determination of eligibility for cash*
 27 *aid under Chapter 2 (commencing with Section 11200), loss of*
 28 *eligibility or termination of cash aid under Chapter 2 (commencing*
 29 *with Section 11200) shall not result in a loss of eligibility or*
 30 *termination of benefits under Section 14005.30 absent the existence*
 31 *of a factor that would result in loss of eligibility for benefits under*
 32 *Section 14005.30 for a person whose eligibility under Section*
 33 *14005.30 was determined without a concurrent determination of*
 34 *eligibility for benefits under Chapter 2 (commencing with Section*
 35 *11200).*

36 *(2) Notwithstanding paragraph (1), a person whose eligibility*
 37 *would otherwise be terminated pursuant to that paragraph shall*
 38 *not have his or her eligibility terminated until the transfer*
 39 *procedures set forth in Section 14005.32 or the redetermination*

1 *procedures set forth in Section 14005.37 and all due process*
2 *requirements have been met.*

3 *(b) The department, in consultation with the counties and*
4 *representatives of consumers, managed care plans, and Medi-Cal*
5 *providers, shall prepare a simple, clear, consumer-friendly notice*
6 *to be used by the counties to inform Medi-Cal beneficiaries whose*
7 *eligibility for cash aid under Chapter 2 (commencing with Section*
8 *11200) has ended, but whose eligibility for benefits under Section*
9 *14005.30 continues pursuant to subdivision (a), that their benefits*
10 *will continue. To the extent feasible, the notice shall be sent out*
11 *at the same time as the notice of discontinuation of cash aid, and*
12 *shall include all of the following:*

13 *(1) A statement that Medi-Cal benefits will continue even though*
14 *cash aid under the CalWORKs program has been terminated.*

15 *(2) A statement that continued receipt of Medi-Cal benefits will*
16 *not be counted against any time limits in existence for receipt of*
17 *cash aid under the CalWORKs program.*

18 *(3) A statement that the Medi-Cal beneficiary does not need to*
19 *fill out monthly status reports in order to remain eligible for*
20 *Medi-Cal, but may be required to submit annual reaffirmation*
21 *forms. The notice shall remind individuals whose cash aid ended*
22 *under the CalWORKs program as a result of not submitting a*
23 *status report that he or she should review his or her circumstances*
24 *to determine if changes have occurred that should be reported to*
25 *the Medi-Cal eligibility worker.*

26 *(4) A statement describing the responsibility of the Medi-Cal*
27 *beneficiary to report to the county, within 10 days, significant*
28 *changes that may affect eligibility.*

29 *(5) A telephone number to call for more information.*

30 *(6) A statement that the Medi-Cal beneficiary's eligibility worker*
31 *will not change, or, if the case has been reassigned, the new*
32 *worker's name, address, and telephone number, and the hours*
33 *during which the county's eligibility workers can be contacted.*

34 *(c) Notwithstanding Chapter 3.5 (commencing with Section*
35 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
36 *the department, without taking any further regulatory action, shall*
37 *implement, interpret, or make specific this section by means of*
38 *all-county letters, plan letters, plan or provider bulletins, or similar*
39 *instructions until the time regulations are adopted. Thereafter, the*
40 *department shall adopt regulations in accordance with the*

1 *requirements of Chapter 3.5 (commencing with Section 11340) of*
 2 *Part 1 of Division 3 of Title 2 of the Government Code. Beginning*
 3 *six months after the effective date of this section, the department*
 4 *shall provide a status report to the Legislature on a semiannual*
 5 *basis until regulations have been adopted.*

6 *(d) This section shall become operative on January 1, 2014.*

7 ~~SEC. 10.~~

8 *SEC. 12.* Section 14005.32 of the Welfare and Institutions
 9 Code is amended to read:

10 14005.32. (a) (1) If the county has evidence clearly
 11 demonstrating that a beneficiary is not eligible for benefits under
 12 this chapter pursuant to Section 14005.30, but is eligible for
 13 benefits under this chapter pursuant to other provisions of law, the
 14 county shall transfer the individual to the corresponding Medi-Cal
 15 program. Eligibility under Section 14005.30 shall continue until
 16 the transfer is complete.

17 (2) The department, in consultation with the counties and
 18 representatives of consumers, managed care plans, and Medi-Cal
 19 providers, shall prepare a simple, clear, consumer-friendly notice
 20 to be used by the counties, to inform beneficiaries that their
 21 Medi-Cal benefits have been transferred pursuant to paragraph (1)
 22 and to inform them about the program to which they have been
 23 transferred. To the extent feasible, the notice shall be issued with
 24 the notice of discontinuance from cash aid, and shall include all
 25 of the following:

26 (A) A statement that Medi-Cal benefits will continue under
 27 another program, even though aid under Chapter 2 (commencing
 28 with Section 11200) has been terminated.

29 (B) The name of the program under which benefits will continue,
 30 and an explanation of that program.

31 (C) A statement that continued receipt of Medi-Cal benefits will
 32 not be counted against any time limits in existence for receipt of
 33 cash aid under the CalWORKs program.

34 (D) ~~(i)~~ A statement that the Medi-Cal beneficiary does not need
 35 to fill out monthly status reports in order to remain eligible for
 36 Medi-Cal, but ~~may~~ *shall* be required to submit a semiannual status
 37 report and annual reaffirmation forms. In addition, if the person
 38 or persons to whom the notice is directed has been found eligible
 39 for transitional Medi-Cal as described in Section 14005.8 or
 40 14005.85, the statement shall explain the reporting requirements

1 and duration of benefits under those programs, and shall further
2 explain that, at the end of the duration of these benefits, a
3 redetermination, as provided for in Section 14005.37 shall be
4 conducted to determine whether benefits are available under any
5 other provision of law.

6 ~~(ii) Commencing January 1, 2014, the semiannual status report~~
7 ~~requirement shall not be included in the statement described in~~
8 ~~clause (i).~~

9 (E) A statement describing the beneficiary's responsibility to
10 report to the county, within 10 days, significant changes that may
11 affect eligibility or share of cost.

12 (F) A telephone number to call for more information.

13 (G) A statement that the beneficiary's eligibility worker will
14 not change, or, if the case has been reassigned, the new worker's
15 name, address, and telephone number, and the hours during which
16 the county's Medi-Cal eligibility workers can be contacted.

17 (b) No later than September 1, 2001, the department shall submit
18 a federal waiver application seeking authority to eliminate the
19 reporting requirements imposed by transitional medicaid under
20 Section 1925 of the federal Social Security Act (Title 42 U.S.C.
21 Sec. 1396r-6).

22 (c) This section shall be implemented on or before July 1, 2001,
23 but only to the extent that federal financial participation under
24 Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396
25 et seq.) is available.

26 (d) Notwithstanding Chapter 3.5 (commencing with Section
27 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
28 the department shall, without taking any regulatory action,
29 implement this section by means of ~~all-county~~ *all-county* letters
30 or similar instructions. Thereafter, the department shall adopt
31 regulations in accordance with the requirements of Chapter 3.5
32 (commencing with Section 11340) of Part 1 of Division 3 of Title
33 2 of the Government Code. Comprehensive implementing
34 instructions shall be issued to the counties no later than March 1,
35 2001.

36 (e) *This section shall remain in effect only until January 1, 2014,*
37 *and as of that date is repealed, unless a later enacted statute, that*
38 *is enacted before January 1, 2014, deletes or extends that date.*

39 *SEC. 13. Section 14005.32 is added to the Welfare and*
40 *Institutions Code, to read:*

1 14005.32. (a) (1) If the county has evidence clearly
2 demonstrating that a beneficiary is not eligible for benefits under
3 this chapter pursuant to Section 14005.30, but is eligible for
4 benefits under this chapter pursuant to other provisions of law,
5 the county shall transfer the individual to the corresponding
6 Medi-Cal program in conformity with and subject to the
7 requirements of Section 14005.37. Eligibility under Section
8 14005.30 shall continue until the transfer is complete.

9 (2) The department, in consultation with the counties and
10 representatives of consumers, managed care plans, and Medi-Cal
11 providers, shall prepare a simple, clear, consumer-friendly notice
12 to be used by the counties to inform beneficiaries that their
13 Medi-Cal benefits have been transferred pursuant to paragraph
14 (1) and to inform them about the program to which they have been
15 transferred. To the extent feasible, the notice shall be issued with
16 the notice of discontinuance from cash aid, and shall include all
17 of the following:

18 (A) A statement that Medi-Cal benefits will continue under
19 another program, even though aid under Chapter 2 (commencing
20 with Section 11200) has been terminated.

21 (B) The name of the program under which benefits will continue
22 and an explanation of that program.

23 (C) A statement that continued receipt of Medi-Cal benefits will
24 not be counted against any time limits in existence for receipt of
25 cash aid under the CalWORKs program.

26 (D) A statement that the Medi-Cal beneficiary does not need to
27 fill out monthly status reports in order to remain eligible for
28 Medi-Cal, but may be required to submit annual reaffirmation
29 forms. In addition, if the person or persons to whom the notice is
30 directed has been found eligible for transitional Medi-Cal as
31 described in Section 14005.8 or 14005.85, the statement shall
32 explain the reporting requirements and duration of benefits under
33 those programs and shall further explain that, at the end of the
34 duration of these benefits, a redetermination, as provided in Section
35 14005.37, shall be conducted to determine whether benefits are
36 available under any other law.

37 (E) A statement describing the beneficiary's responsibility to
38 report to the county, within 10 days, significant changes that may
39 affect eligibility or share of cost.

40 (F) A telephone number to call for more information.

1 (G) A statement that the beneficiary's eligibility worker will not
2 change, or, if the case has been reassigned, the new worker's
3 name, address, and telephone number, and the hours during which
4 the county's Medi-Cal eligibility workers can be contacted.

5 (b) Notwithstanding Chapter 3.5 (commencing with Section
6 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
7 the department, without taking any further regulatory action, shall
8 implement, interpret, or make specific this section by means of
9 all-county letters, plan letters, plan or provider bulletins, or similar
10 instructions until the time regulations are adopted. Thereafter, the
11 department shall adopt regulations in accordance with the
12 requirements of Chapter 3.5 (commencing with Section 11340) of
13 Part 1 of Division 3 of Title 2 of the Government Code. Beginning
14 six months after the effective date of this section, the department
15 shall provide a status report to the Legislature on a semiannual
16 basis until regulations have been adopted.

17 (c) This section shall become operative on January 1, 2014.

18 SEC. 14. Section 14005.36 of the Welfare and Institutions Code
19 is amended to read:

20 14005.36. (a) The county shall undertake outreach efforts to
21 beneficiaries receiving benefits under this chapter, in order to
22 maintain the most up-to-date home addresses, telephone numbers,
23 and other necessary contact information, and to encourage and
24 assist with timely submission of the annual reaffirmation form,
25 and, when applicable, transitional Medi-Cal program reporting
26 forms and to facilitate the Medi-Cal redetermination process when
27 one is required as provided in Section 14005.37. In implementing
28 this subdivision, a county may collaborate with community-based
29 organizations, provided that confidentiality is protected.

30 (b) The department shall encourage and facilitate efforts by
31 managed care plans to report updated beneficiary contact
32 information to counties.

33 (c) The department and each county shall incorporate, in a timely
34 manner, updated contact information received from managed care
35 plans pursuant to subdivision (b) into the beneficiary's Medi-Cal
36 case file and into all systems used to inform plans of their
37 beneficiaries' enrollee status. Updated Medi-Cal beneficiary contact
38 information shall be limited to the beneficiary's telephone number,
39 change of address information, and change of name. The county
40 may shall attempt to verify that the information it receives from

1 the plan is accurate, *which may include, but is not limited to,*
 2 *making contact with the beneficiary,* before updating the
 3 beneficiary's case file. ~~The department shall develop a consent~~
 4 ~~form that may be used by the counties to record the beneficiary's~~
 5 ~~consent to use the information received from a managed care plan~~
 6 ~~to update the beneficiary's file.~~

7 (d) This section shall be implemented ~~on or before July 1, 2001,~~
 8 ~~but~~ only to the extent that federal financial participation under
 9 Title XIX of the federal Social Security Act (~~Title 42 (42 U.S.C.~~
 10 ~~Sec. 1396 and following) et seq.~~) is available.

11 (e) ~~Notwithstanding Chapter 3.5 (commencing with Section~~
 12 ~~11340) of Part 1 of Division 3 of Title 2 of the Government Code,~~
 13 ~~the department shall, without taking any regulatory action,~~
 14 ~~implement this section by means of all county letters or similar~~
 15 ~~instructions. Thereafter, the department shall adopt regulations in~~
 16 ~~accordance with the requirements of Chapter 3.5 (commencing~~
 17 ~~with Section 11340) of Part 1 of Division 3 of Title 2 of the~~
 18 ~~Government Code. Comprehensive implementing instructions~~
 19 ~~shall be issued to the counties no later than March 1, 2001.~~

20 (e) *To the extent otherwise required by Chapter 3.5*
 21 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
 22 *2 of the Government Code, the department shall adopt emergency*
 23 *regulations implementing this section no later than July 1, 2015.*
 24 *The department may thereafter readopt the emergency regulations*
 25 *pursuant to that chapter. The adoption and readoption, by the*
 26 *department, of regulations implementing this section shall be*
 27 *deemed to be an emergency and necessary to avoid serious harm*
 28 *to the public peace, health, safety, or general welfare for purposes*
 29 *of Sections 11346.1 and 11349.6 of the Government Code, and*
 30 *the department is hereby exempted from the requirement that it*
 31 *describe facts showing the need for immediate action and from*
 32 *review by the Office of Administrative Law.*

33 ~~SEC. 11.~~

34 *SEC. 15.* Section 14005.37 of the Welfare and Institutions
 35 Code is amended to read:

36 14005.37. (a) Except as provided in Section 14005.39,
 37 whenever a county receives information about changes in a
 38 beneficiary's circumstances that may affect eligibility for Medi-Cal
 39 benefits, the county shall promptly redetermine eligibility. The

1 procedures for redetermining Medi-Cal eligibility described in this
2 section shall apply to all Medi-Cal beneficiaries.

3 (b) Loss of eligibility for cash aid under that program shall not
4 result in a redetermination under this section unless the reason for
5 the loss of eligibility is one that would result in the need for a
6 redetermination for a person whose eligibility for Medi-Cal under
7 Section 14005.30 was determined without a concurrent
8 determination of eligibility for cash aid under the CalWORKs
9 program.

10 (c) A loss of contact, as evidenced by the return of mail marked
11 in such a way as to indicate that it could not be delivered to the
12 intended recipient or that there was no forwarding address, shall
13 require a prompt redetermination according to the procedures set
14 forth in this section.

15 (d) Except as otherwise provided in this section, Medi-Cal
16 eligibility shall continue during the redetermination process
17 described in this section. A Medi-Cal beneficiary's eligibility shall
18 not be terminated under this section until the county makes a
19 specific determination based on facts clearly demonstrating that
20 the beneficiary is no longer eligible for Medi-Cal under any basis
21 and due process rights guaranteed under this division have been
22 met.

23 (e) For purposes of acquiring information necessary to conduct
24 the eligibility determinations described in subdivisions (a) to (d),
25 inclusive, a county shall make every reasonable effort to gather
26 information available to the county that is relevant to the
27 beneficiary's Medi-Cal eligibility prior to contacting the
28 beneficiary. Sources for these efforts shall include, but are not
29 limited to, Medi-Cal, CalWORKs, and CalFresh case files of the
30 beneficiary or of any of his or her immediate family members,
31 which are open or were closed within the last 45 days, and
32 wherever feasible, other sources of relevant information reasonably
33 available to the counties.

34 (f) If a county cannot obtain information necessary to
35 redetermine eligibility pursuant to subdivision (e), the county shall
36 attempt to reach the beneficiary by telephone in order to obtain
37 this information, either directly or in collaboration with
38 community-based organizations so long as confidentiality is
39 protected.

1 (g) If a county's efforts pursuant to subdivisions (e) and (f) to
2 obtain the information necessary to redetermine eligibility have
3 failed, the county shall send to the beneficiary a form, which shall
4 highlight the information needed to complete the eligibility
5 determination. The county shall not request information or
6 documentation that has been previously provided by the
7 beneficiary, that is not absolutely necessary to complete the
8 eligibility determination, or that is not subject to change. The form
9 shall be accompanied by a simple, clear, consumer-friendly cover
10 letter, which shall explain why the form is necessary, the fact that
11 it is not necessary to be receiving CalWORKs benefits to be
12 receiving Medi-Cal benefits, the fact that receipt of Medi-Cal
13 benefits does not count toward any time limits imposed by the
14 CalWORKs program, the various bases for Medi-Cal eligibility,
15 including disability, and the fact that even persons who are
16 employed can receive Medi-Cal benefits. The cover letter shall
17 include a telephone number to call in order to obtain more
18 information. The form and the cover letter shall be developed by
19 the department in consultation with the counties and representatives
20 of consumers, managed care plans, and Medi-Cal providers. A
21 Medi-Cal beneficiary shall have no less than 20 days from the date
22 the form is mailed pursuant to this subdivision to respond. Except
23 as provided in subdivision (h), failure to respond prior to the end
24 of this 20-day period shall not impact his or her Medi-Cal
25 eligibility.

26 (h) If the purpose for a redetermination under this section is a
27 loss of contact with the Medi-Cal beneficiary, as evidenced by the
28 return of mail marked in such a way as to indicate that it could not
29 be delivered to the intended recipient or that there was no
30 forwarding address, a return of the form described in subdivision
31 (g) marked as undeliverable shall result in an immediate notice of
32 action terminating Medi-Cal eligibility.

33 (i) If, within 20 days of the date of mailing of a form to the
34 Medi-Cal beneficiary pursuant to subdivision (g), a beneficiary
35 does not submit the completed form to the county, the county shall
36 send the beneficiary a written notice of action stating that his or
37 her eligibility shall be terminated 10 days from the date of the
38 notice and the reasons for that determination, unless the beneficiary
39 submits a completed form prior to the end of the 10-day period.

1 (j) If, within 20 days of the date of mailing of a form to the
2 Medi-Cal beneficiary pursuant to subdivision (g), the beneficiary
3 submits an incomplete form, the county shall attempt to contact
4 the beneficiary by telephone and in writing to request the necessary
5 information. If the beneficiary does not supply the necessary
6 information to the county within 10 days from the date the county
7 contacts the beneficiary in regard to the incomplete form, a 10-day
8 notice of termination of Medi-Cal eligibility shall be sent.

9 (k) If, within 30 days of termination of a Medi-Cal beneficiary's
10 eligibility pursuant to subdivision (h), (i), or (j), the beneficiary
11 submits to the county a completed form, eligibility shall be
12 determined as though the form was submitted in a timely manner
13 and if a beneficiary is found eligible, the termination under
14 subdivision (h), (i), or (j) shall be rescinded.

15 (l) If the information reasonably available to the county pursuant
16 to the redetermination procedures of subdivisions (d), (e), (g), and
17 (m) does not indicate a basis of eligibility, Medi-Cal benefits may
18 be terminated so long as due process requirements have otherwise
19 been met.

20 (m) The department shall, with the counties and representatives
21 of consumers, including those with disabilities, and Medi-Cal
22 providers, develop a timeframe for redetermination of Medi-Cal
23 eligibility based upon disability, including ex parte review, the
24 redetermination form described in subdivision (g), timeframes for
25 responding to county or state requests for additional information,
26 and the forms and procedures to be used. The forms and procedures
27 shall be as consumer-friendly as possible for people with
28 disabilities. The timeframe shall provide a reasonable and adequate
29 opportunity for the Medi-Cal beneficiary to obtain and submit
30 medical records and other information needed to establish
31 eligibility for Medi-Cal based upon disability.

32 (n) This section shall be implemented on or before July 1, 2001,
33 but only to the extent that federal financial participation under
34 Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396
35 et seq.) is available.

36 (o) Notwithstanding Chapter 3.5 (commencing with Section
37 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
38 the department shall, without taking any regulatory action,
39 implement this section by means of all county letters or similar
40 instructions. Thereafter, the department shall adopt regulations in

1 accordance with the requirements of Chapter 3.5 (commencing
 2 with Section 11340) of Part 1 of Division 3 of Title 2 of the
 3 Government Code. Comprehensive implementing instructions
 4 shall be issued to the counties no later than March 1, 2001.

5 (p) This section shall remain in effect only until January 1, 2014,
 6 and as of that date is repealed, unless a later enacted statute, that
 7 is enacted before January 1, 2014, deletes or extends that date.

8 ~~SEC. 12.~~

9 *SEC. 16.* Section 14005.37 is added to the Welfare and
 10 Institutions Code, to read:

11 14005.37. (a) Except as provided in Section 14005.39, *a county*
 12 *shall perform redeterminations of eligibility for Medi-Cal*
 13 *beneficiaries every 12 months and shall promptly redetermine*
 14 *eligibility* whenever ~~a the~~ county receives information about
 15 changes in a beneficiary's circumstances that may affect eligibility
 16 for Medi-Cal ~~benefits, the county shall promptly redetermine~~
 17 *eligibility benefits*. The procedures for redetermining Medi-Cal
 18 eligibility described in this section shall apply to all Medi-Cal
 19 beneficiaries.

20 (b) Loss of eligibility for cash aid under that program shall not
 21 result in a redetermination under this section unless the reason for
 22 the loss of eligibility is one that would result in the need for a
 23 redetermination for a person whose eligibility for Medi-Cal under
 24 Section 14005.30 was determined without a concurrent
 25 determination of eligibility for cash aid under the CalWORKs
 26 program.

27 (c) A loss of contact, as evidenced by the return of mail marked
 28 in such a way as to indicate that it could not be delivered to the
 29 intended recipient or that there was no forwarding address, shall
 30 require a prompt redetermination according to the procedures set
 31 forth in this section.

32 (d) Except as otherwise provided in this section, Medi-Cal
 33 eligibility shall continue during the redetermination process
 34 described in this section. ~~A section and a beneficiary's~~ Medi-Cal
 35 ~~beneficiary's~~ eligibility shall not be terminated under this section
 36 until the county makes a specific determination based on facts
 37 clearly demonstrating that the beneficiary is no longer eligible for
 38 Medi-Cal *benefits* under any basis and due process rights
 39 guaranteed under this division have been met.

1 (e) (1) For purposes of acquiring information necessary to
2 conduct the eligibility ~~determinations~~ *redeterminations* described
3 in ~~subdivisions (a) to (d), inclusive~~ *this section*, a county shall
4 gather information available to the county that is relevant to the
5 beneficiary's Medi-Cal eligibility prior to contacting the
6 beneficiary. Sources for these efforts shall ~~include, but are~~ *include*
7 *information contained in the beneficiary's file or other information,*
8 *including more recent information available to the county,*
9 *including, but not limited to, Medi-Cal, CalWORKs, and CalFresh*
10 *case files of the beneficiary or of any of his or her immediate family*
11 *members, which are open or were closed within the last 45 days,*
12 *information accessed through any databases accessed by the agency*
13 *under Sections 435.948, 435.949, and 435.956 of Title 42 of the*
14 *Code of Federal Regulations, and wherever feasible, other sources*
15 *of relevant information reasonably available to the* ~~counties~~ *county.*

16 ~~(2) If the county is able to renew eligibility based on such~~
17 ~~information, the county shall notify the individual of both of the~~
18 ~~following:~~

19 *(2) In the case of an annual redetermination, if, based upon*
20 *information obtained pursuant to paragraph (1), the county is able*
21 *to make a determination of continued eligibility, the county shall*
22 *notify the beneficiary of both of the following:*

23 (A) The eligibility determination and ~~basis~~ *the information it is*
24 *based on.*

25 (B) That the ~~individual~~ *beneficiary* is required to inform the
26 county via the Internet, by telephone, by mail, in person, or through
27 other commonly available electronic means, in counties where
28 such electronic communication is available, if any information
29 contained in the notice is inaccurate but that the ~~individual~~
30 *beneficiary* is not required to sign and return the notice if all
31 information provided on the notice is accurate.

32 (3) The county shall make all reasonable efforts not to send
33 multiple notices during the same time period about eligibility. The
34 notice of eligibility renewal shall contain other related information
35 such as if the ~~individual~~ *beneficiary* is in a new Medi-Cal program.

36 *(4) In the case of a redetermination due to a change in*
37 *circumstances, if a county determines that the change in*
38 *circumstances does not affect the beneficiary's eligibility status,*
39 *the county shall not send the beneficiary a notice unless required*
40 *to do so by federal law.*

1 (f) (1) In the case of an annual eligibility redetermination, if
2 the county is unable to determine continued eligibility based on
3 the information obtained pursuant to paragraph (1) of subdivision
4 (e), the beneficiary shall be so informed and shall be provided
5 with an annual renewal form that is prepopulated with information
6 that the county has obtained and that identifies any additional
7 information needed by the county to determine eligibility. The form
8 shall be accompanied by a cover letter advising the beneficiary of
9 all of the following:

10 (A) The requirement that he or she provide any necessary
11 information to the county within 60 days of the date that the form
12 is sent to the beneficiary.

13 (B) That the beneficiary may respond to the county via the
14 Internet, by mail, by telephone, in person, or through other
15 commonly available electronic means if those means are available
16 in that county.

17 (C) That if the beneficiary chooses to return the form to the
18 county in person or via mail, the beneficiary shall sign the form
19 in order for it to be considered complete.

20 (D) The phone number to call in order to obtain more
21 information.

22 (2) The county shall attempt to contact the beneficiary via the
23 Internet, by telephone, or through other commonly available
24 electronic means, if those means are available in that county,
25 during the 60-day period to collect the necessary information.

26 (3) If the beneficiary has not provided any response to the
27 written request for information sent pursuant to paragraph (1)
28 within 60 days from the date the form is sent, the county shall
29 terminate his or her eligibility for Medi-Cal benefits following the
30 provision of timely notice.

31 (4) If the beneficiary responds to the written request for
32 information during the 60-day period pursuant to paragraph (1)
33 but the information provided is not complete, the county shall
34 follow the procedures set forth in subdivision (g) to work with the
35 beneficiary to complete the information.

36 (5) (A) The form and cover letter required by this subdivision
37 shall be developed by the department in consultation with the
38 counties and representatives of eligibility workers and consumers.

39 (B) For beneficiaries whose eligibility is not determined using
40 MAGI-based financial methods, the county may use existing

1 *renewal forms until the state develops prepopulated renewal forms*
2 *to provide to beneficiaries. The department shall develop*
3 *prepopulated renewal forms for use with beneficiaries whose*
4 *eligibility is not determined using MAGI-based financial methods*
5 *by January 1, 2015.*

6 ~~(f) If~~

7 *(g) (1) In the case of a redetermination due to change in*
8 *circumstances, if a county cannot obtain sufficient information*
9 ~~necessary~~ *to redetermine eligibility pursuant to subdivision (e),*
10 *the county shall attempt to reach the beneficiary by telephone and*
11 *other commonly available electronic means, in counties where*
12 *such electronic communication is available, in order to obtain this*
13 *information, either directly or in collaboration with*
14 *community-based organizations so long as confidentiality is*
15 *protected.*

16 ~~(g)~~

17 *(2) If a county's efforts pursuant to subdivisions subdivision (e)*
18 ~~and (f) paragraph (1) of this subdivision~~ *to obtain the information*
19 *necessary to redetermine eligibility have failed, the county shall*
20 *send to the beneficiary a form containing stating the information*
21 ~~available to the county~~ *needed to renew eligibility. The county*
22 *shall only request information related to the change in*
23 *circumstances. The county shall not request information or*
24 *documentation that has been previously provided by the*
25 *beneficiary, that is not absolutely necessary to complete the*
26 *eligibility determination, or that is not subject to change. The*
27 *county shall not only request information for nonapplicants*
28 *necessary to make an eligibility determination. The form shall be*
29 ~~accompanied by a simple, clear, consumer-friendly cover letter,~~
30 ~~that shall explain why the form is necessary, the fact that it is not~~
31 ~~necessary to be receiving CalWORKs benefits to be receiving~~
32 ~~Medi-Cal benefits, the fact that receipt of Medi-Cal benefits does~~
33 ~~not count toward any time limits imposed by the CalWORKs~~
34 ~~program, the various bases for Medi-Cal eligibility, including~~
35 ~~disability, and the fact that even persons who are employed can~~
36 ~~receive Medi-Cal benefits~~ *determination or for a purpose directly*
37 *related to the administration of the state Medicaid plan. The form*
38 *shall advise the individual to provide any necessary information*
39 *to the county via the Internet, by telephone, by mail, in person, or*
40 *through other commonly available electronic means and, if the*

1 *individual will provide the form by mail or in person*, to sign the
 2 ~~renewal form~~. The ~~cover letter form~~ shall include a telephone
 3 number to call in order to obtain more information. The form ~~and~~
 4 ~~the cover letter~~ shall be developed by the department in
 5 consultation with the counties ~~and~~, representatives of consumers,
 6 ~~managed care plans, and Medi-Cal providers and eligibility~~
 7 *workers*. A Medi-Cal beneficiary shall have no less than 20 days
 8 from the date the form is mailed pursuant to this subdivision to
 9 respond. Except as provided in ~~subdivision (h) paragraph (3)~~,
 10 failure to respond prior to the end of this 20-day period shall not
 11 impact his or her Medi-Cal eligibility.

12 ~~(h)~~

13 (3) If the purpose for a redetermination under this section is a
 14 loss of contact with the Medi-Cal beneficiary, as evidenced by the
 15 return of mail marked in such a way as to indicate that it could not
 16 be delivered to the intended recipient or that there was no
 17 forwarding address, a return of the form described in *this*
 18 subdivision ~~(g)~~ marked as undeliverable shall result in an
 19 immediate notice of action terminating Medi-Cal eligibility.

20 ~~(i)~~

21 (4) If, within 20 days of the date of mailing of a form to the
 22 Medi-Cal beneficiary pursuant to *this* subdivision ~~(g)~~, a beneficiary
 23 does not submit the completed form to the county *or otherwise*
 24 *provide the needed information to the county*, the county shall send
 25 the beneficiary a written notice of action stating that his or her
 26 eligibility shall be terminated 10 days from the date of the notice
 27 and the reasons for that determination, unless the beneficiary
 28 submits a completed form *or otherwise provides the needed*
 29 *information to the county* prior to the end of the 10-day period.

30 ~~(j)~~

31 (5) If, within 20 days of the date of mailing of a form to the
 32 Medi-Cal beneficiary pursuant to *this* subdivision ~~(g)~~, the
 33 beneficiary submits an incomplete form, the county shall attempt
 34 to contact the beneficiary by telephone, in writing, ~~and~~ *or* other
 35 commonly available electronic means, in counties where such
 36 electronic communication is available, to request the necessary
 37 information. If the beneficiary does not supply the necessary
 38 information to the county within 10 days from the date the county
 39 contacts the beneficiary in regard to the incomplete form, a 10-day
 40 notice of termination of Medi-Cal eligibility shall be sent.

1 ~~(k) (1) Until January 1, 2014, if within 30 days of termination~~
2 ~~of a Medi-Cal beneficiary's eligibility pursuant to subdivision (h);~~
3 ~~(i), or (j), the beneficiary submits to the county a completed form;~~
4 ~~eligibility shall be determined as though the form was submitted~~
5 ~~in a timely manner and if a beneficiary is found eligible, the~~
6 ~~termination under subdivision (h), (i), or (j) shall be rescinded.~~

7 ~~(2) Commencing January 1, 2014, if~~

8 ~~(h) If within 90 days of termination of a Medi-Cal beneficiary's~~
9 ~~eligibility or a change in eligibility status pursuant to subdivision~~
10 ~~(h), (i), or (j) this section, the beneficiary submits to the county a~~
11 ~~signed and completed form or otherwise provides the needed~~
12 ~~information to the county, eligibility shall be determined as though~~
13 ~~the form was submitted in a timely manner redetermined by the~~
14 ~~county and if a the beneficiary is found eligible, the termination~~
15 ~~under subdivision (h), (i), or (j) shall be rescinded.~~

16 ~~(t)~~

17 ~~(i) If the information available to the county pursuant to the~~
18 ~~redetermination procedures of subdivisions (d), (e), (g), and (m)~~
19 ~~this section does not indicate a basis of eligibility, Medi-Cal~~
20 ~~benefits may be terminated so long as due process requirements~~
21 ~~have otherwise been met.~~

22 ~~(m)~~

23 ~~(j) The department shall, with the counties and representatives~~
24 ~~of consumers, including those with disabilities, and Medi-Cal~~
25 ~~providers eligibility workers, develop a timeframe for~~
26 ~~redetermination of Medi-Cal eligibility based upon disability,~~
27 ~~including ex parte review, the redetermination—form forms~~
28 ~~described in—subdivision subdivisions (f) and (g), timeframes for~~
29 ~~responding to county or state requests for additional information,~~
30 ~~and the forms and procedures to be used. The forms and procedures~~
31 ~~shall be as consumer-friendly as possible for people with~~
32 ~~disabilities. The timeframe shall provide a reasonable and adequate~~
33 ~~opportunity for the Medi-Cal beneficiary to obtain and submit~~
34 ~~medical records and other information needed to establish~~
35 ~~eligibility for Medi-Cal based upon disability.~~

36 ~~(n)~~

37 ~~(k) The county shall consider blindness as continuing until the~~
38 ~~reviewing physician determines that a beneficiary's vision has~~
39 ~~improved beyond the applicable definition of blindness contained~~
40 ~~in the plan.~~

1 (⊖)

2 (l) The county shall consider disability as continuing until the
3 review team determines that a beneficiary's disability no longer
4 meets the *applicable* definition of disability contained in the plan.

5 (Ⓟ)

6 (m) If a county has enough information available to it to renew
7 eligibility with respect to all eligibility criteria, the county shall
8 begin a new 12-month eligibility period.

9 (Ⓢ)

10 (n) For individuals determined ineligible for Medi-Cal by a
11 county following the redetermination procedures set forth in this
12 section, the county shall determine eligibility for other state health
13 subsidy insurance affordability programs and ~~comply with the~~
14 ~~procedures in Section 15926~~ if the individual is found to be eligible,
15 the county shall, as appropriate, transfer the individual's electronic
16 account to other insurance affordability programs via a secure
17 electronic interface.

18 (Ⓣ)

19 (o) Any renewal form or notice shall be accessible to persons
20 who are limited English proficient and persons with disabilities
21 consistent with all federal and state requirements.

22 (p) *The requirements to provide information in subdivision (b)*
23 *and to report changes in circumstances in subdivision (c) may be*
24 *provided through any of the modes of submission allowed in*
25 *Section 435.907(a) of Title 42 of the Code of Federal Regulations,*
26 *including an Internet Web site identified by the department,*
27 *telephone, mail, in person, and other commonly available*
28 *electronic means as authorized by the department.*

29 (q) *Forms required to be signed by a beneficiary pursuant to*
30 *this section shall be signed under penalty of perjury. Electronic*
31 *signatures, telephonic signatures, and handwritten signatures*
32 *transmitted by electronic transmission shall be accepted.*

33 (r) *For purposes of this section, "MAGI-based financial*
34 *methods" means income calculated using the financial*
35 *methodologies described in Section 1396a(e)(14) of Title 42 of the*
36 *United States Code, and as added by the federal Patient Protection*
37 *and Affordable Care Act (Public Law 111-148), as amended by*
38 *the federal Health Care and Education Reconciliation Act of 2010*
39 *(Public Law 111-152), and any subsequent amendments.*

1 (s) *This section shall be implemented only if and to the extent*
2 *that federal financial participation is available and any necessary*
3 *federal approvals have been obtained.*

4 ~~(s)~~

5 (t) This section shall become operative January 1, 2014.

6 SEC. 17. *Section 14005.38 of the Welfare and Institutions Code*
7 *is amended to read:*

8 14005.38. (a) To the extent feasible, the department shall use
9 the redetermination form required by subdivision (g) of Section
10 14005.37 as the annual reaffirmation form.

11 (b) *This section shall remain in effect only until January 1, 2014,*
12 *and as of that date is repealed, unless a later enacted statute, that*
13 *is enacted before January 1, 2014, deletes or extends that date.*

14 SEC. 18. *Section 14005.39 of the Welfare and Institutions Code*
15 *is amended to read:*

16 14005.39. (a) If a county has facts clearly demonstrating that
17 a Medi-Cal beneficiary cannot be eligible for Medi-Cal due to an
18 event, such as death or change of state residency, Medi-Cal benefits
19 shall be terminated without a redetermination under Section
20 14005.37.

21 (b) Whenever Medi-Cal eligibility is terminated without a
22 redetermination, as provided in subdivision (a), the Medi-Cal
23 eligibility worker shall ~~document~~ *record* that fact or event causing
24 the eligibility termination in the beneficiary's file, along with a
25 ~~written~~ certification that a full redetermination could not result in
26 a finding of Medi-Cal eligibility. Following this ~~written~~
27 certification, a notice of action specifying the basis for termination
28 of Medi-Cal eligibility shall be sent to the beneficiary.

29 (c) This section shall be implemented ~~on or before July 1, 2001,~~
30 ~~but~~ *only if and to the extent that federal financial participation*
31 *under Title XIX of the federal Social Security Act (Title 42 (42*
32 *U.S.C. Sec. 1396 and following) et. seq.) is available and necessary*
33 *federal approvals have been obtained.*

34 (d) Notwithstanding Chapter 3.5 (commencing with Section
35 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
36 the department shall, without taking any regulatory action,
37 implement this section by means of ~~all-county~~ *all-county* letters
38 or similar instructions. Thereafter, the department shall adopt
39 regulations in accordance with the requirements of Chapter 3.5
40 (commencing with Section 11340) of Part 1 of Division 3 of Title

1 2 of the Government Code.—~~Comprehensive implementing~~
 2 ~~instructions shall be issued to the counties no later than March 1,~~
 3 ~~2001.~~

4 ~~SEC. 13.~~

5 *SEC. 19.* Section 14005.60 is added to the Welfare and
 6 Institutions Code, to read:

7 14005.60. (a) Commencing January 1, 2014, the department
 8 shall provide eligibility for Medi-Cal benefits for any person who
 9 meets the eligibility requirements of Section
 10 1902(a)(10)(A)(i)(VIII) of Title XIX of the federal Social Security
 11 Act (42 U.S.C. Sec. 1396a(a)(10)(A)(i)(VIII)).

12 (b) Persons who qualify under subdivision (a) and are currently
 13 enrolled in a Low Income Health Program (LIHP) under
 14 California's Bridge to Reform Section 1115(a) Medicaid
 15 Demonstration shall be transitioned to the Medi-Cal program under
 16 this section in accordance with the transition plan as approved by
 17 the federal Centers for Medicare and Medicaid Services. With
 18 respect to plan enrollment, a LIHP enrollee shall be *simultaneously*
 19 *notified by the department at least 60 days prior to January 1,*
 20 *2014, of all of the following:*

21 ~~(1) Notified which~~ *Which* Medi-Cal health plan or plans contain
 22 his or her existing medical home provider.

23 ~~(2) Notified that he or she can select a health plan that contains~~
 24 ~~his or her existing medical home provider.~~

25 ~~(3) Provided the opportunity to choose a different health plan~~
 26 ~~if there is more than one plan available in the county where he or~~
 27 ~~she resides.~~

28 ~~(4) Informed that if he or she does not affirmatively choose a~~
 29 ~~plan or there is only one plan in the county where he or she resides,~~
 30 ~~he or she shall be enrolled into the Medi-Cal managed care plan~~
 31 ~~that contains his or her LIHP medical home provider, if the medical~~
 32 ~~home provider contracts with a Medi-Cal managed care plan.~~

33 *(2) That the LIHP enrollee, subject to his or her ability to choose*
 34 *or change plans as described in paragraph (3), will be assigned*
 35 *to a health plan that includes his or her medical home and will be*
 36 *enrolled effective January 1, 2014. If the enrollee wants to keep*
 37 *his or her medical home, no additional action will be required.*

38 *(3) The opportunity to choose a different health plan prior to*
 39 *January 1, 2014, if there is more than one plan available in the*
 40 *county where he or she resides. Instructions on how to choose or*

1 *change plans shall be included in the notice, along with a packet*
2 *of information about the available plans in the LIHP enrollee’s*
3 *county.*

4 *(4) If his or her existing medical home provider is not contracted*
5 *with any Medi-Cal managed care health plan, he or she will receive*
6 *all provider and health plan information required to be sent to*
7 *new enrollees. If he or she does not affirmatively select one of the*
8 *available Medi-Cal managed care plans within 30 days of receipt*
9 *of the notice, he or she will automatically be assigned a plan*
10 *through the department prescribed auto-assignment process.*

11 *(c) In counties where no Medi-Cal managed care health plans*
12 *are available, LIHP enrollees shall be (1) notified that they will*
13 *be transitioned to fee-for-service Medi-Cal as of January 1, 2014,*
14 *(2) informed if their LIHP medical home provider is a Medi-Cal*
15 *fee-for-service provider, (3) provided instructions on how to access*
16 *services, (4) given a list of Medi-Cal fee-for-service providers by*
17 *area of practice with contact information for each provider, and*
18 *(5) provided any other information that is required to be sent to*
19 *new enrollees.*

20 *(d) The department shall consult with stakeholders in developing*
21 *the notice required by this section, including representatives of*
22 *Medi-Cal beneficiaries, representatives of public hospitals, and*
23 *representatives of county social service departments.*

24 ~~(e)~~

25 *(e) In order to ensure that no persons lose health care coverage*
26 *in the course of the transition, the department shall require that*
27 *notices of the January 1, 2014, change be sent to LIHP enrollees*
28 *upon their LIHP redetermination in 2013 and again at least 90 days*
29 *prior to the transition. Pursuant to Section 1902(k)(1) and Section*
30 *1937(b)(1)(D) of the federal Social Security Act (42 U.S.C. Sec.*
31 *1396a(k)(1); 42 U.S.C. Sec. 1396u-7(b)(1)(D)), the department*
32 *shall seek approval from the United States Secretary of Health and*
33 *Human Services to establish a benchmark benefit package that*
34 *includes the same benefits, services, and coverage that are provided*
35 *to all other full-scope Medi-Cal enrollees, supplemented by any*
36 *benefits, services, and coverage included in the essential health*
37 *benefits package adopted by the state pursuant to Section 1367.005*
38 *of the Health and Safety Code and Section 10112.27 of the*
39 *Insurance Code and approved by the United States Secretary of*
40 *Health and Human Services under Section 18022 of Title 42 of*

1 the United States Code, *and any successor essential health benefit*
 2 *package adopted by the state.*

3 ~~SEC. 14.~~

4 *SEC. 20.* Section 14005.62 is added to the Welfare and
 5 Institutions Code, to read:

6 14005.62. Commencing January 1, 2014, the department shall
 7 accept an individual's attestation of information and verify
 8 information pursuant to Section 15926.2.

9 ~~SEC. 15.~~ Section ~~14005.63~~ is added to the Welfare and
 10 Institutions Code, to read:

11 ~~14005.63. (a) Commencing January 1, 2014, a person who~~
 12 ~~wishes to apply for a state health subsidy program, as defined in~~
 13 ~~subdivision (a) of Section 15926, shall be allowed to file an~~
 14 ~~application on his or her own behalf or on behalf of his or her~~
 15 ~~family. The individual also has the right to be accompanied,~~
 16 ~~assisted, and represented in the application and renewal process~~
 17 ~~by an individual or organization of his or her own choice. If the~~
 18 ~~individual for any reason is unable to apply or renew on his or her~~
 19 ~~own behalf, any of the following persons may file the application~~
 20 ~~for the applicant:~~

21 ~~(1) The individual's guardian, conservator, or executor.~~

22 ~~(2) A public agency representative.~~

23 ~~(3) The individual's legal counsel, relative, friend, or other~~
 24 ~~spokesperson of his or her choice.~~

25 ~~(b) A person who wishes to challenge a decision concerning his~~
 26 ~~or her eligibility for or receipt of benefits from a state health~~
 27 ~~subsidy program has the right to represent himself or herself or~~
 28 ~~use legal counsel, a relative, a friend, or other spokesperson of his~~
 29 ~~or her choice.~~

30 *SEC. 21.* Section 14005.63 is added to the Welfare and
 31 Institutions Code, to read:

32 14005.63. (a) A person who wishes to apply for an insurance
 33 affordability program shall be allowed to file an application on
 34 his or her own behalf or on behalf of his or her family. Subject to
 35 the requirements of Section 14014.5, an individual also may be
 36 accompanied, assisted, and represented in the application and
 37 renewal process by an individual or organization of his or her
 38 own choice. If the individual, for any reason, is unable to apply
 39 or renew on his or her own behalf, any of the following persons

1 *may assist in the application process or during a renewal of*
2 *eligibility:*

3 *(1) The individual’s guardian, conservator, a person authorized*
4 *to make health care decisions on behalf of the individual pursuant*
5 *to an advance health care directive, or executor or administrator*
6 *of the individual’s estate.*

7 *(2) A public agency representative.*

8 *(3) The individual’s legal counsel, relative, friend, or other*
9 *spokesperson of his or her choice.*

10 *(b) A person who wishes to challenge a decision concerning his*
11 *or her eligibility for or receipt of benefits from an insurance*
12 *affordability program has the right to represent himself or herself*
13 *or use legal counsel, a relative, a friend, or other spokesperson of*
14 *his or her choice subject to the requirements of Section 14014.5.*

15 *(c) To the extent otherwise required by Chapter 3.5*
16 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
17 *2 of the Government Code, the department shall adopt emergency*
18 *regulations implementing this section no later than July 1, 2015.*
19 *The department may thereafter readopt the emergency regulations*
20 *pursuant to that chapter. The adoption and readoption, by the*
21 *department, of regulations implementing this section shall be*
22 *deemed to be an emergency and necessary to avoid serious harm*
23 *to the public peace, health, safety, or general welfare for purposes*
24 *of Sections 11346.1 and 11349.6 of the Government Code, and*
25 *the department is hereby exempted from the requirement that it*
26 *describe facts showing the need for immediate action and from*
27 *review by the Office of Administrative Law.*

28 *(d) This section shall be implemented on October 1, 2013, or*
29 *when all necessary federal approvals have been obtained,*
30 *whichever is later, and only if and to the extent that federal*
31 *financial participation is available.*

32 ~~SEC. 16.~~

33 *SEC. 22.* Section 14005.64 is added to the Welfare and
34 Institutions Code, to read:

35 14005.64. (a) This section implements Section 1902(e)(14)(C)
36 of the federal Social Security Act (42 U.S.C. Sec. 1396a(e)(14)(C))
37 and Section 435.603(g) of Title 42 of the Code of Federal
38 Regulations, which prohibits the use of an assets test for individuals
39 whose income eligibility is determined based on modified adjusted
40 gross income (MAGI), and Section 2002 of the federal Patient

1 Protection and Affordable Care Act (Affordable Care Act) (42
 2 U.S.C. Sec. 1396a(e)(14)(I) and Section 435.603(d) of Title 42
 3 of the Code of Federal Regulations, which requires a 5-percent
 4 income disregard for individuals whose income eligibility is
 5 determined based on MAGI.

6 (b) In the case of individuals whose financial eligibility for
 7 Medi-Cal is determined based on the application of MAGI pursuant
 8 to Section 435.603 of Title 42 of the Code of Federal Regulations,
 9 the eligibility determination shall not include any assets or
 10 resources test.

11 (c) The department shall implement the 5-percent income
 12 disregard for individuals whose income eligibility is determined
 13 based on MAGI in Section 2002 of the Affordable Care Act (42
 14 U.S.C. Sec. 1396a(e)(14)(I) and Section 435.603(d) of Title 42
 15 of the Code of Federal Regulations.

16 (d) The department shall adopt an equivalent income level for
 17 each eligibility group whose income level will be converted to
 18 MAGI. The equivalent income level shall not be less than the dollar
 19 amount of all income exemptions, exclusions, deductions, and
 20 disregards in effect on March 23, 2010, plus the existing income
 21 level expressed as a percent of the federal poverty level for each
 22 eligibility group so as to ensure that the use of MAGI income
 23 methodology does not result in populations who would have been
 24 eligible under this chapter and Part 6.3 (commencing with Section
 25 12695) of Division 2 of the Insurance Code losing coverage.

26 (e) *The department shall include individuals under 19 years of*
 27 *age, or in the case of full-time students, under 21 years of age, in*
 28 *the household for purposes of determining eligibility under Section*
 29 *1396a(e)(14) of Title 42 of the United States Code, as added by*
 30 *the federal Patient Protection and Affordable Care Act (Public*
 31 *Law 111-148), and as amended by the federal Health Care and*
 32 *Education Reconciliation Act of 2010 (Public Law 111-152) and*
 33 *any subsequent amendments, as provided in Section 435.603(f)(3)*
 34 *of Title 42 of the Code of Federal Regulations.*

35 (e)

36 (f) This section shall become operative on January 1, 2014.

37 ~~SEC. 17.~~

38 SEC. 23. Section 14005.65 is added to the Welfare and
 39 Institutions Code, to read:

1 14005.65. In accordance with the state’s options under Section
2 435.603(h) of Title 42 of the Code of Federal Regulations, the
3 department shall adopt procedures to take into account projected
4 future changes in income and family size, for individuals whose
5 Medi-Cal income eligibility is determined using MAGI-based
6 methods, in order to grant or maintain eligibility for those
7 individuals who may be ineligible or become ineligible if only the
8 current monthly income and family size are considered.

9 (a) For current beneficiaries whose eligibility has already been
10 approved, the department shall base financial eligibility on
11 projected annual household income for the remainder of the current
12 calendar year if the current monthly income would render the
13 beneficiary ineligible due to fluctuating income.

14 (b) For applicants, the department shall, in determining the
15 current monthly household income and family size, base an initial
16 determination of eligibility on the projected annual household
17 income and family size for the upcoming year if considering the
18 current monthly income and family size in isolation would render
19 an applicant ineligible.

20 (c) In the procedures adopted pursuant to this section, the
21 department shall implement a reasonable method to account for a
22 reasonably predictable decrease in income and increase in family
23 size, as evidenced by a history of predictable fluctuations in income
24 or other clear indicia of a future decrease in income and increase
25 in family size. The department shall not assume potential future
26 increases in income or decreases in family size to make an applicant
27 or beneficiary ineligible in the current month.

28 (d) This section shall become operative on January 1, 2014.

29 ~~SEC. 18.~~

30 *SEC. 24.* Section 14007.1 of the Welfare and Institutions Code
31 is amended to read:

32 14007.1. (a) The department shall adopt regulations for use
33 by the county welfare department in determining whether an
34 applicant is a resident of this state and of the county subject to the
35 requirements of federal law. The regulations shall require that state
36 residency is not established unless the applicant does both of the
37 ~~following.~~ *following:*

38 (1) The applicant produces one of the following:

39 (A) A recent California rent or mortgage receipt or utility bill
40 in the applicant’s name.

1 (B) A current California motor vehicle driver's license or
2 California Identification Card issued by the California Department
3 of Motor Vehicles in the applicant's name.

4 (C) A current California motor vehicle registration in the
5 applicant's name.

6 (D) A document showing that the applicant is employed in this
7 state.

8 (E) A document showing that the applicant has registered with
9 a public or private employment service in this state.

10 (F) Evidence that the applicant has enrolled his or her children
11 in a school in this state.

12 (G) Evidence that the applicant is receiving public assistance
13 in this state.

14 (H) Evidence of registration to vote in this state.

15 (2) The applicant declares, under penalty of perjury, that all of
16 the following apply:

17 (A) The applicant does not own or lease a principal residence
18 outside this state.

19 (B) The applicant is not receiving public assistance outside this
20 state. As used in this subdivision, "public assistance" does not
21 include unemployment insurance benefits.

22 (b) A denial of a determination of residency may be appealed
23 in the same manner as any other denial of eligibility. The
24 administrative law judge shall receive any proof of residency
25 offered by the applicant and may inquire into any facts relevant
26 to the question of residency. A determination of residency shall
27 not be granted unless a preponderance of the credible evidence
28 supports the applicant's intent to remain indefinitely in this state.

29 (c) This section shall remain in effect only until January 1, 2014,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2014, deletes or extends that date.

32 ~~SEC. 19. Section 14007.1 is added to the Welfare and~~
33 ~~Institutions Code, to read:~~

34 ~~14007.1. (a) An individual 21 years of age or older shall be~~
35 ~~considered a resident of this state for the purposes of determining~~
36 ~~his or her eligibility for Medi-Cal benefits if he or she attests that~~
37 ~~he or she lives in this state and that he or she either intends to reside~~
38 ~~in this state or has entered this state with a job commitment or to~~
39 ~~seek employment. The individual shall not be required to have a~~

1 ~~fixed address or to be currently employed to be considered a~~
2 ~~resident of this state.~~

3 ~~(b) (1) An individual under 21 years of age shall be considered~~
4 ~~a resident of this state for the purposes of determining his or her~~
5 ~~eligibility for Medi-Cal benefits if he or she satisfies the~~
6 ~~requirements of subdivision (a), is capable of indicating intent,~~
7 ~~and is emancipated from his or her parent or parents or is married.~~

8 ~~(2) An individual under 21 years of age who does not satisfy~~
9 ~~the requirements of paragraph (1), and who is not living in an~~
10 ~~institution, not eligible for Medi-Cal based on his or her receipt~~
11 ~~of assistance under Title IV-E of the federal Social Security Act,~~
12 ~~and not receiving a state supplementary payment, as defined in~~
13 ~~Section 435.403(f) of Title 42 of the Code of Federal Regulations,~~
14 ~~shall be considered a resident of this state for the purposes of~~
15 ~~determining his or her eligibility for Medi-Cal benefits if he or she~~
16 ~~lives in this state, whether or not he or she has a fixed address, or~~
17 ~~his or her parent or parents, or other caretaker, with whom he or~~
18 ~~she resides satisfies the requirements of subdivision (a).~~

19 ~~(c) The state of residency for an individual who is incapable of~~
20 ~~stating intent or who is living in an institution shall be determined~~
21 ~~in accordance with Section 435.403 of Title 42 of the Code of~~
22 ~~Federal Regulations.~~

23 ~~(d) A denial of a determination of residency may be appealed~~
24 ~~in the same manner as any other denial of eligibility. The~~
25 ~~administrative law judge shall receive any proof of residency~~
26 ~~offered by the individual and may inquire into any facts relevant~~
27 ~~to the question of residency. A determination of residency shall~~
28 ~~be granted if a preponderance of the credible evidence supports a~~
29 ~~finding that the individual meets the requirements of either~~
30 ~~subdivision (a) or (b).~~

31 ~~(e) This section shall be interpreted in a manner consistent with~~
32 ~~federal law.~~

33 ~~(f) This section shall become operative on January 1, 2014.~~

34 *SEC. 25. Section 14007.1 is added to the Welfare and*
35 *Institutions Code, to read:*

36 *14007.1. (a) The department shall electronically verify an*
37 *individual's state residency using information from the federal*
38 *Supplemental Nutrition Assistance Program, the CalWORKS*
39 *program, the California Health Benefit Exchange, the Franchise*
40 *Tax Board, the Department of Motor Vehicles, the state agency*

1 administering the state's unemployment compensation laws, and
2 the electronic service established in accordance with Section
3 435.949 of Title 42 of the Code of Federal Regulations, and other
4 available sources. If the department is unable to electronically
5 verify an individual's state residency using these electronic data
6 sources, an individual may establish state residency as set forth
7 in this section.

8 (b) If the individual is 21 years of age or older, is capable of
9 indicating intent, and is not residing in an institution, state
10 residency is established when the individual does both of the
11 following.

12 (1) The individual provides one of the following:

13 (A) A recent California rent or mortgage receipt or utility bill
14 in the individual's name.

15 (B) A current California motor vehicle driver's license or
16 California Identification Card issued by the Department of Motor
17 Vehicles in the individual's name.

18 (C) A current California motor vehicle registration in the
19 individual's name.

20 (D) A document showing that the individual is employed in this
21 state or is seeking employment in the state.

22 (E) A document showing that the individual has registered with
23 a public or private employment service in this state.

24 (F) Evidence that the individual has enrolled his or her children
25 in a school in this state.

26 (G) Evidence that the individual is receiving public assistance
27 in this state.

28 (H) Evidence of registration to vote in this state.

29 (I) A declaration by the individual under penalty of perjury that
30 he or she intends to reside in this state and does not have a fixed
31 address and cannot provide any of the documents identified in
32 subparagraphs (A) to (H), inclusive.

33 (J) A declaration by the individual under penalty of perjury that
34 he or she has entered the state with a job commitment or is seeking
35 employment in the state and cannot provide any of the documents
36 identified in subparagraphs (A) to (H), inclusive.

37 (2) The individual declares, under penalty of perjury, that both
38 of the following apply:

39 (A) The individual does not own or lease a principal residence
40 outside this state.

1 (B) The individual is not receiving public assistance outside
2 this state. For purposes of this subdivision, “public assistance”
3 shall not include unemployment insurance benefits.

4 (c) If the individual is 21 years or age or older, is incapable of
5 indicating intent, and is not residing in an institution, state
6 residency is established when the parent, legal guardian of the
7 individual, or any other person with knowledge declares, under
8 penalty of perjury, that the individual is residing in this state.

9 (d) If the individual is 21 years of age or older, is residing in
10 an institution, and became incapable of indicating intent before
11 reaching 21 years of age, state residency is established by any of
12 the following:

13 (1) When the parent applying for Medi-Cal on the individual’s
14 behalf (A) declares under penalty of perjury that the individual’s
15 parents reside in separate states and (B) establishes that he or she
16 (the parent) is a resident of this state in accordance with the
17 requirements of this section.

18 (2) When the legal guardian applying for Medi-Cal on the
19 individual’s behalf (A) declares under penalty of perjury that
20 parental rights have been terminated and (B) establishes that he
21 or she (the legal guardian) is a resident of this state in accordance
22 with the requirements of this section.

23 (3) When the parent or parents applying for Medi-Cal on the
24 individual’s behalf establishes in accordance with the requirements
25 of this section that he, she, or they (the parent or parents), were
26 a resident of this state at the time the individual was placed in the
27 institution.

28 (4) When the legal guardian applying for Medi-Cal on the
29 individual’s behalf (A) declares under penalty of perjury that
30 parental rights have been terminated and (B) establishes in
31 accordance with the requirements of this section that he or she
32 (the legal guardian) was a resident of this state at the time the
33 individual was placed in the institution.

34 (5) When the parent, or parents, applying for Medi-Cal on the
35 individual’s behalf (A) provides a document from the institution
36 that demonstrates that the individual is institutionalized in this
37 state and (B) establishes in accordance with the requirements of
38 this section that he, she, or they (the parent or parents), are a
39 resident of this state.

1 (6) When the legal guardian applying for Medi-Cal on the
2 individual's behalf (A) provides a document from the institution
3 that demonstrates that the individual is institutionalized in this
4 state, (B) declares under penalty of perjury that parental rights
5 have been terminated, and (C) establishes in accordance with the
6 requirements of this section that he or she (the legal guardian) is
7 a resident of this state.

8 (7) When the individual or party applying for Medi-Cal on the
9 individual's behalf (A) provides a document from the institution
10 that demonstrates that the individual is institutionalized in this
11 state, (B) declares under penalty of perjury that the individual has
12 been abandoned by his or her parents and does not have a legal
13 guardian, and (C) establishes that he or she (the individual or
14 party applying for Medi-Cal on the individual's behalf) is a
15 resident of this state in accordance with the requirements of this
16 section.

17 (e) Except when another state has placed the individual in the
18 institution, if the individual is 21 years of age or older, is residing
19 in an institution, and became incapable of indicating intent on or
20 after reaching 21 years of age, state residency is established when
21 the person filing the application on the individual's behalf provides
22 a document from the institution that demonstrates that the
23 individual is institutionalized in this state.

24 (f) If the individual is 21 years of age or older, is capable of
25 indicating intent, and is residing in an institution, state residency
26 is established when the individual (1) provides a document from
27 the institution that demonstrates that the individual is
28 institutionalized in this state, and (2) declares under penalty of
29 perjury that he or she intends to reside in this state.

30 (g) If the individual is under 21 years of age, is married or
31 emancipated from his or her parents, is capable of indicating
32 intent, and is not residing in an institution, state residency is
33 established in accordance with subdivision (b).

34 (h) If the individual is under 21 years of age, is not living in an
35 institution, and is not described in subdivision (g), state residency
36 is established by any of the following:

37 (1) When the individual resides with his or her parent or parents
38 and the parent or parents establish that he, she, or they (the parent
39 or parents), as the case may be, are a resident of this state in
40 accordance with the requirements of subdivision (b).

1 (2) When the individual resides with a caretaker relative and
2 the caretaker relative establishes that he, she, or they (the caretaker
3 relative or caretaker relatives), are a resident of this state in
4 accordance with the requirements of subdivision (b).

5 (3) When the person with whom the individual is residing is not
6 the individual's parent or caretaker relative and he or she (A)
7 declares under penalty of perjury that the individual is residing
8 with him or her, and (B) establishes that he or she (the person with
9 whom the individual is residing) is a resident of this state in
10 accordance with the requirements of subdivision (b).

11 (4) When the individual does not reside with his or her parents
12 or with a caretaker relative and he or she declares under penalty
13 of perjury that he or she is living in this state.

14 (i) If the individual is under 21 years of age, is institutionalized,
15 and is not married or emancipated, state residency is established
16 in accordance with paragraphs (3), (4), (5), (6) and (7) of
17 subdivision (d).

18 (j) A denial of a determination of residency may be appealed
19 in the same manner as any other denial of eligibility. The
20 administrative law judge shall receive any proof of residency
21 offered by the individual and may inquire into any facts relevant
22 to the question of residency. A determination of residency shall
23 not be granted unless a preponderance of the credible evidence
24 supports that the individual is a resident of this state under Section
25 14007.15.

26 (k) To the extent otherwise required by Chapter 3.5
27 (commencing with Section 11340) of Part 1 of Division 3 of Title
28 2 of the Government Code, the department shall adopt emergency
29 regulations implementing this section no later than July 1, 2015.
30 The department may thereafter readopt the emergency regulations
31 pursuant to that chapter. The adoption and readoption, by the
32 department, of regulations implementing this section shall be
33 deemed to be an emergency and necessary to avoid serious harm
34 to the public peace, health, safety, or general welfare for purposes
35 of Sections 11346.1 and 11349.6 of the Government Code, and
36 the department is hereby exempted from the requirement that it
37 describe facts showing the need for immediate action and from
38 review by the Office of Administrative Law.

39 (l) For purposes of this section, the definitions in subdivision
40 (i) of Section 14007.15 shall apply.

1 (m) This section shall be implemented only if and to the extent
2 that federal financial participation is available and any necessary
3 federal approvals have been obtained.

4 (n) This section shall become operative on January 1, 2014.

5 SEC. 26. Section 14007.15 is added to the Welfare and
6 Institutions Code, immediately following Section 14007.1, to read:

7 14007.15. (a) Except as provided in subdivision (f), an
8 individual is a resident of this state if he or she is 21 years of age
9 or older, is not residing in an institution, is living in the state, and
10 any of the following apply:

11 (1) The individual intends to reside in this state, including
12 individuals who do not have a fixed address.

13 (2) The individual has entered this state with a job commitment
14 or is seeking employment in this state, regardless of whether he
15 or she is currently employed.

16 (3) The individual is incapable of indicating intent.

17 (b) Except as provided in subdivision (f), an individual that is
18 21 years of age or older, is residing in an institution, and became
19 incapable of indicating intent before reaching 21 years of age is
20 a resident of this state if any of the following apply:

21 (1) The individual's parents reside in separate states and the
22 parent applying for Medi-Cal on the individual's behalf is a
23 resident of this state under this section.

24 (2) The parental rights have been terminated and a legal
25 guardian has been appointed for the individual and the legal
26 guardian applying for Medi-Cal on the individual's behalf is a
27 resident of this state under this section.

28 (3) The individual's parent or parents, or legal guardian if
29 parental rights have been terminated, was a resident of this state
30 under this section at the time the individual was placed in the
31 institution.

32 (4) The individual is institutionalized in this state and the parent
33 or parents, or legal guardian if parental rights have been
34 terminated, applying for Medi-Cal on the individual's behalf is a
35 resident of this state under this section.

36 (5) The individual is institutionalized in this state, has been
37 abandoned by his or her parent or parents, does not have a legal
38 guardian, and the individual or party that filed the Medi-Cal
39 application on the individual's behalf is a resident of this state
40 under this section.

1 (c) Except as provided in subdivision (f) and except where
2 another state has placed the individual in the institution, an
3 individual is a resident of this state if he or she is 21 years of age
4 or older, is institutionalized in this state, and became incapable
5 of indicating intent on or after reaching 21 years of age.

6 (d) Except as provided in subdivision (f), an individual is a
7 resident of this state if he or she is 21 years of age or older, is
8 institutionalized in this state, and intends to reside in this state.

9 (e) Except as provided in subdivision (f), an individual that is
10 under 21 years of age is a resident of this state if one of the
11 following apply:

12 (1) The individual is not residing in an institution, is capable
13 of indicating intent, is married or is emancipated from his or her
14 parents, is living in this state, and one of the following apply:

15 (A) The individual intends to reside in this state, which includes
16 an individual who does not have a fixed address.

17 (B) The individual has entered this state with a job commitment
18 or is seeking employment in this state, regardless of whether he
19 or she is currently employed.

20 (2) The individual is not described in paragraph (1) and is not
21 living in an institution, and any of the following apply:

22 (A) The individual resides in this state, including without a fixed
23 address.

24 (B) The individual resides with his or her parent or parents or
25 a caretaker relative who is a resident of this state under this
26 section.

27 (3) The individual is institutionalized, is not married or
28 emancipated, and any of the following apply:

29 (A) The individual's parent or parents, or legal guardian if
30 parental rights have been terminated, was a resident of this state
31 under this section at the time of placement in the institution.

32 (B) The individual is institutionalized in this state and his or
33 her parent or parents, or legal guardian if parental rights have
34 been terminated, who files the application on the individual's
35 behalf is a resident of this state under this section.

36 (C) The individual is institutionalized in this state, has been
37 abandoned by his or her parents, does not have a legal guardian,
38 and the individual or party that files the application on the
39 individual's behalf is a resident of this state under this section.

1 (f) An individual who is receiving a state supplementary payment
2 (SSP) is a resident of the state paying the SSP.

3 (g) An individual who lives in this state and is receiving foster
4 care or adoption assistance under Title IV-E of the federal Social
5 Security Act is a resident of this state.

6 (h) (1) If this state or an agent of this state arranges for an
7 individual to be placed in an institution located in another state,
8 the individual is a resident of this state.

9 (2) The following actions do not constitute a placement by this
10 state:

11 (A) Providing basic information to the individual about another
12 state's Medicaid program and information about the availability
13 of health care services and facilities in another state.

14 (B) Assisting an individual to locate an institution in another
15 state when the individual is capable of indicating intent and
16 independently decides to move to the other state.

17 (3) When a competent individual leaves the facility in which he
18 or she was placed by this state, that individual's state of residence
19 is the state where the individual is physically located.

20 (4) If this state initiates a placement in another state because
21 it lacks an appropriate facility to provide services to the individual,
22 the individual is a resident of this state.

23 (i) For the purposes of this section and Section 14007.1, the
24 following definitions apply:

25 (1) "Incapable of indicating intent" means when an individual
26 is considered to be any of the following:

27 (A) Determined to have an I.Q. of 49 or less or to have a mental
28 age of 7 years or younger based upon tests administered by a
29 properly licensed mental health or developmental disabilities
30 professional.

31 (B) Found to be incapable of indicating intent based on medical
32 documentation provided by a physician, psychologist, or other
33 person licensed by the state in the field of mental health or
34 developmental disabilities.

35 (C) Been judicially determined to be legally incompetent.

36 (2) "Institution" shall have the same meaning as that term is
37 defined in Section 435.1010 of Title 42 of the Code of Federal
38 Regulations. For the purposes of determining residency under
39 subdivision (h), the term also includes licensed foster care homes

1 *providing food, shelter, and supportive services to one or more*
2 *persons unrelated to the proprietor.*

3 *(j) To the extent otherwise required by Chapter 3.5 (commencing*
4 *with Section 11340) of Part 1 of Division 3 of Title 2 of the*
5 *Government Code, the department shall adopt emergency*
6 *regulations implementing this section no later than July 1, 2015.*
7 *The department may thereafter readopt the emergency regulations*
8 *pursuant to that chapter. The adoption and readoption, by the*
9 *department, of regulations implementing this section shall be*
10 *deemed to be an emergency and necessary to avoid serious harm*
11 *to the public peace, health, safety, or general welfare for purposes*
12 *of Sections 11346.1 and 11349.6 of the Government Code, and*
13 *the department is hereby exempted from the requirement that it*
14 *describe facts showing the need for immediate action and from*
15 *review by the Office of Administrative Law.*

16 *(k) This section shall be implemented only if and to the extent*
17 *that federal financial participation is available and any necessary*
18 *federal approvals have been obtained.*

19 *(l) This section shall become operative on January 1, 2014.*

20 ~~SEC. 20:~~

21 ~~SEC. 27.~~ Section 14007.6 of the Welfare and Institutions Code
22 is amended to read:

23 14007.6. (a) A recipient who maintains a residence outside of
24 this state for a period of at least two months shall not be eligible
25 for services under this chapter where the county has made inquiry
26 of the recipient pursuant to Section 11100, and where the recipient
27 has not responded to this inquiry by clearly showing that he or she
28 has (1) not established residence elsewhere; and (2) been prevented
29 by illness or other good cause from returning to this state.

30 (b) If a recipient whose services are terminated pursuant to
31 subdivision (a) reapplies for services, services shall be restored
32 provided all other eligibility criteria are met if this individual can
33 prove both of the following:

- 34 (1) His or her permanent residence is in this state.
35 (2) That residence has not been established in any other state
36 which can be considered to be of a permanent nature.

37 (c) This section shall remain in effect only until January 1, 2014,
38 and as of that date is repealed unless a later enacted statute, that
39 is enacted before January 1, 2014, deletes or extends that date.

1 ~~SEC. 21.~~

2 *SEC. 28.* Section 14007.6 is added to the Welfare and
3 Institutions Code, to read:

4 14007.6. (a) A recipient who maintains a residence outside of
5 this state for a period of at least two months shall not be eligible
6 for services under this chapter where the county has made inquiry
7 of the recipient pursuant to Section 11100, and where the recipient
8 has not responded to this inquiry by clearly showing that he or she
9 has (1) not established residence elsewhere; or (2) been prevented
10 by illness or other good cause from returning to this state.

11 (b) If a recipient whose services are terminated pursuant to
12 subdivision (a) reapplies for services, services shall be restored
13 provided all other eligibility criteria are met ~~if this individual can~~
14 ~~prove both of the following; and the individual is considered a~~
15 *resident pursuant to Section 14007.15.*

16 ~~(1) His or her residence is in this state.~~

17 ~~(2) That residence has not been established in any other state~~
18 ~~which can be considered to be of a permanent nature.~~

19 *(c) To the extent otherwise required by Chapter 3.5*
20 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
21 *2 of the Government Code, the department shall adopt emergency*
22 *regulations implementing this section no later than July 1, 2015.*
23 *The department may thereafter readopt the emergency regulations*
24 *pursuant to that chapter. The adoption and readoption, by the*
25 *department, of regulations implementing this section shall be*
26 *deemed to be an emergency and necessary to avoid serious harm*
27 *to the public peace, health, safety, or general welfare for purposes*
28 *of Sections 11346.1 and 11349.6 of the Government Code, and*
29 *the department is hereby exempted from the requirement that it*
30 *describe facts showing the need for immediate action and from*
31 *review by the Office of Administrative Law.*

32 *(d) This section shall be implemented only if and to the extent*
33 *that federal financial participation is available and any necessary*
34 *federal approvals have been obtained.*

35 ~~(e)~~

36 *(e) This section shall become operative on January 1, 2014.*

37 ~~SEC. 22.~~

38 *SEC. 29.* Section 14008.85 of the Welfare and Institutions
39 Code is amended to read:

1 14008.85. (a) To the extent federal financial participation is
2 available, a parent who is the principal wage earner shall be
3 considered an unemployed parent for purposes of establishing
4 eligibility based upon deprivation of a child where any of the
5 following applies:

6 (1) The parent works less than 100 hours per month as
7 determined pursuant to the rules of the Aid to Families with
8 Dependent Children program as it existed on July 16, 1996,
9 including the rule allowing a temporary excess of hours due to
10 intermittent work.

11 (2) The total net nonexempt earned income for the family is not
12 more than 100 percent of the federal poverty level as most recently
13 calculated by the federal government. The department may adopt
14 additional deductions to be taken from a family's income.

15 (3) The parent is considered unemployed under the terms of an
16 existing federal waiver of the 100-hour rule for recipients under
17 the program established by Section 1931(b) of the federal Social
18 Security Act (42 U.S.C. Sec. 1396u-1).

19 (b) Notwithstanding Chapter 3.5 (commencing with Section
20 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
21 the department shall implement this section by means of an ~~an~~
22 ~~county~~ *all-county* letter or similar instruction without taking
23 regulatory action. Thereafter, the department shall adopt regulations
24 in accordance with the requirements of Chapter 3.5 (commencing
25 with Section 11340) of Part 1 of Division 3 of Title 2 of the
26 Government Code.

27 (c) This section shall remain in effect only until January 1, 2014,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2014, deletes or extends that date.

30 ~~SEC. 23.~~

31 *SEC. 30.* Section 14011.16 of the Welfare and Institutions
32 Code is amended to read:

33 14011.16. (a) Commencing August 1, 2003, the department
34 shall implement a requirement for beneficiaries to file semiannual
35 status reports as part of the department's procedures to ensure that
36 beneficiaries make timely and accurate reports of any change in
37 circumstance that may affect their eligibility. The department shall
38 develop a simplified form to be used for this purpose. The
39 department shall explore the feasibility of using a form that allows

1 a beneficiary who has not had any changes to so indicate by
2 checking a box and signing and returning the form.

3 (b) Beneficiaries who have been granted continuous eligibility
4 under Section 14005.25 shall not be required to submit semiannual
5 status reports. To the extent federal financial participation is
6 available, all children under 19 years of age shall be exempt from
7 the requirement to submit semiannual status reports.

8 (c) For any period of time that the continuous eligibility period
9 described in paragraph (1) of subdivision (a) of Section 14005.25
10 is reduced to six months, subdivision (b) shall become inoperative,
11 and all children under 19 years of age shall be required to file
12 semiannual status reports.

13 (d) Beneficiaries whose eligibility is based on a determination
14 of disability or on their status as aged or blind shall be exempt
15 from the semiannual status report requirement described in
16 subdivision (a). The department may exempt other groups from
17 the semiannual status report requirement as necessary for simplicity
18 of administration.

19 (e) When a beneficiary has completed, signed, and filed a
20 semiannual status report that indicated a change in circumstance,
21 eligibility shall be redetermined.

22 (f) Notwithstanding Chapter 3.5 (commencing with Section
23 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
24 the department shall implement this section by means of all-county
25 letters or similar instructions without taking regulatory action.
26 Thereafter, the department shall adopt regulations in accordance
27 with the requirements of Chapter 3.5 (commencing with Section
28 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

29 (g) This section shall be implemented only if and to the extent
30 federal financial participation is available.

31 (h) This section shall remain in effect only until January 1, 2014,
32 and as of that date is repealed, unless a later enacted statute, that
33 is enacted before January 1, 2014, deletes or extends that date.

34 ~~SEC. 24.~~

35 *SEC. 31.* Section 14011.17 of the Welfare and Institutions
36 Code is amended to read:

37 14011.17. The following persons shall be exempt from the
38 semiannual reporting requirements described in Section 14011.16:

39 (a) Pregnant women whose eligibility is based on pregnancy.

1 (b) Beneficiaries receiving Medi-Cal through Aid for Adoption
2 of Children Program.

3 (c) Beneficiaries who have a public guardian.

4 (d) Medically indigent children who are not living with a parent
5 or relative and who have a public agency assuming their financial
6 responsibility.

7 (e) Individuals receiving minor consent services.

8 (f) Beneficiaries in the Breast and Cervical Cancer Treatment
9 Program.

10 (g) Beneficiaries who are CalWORKs recipients and custodial
11 parents whose children are CalWORKs recipients.

12 (h) This section shall remain in effect only until January 1, 2014,
13 and as of that date is repealed, unless a later enacted statute, that
14 is enacted before January 1, 2014, deletes or extends that date.

15 ~~SEC. 25.~~

16 *SEC. 32.* Section 14012 of the Welfare and Institutions Code
17 is amended to read:

18 14012. (a) Reaffirmation shall be filed annually and may be
19 required at other times in accordance with general standards
20 established by the department.

21 (b) This section shall remain in effect only until January 1, 2014,
22 and as of that date is repealed, unless a later enacted statute, that
23 is enacted before January 1, 2014, deletes or extends that date.

24 ~~SEC. 26.~~

25 *SEC. 33.* Section 14012 is added to the Welfare and Institutions
26 Code, to read:

27 14012. (a) This section implements Section 435.916(a)(1) of
28 Title 42 of the Code of Federal Regulations, which applies to the
29 eligibility of Medi-Cal beneficiaries whose financial eligibility is
30 determined using modified adjusted gross income (MAGI) based
31 income.

32 (b) To the extent required by federal law or regulations, the
33 eligibility of Medi-Cal beneficiaries whose financial eligibility is
34 determined using a MAGI-based income shall be renewed once
35 every 12 months, and no more frequently than every 12 months.

36 (c) This section shall become operative on January 1, 2014.

37 *SEC. 34.* Section 14014.5 is added to the Welfare and
38 Institutions Code, to read:

39 14014.5. (a) It is the intent of the Legislature to protect
40 individual privacy and the integrity of Medi-Cal and other

1 insurance affordability programs by restricting the disclosure of
2 personal identifying information to prevent identity theft, abuse,
3 or fraud in situations where an insurance affordability program
4 applicant or beneficiary appoints an authorized representative to
5 assist him or her in obtaining health care benefits.

6 (b) The department, in consultation with the California Health
7 Benefit Exchange, shall implement policies and prescribe forms,
8 notices, and other safeguards to ensure the privacy and protection
9 of the rights of applicants who appoint an authorized representative
10 consistent with the provisions of Section 1902 of the federal Social
11 Security Act (42 U.S.C. Sec. 1396a) and Section 435.908 of Title
12 42 of the Code of Federal Regulations.

13 (c) All insurance affordability programs shall obtain completed
14 authorization forms pursuant to subdivision (b) prior to making
15 the final determination concerning the eligibility or renewal to
16 which the authorization applies.

17 (d) An authorization pursuant to this section shall do both of
18 the following:

19 (1) Specify what authority the applicant or beneficiary is
20 granting to the authorized representative and what notices, if any,
21 should be sent to the authorized representative in addition to the
22 applicant or beneficiary.

23 (2) Be effective until the applicant or beneficiary cancels or
24 modifies the authorization or appoints a new authorized
25 representative, or the authorized representative informs the agency
26 that he or she is no longer acting in that capacity or there is a
27 change in the legal authority on which the authority was based.
28 The notice shall conform to all federal requirements.

29 (e) An authorization pursuant to this section may be canceled
30 or modified at any time for any reason by the insurance
31 affordability program applicant or beneficiary by submitting notice
32 of cancellation or modification to the appropriate insurance
33 affordability program in accordance with policies and forms
34 developed pursuant to subdivision (b).

35 (f) The agency shall accept electronic, including telephonically
36 recorded, signatures, and handwritten signatures transmitted by
37 facsimile or other electronic transmission.

38 (g) For purposes of this section all of the following definitions
39 shall apply:

40 (1) “Authorized representative” means:

1 (A) (i) Any individual appointed in writing, on a form
2 designated by the department, by a competent person that is an
3 applicant for or beneficiary of any insurance affordability program,
4 to act in place or on behalf of the applicant or beneficiary for
5 purposes related to the insurance affordability program, including,
6 but not limited to, accompanying, assisting, or representing the
7 applicant in the application process or the beneficiary in the
8 redetermination of eligibility process, as specified by the applicant
9 or beneficiary.

10 (ii) Legal documentation of authority to act on behalf of the
11 applicant or beneficiary under state law, including, but not limited
12 to, a court order establishing legal guardianship or a valid power
13 of attorney to make health care decisions, shall service in place
14 of a written appointment by the applicant or beneficiary.

15 (2) “Competent” means being able to act on one’s own behalf
16 in business and personal matters.

17 (h) An authorized representative of an applicant or beneficiary
18 of an insurance affordability program who also is employed by or
19 is a contractor for any type of health care provider or facility shall
20 fully disclose in writing to the applicant or beneficiary that the
21 authorized representative is employed by or contracting with such
22 a provider or facility and of any potential conflicts of interest.

23 (i) All notices regarding the insurance affordability program,
24 including, but not limited to, those related to the application,
25 redetermination, or actions taken by the agency, shall be sent to
26 the applicant or beneficiary, and to the authorized representative
27 if authorized by the applicant or beneficiary.

28 (j) (1) If an applicant or beneficiary is not competent and has
29 not appointed an appropriately authorized representative pursuant
30 to this section or that appointment is no longer effective, any of
31 the individuals identified in subparagraphs (A) to (C), inclusive,
32 may be recognized by the hearing officer as the authorized
33 representative to represent the applicant or beneficiary at the state
34 hearing regarding a notice of action if, at the hearing, he or she
35 demonstrates that the applicant or beneficiary is not competent
36 and that lack of competency is the reason that he or she has not
37 been authorized by the applicant or beneficiary to act as the
38 applicant’s or beneficiary’s authorized representative. The
39 individuals that may be recognized are:

1 (A) A relative of the applicant or beneficiary or a person
2 appointed by the relative.

3 (B) A person with knowledge of the applicant's or beneficiary's
4 circumstances that completed and signed the Statement of Facts
5 on the applicant's or beneficiary's behalf.

6 (C) An applicant's or beneficiary's legal counsel or advocate
7 working under the supervision of an attorney.

8 (2) If an applicant or beneficiary is not competent and has not
9 appointed an appropriately authorized representative pursuant to
10 this section or that appointment is no longer effective, the hearing
11 officer may allow an individual with knowledge about the
12 applicant's or beneficiary's circumstances to represent the
13 applicant or beneficiary at the hearing if (A) the hearing officer
14 determines that the representation is in the applicant or
15 beneficiary's best interests and (B) there is not a person who
16 qualifies under paragraph (1) that is available to represent the
17 applicant or beneficiary.

18 (k) (1) Pursuant to Section 435.923(e) of Title 42 of the Code
19 of Federal Regulations, a provider or staff member or volunteer
20 of an organization who intends to serve as an authorized
21 representative shall provide a signed written agreement that he
22 or she will adhere to requirements set forth in the Code of Federal
23 Regulations for authorized representatives, including Section
24 447.10 of Title 42, subpart F of Part 431 of Title 45, and Section
25 155.260(f) of Title 45. The department shall work with counties
26 and consumer advocates to develop a standard agreement form
27 that may be used for this purpose.

28 (2) Pursuant to 435.923(e) of Title 45 of the Code of Federal
29 Regulations, the regulations developed pursuant to this section
30 shall require authorized representatives to comply with all
31 applicable state and federal laws regarding conflicts of interest
32 and confidentiality of information.

33 (3) The standard agreement form developed pursuant to
34 paragraph (1) shall include a notification regarding the
35 requirements of this subdivision and a statement that by signing
36 the agreement, the individual named as an authorized
37 representative agrees to abide by those requirements.

38 (l) To the extent otherwise required by Chapter 3.5 (commencing
39 with Section 11340) of Part 1 of Division 3 of Title 2 of the
40 Government Code, the department shall adopt emergency

1 regulations implementing this section no later than July 1, 2015.
2 The department may thereafter readopt the emergency regulations
3 pursuant to that chapter. The adoption and readoption, by the
4 department, of regulations implementing this section shall be
5 deemed to be an emergency and necessary to avoid serious harm
6 to the public peace, health, safety, or general welfare for purposes
7 of Sections 11346.1 and 11349.6 of the Government Code, and
8 the department is hereby exempted from the requirement that it
9 describe facts showing the need for immediate action and from
10 review by the Office of Administrative Law.

11 (m) This section shall be implemented only if and to the extent
12 that federal financial participation is available and any necessary
13 federal approvals have been obtained.

14 (n) This section shall be implemented on October 1, 2013, or
15 when all necessary federal approvals have been obtained,
16 whichever is later.

17 SEC. 35. Section 14015.5 is added to the Welfare and
18 Institutions Code, to read:

19 14015.5. (a) Notwithstanding any other provision of state law,
20 the department shall retain or delegate the authority to perform
21 Medi-Cal eligibility determinations as set forth in this section.

22 (b) If after an assessment and verification for potential eligibility
23 for Medi-Cal benefits using the applicable MAGI-based income
24 standard of all persons that apply through an electronic or a paper
25 application processed by CalHEERS, which is jointly managed by
26 the department and the Exchange, and to the extent required by
27 federal law and regulation is completed, the Exchange and the
28 department may electronically determine the applicant's eligibility
29 for Medi-Cal benefits using only the information initially provided
30 online, or through the written application submitted by, or on
31 behalf of, the applicant, and without further staff review to verify
32 the accuracy of the submitted information, the Exchange and the
33 department shall determine that applicant's eligibility for the
34 Medi-Cal program using the applicable MAGI-based income
35 standard.

36 (c) Except as provided in subdivision (b) and Section 14015.7,
37 the county of residence shall be responsible for eligibility
38 determinations and ongoing case management for the Medi-Cal
39 program.

1 (d) (1) Notwithstanding any other provision of state law, the
2 Exchange shall be authorized to provide information regarding
3 available Medi-Cal managed health care plan selection options
4 to applicants determined to be eligible for Medi-Cal benefits using
5 the MAGI-based income standard and allow those applicants to
6 choose an available managed health care plan.

7 (2) The Exchange is authorized to record an applicant's health
8 plan selection into CalHEERS for reporting to the department.
9 CalHEERS shall have the ability to report to the department the
10 results of an applicant's health plan selection.

11 (e) Notwithstanding Chapter 3.5 (commencing with Section
12 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
13 the department, without taking any further regulatory action, shall
14 implement, interpret, or make specific this section by means of
15 all-county letters, plan letters, plan or provider bulletins, or similar
16 instructions until the time regulations are adopted. Thereafter, the
17 department shall adopt regulations in accordance with the
18 requirements of Chapter 3.5 (commencing with Section 11340) of
19 Part 1 of Division 3 of Title 2 of the Government Code. Beginning
20 six months after the effective date of this section, the department
21 shall provide a status report to the Legislature on a semiannual
22 basis until regulations have been adopted.

23 (f) For the purposes of this section, the following definitions
24 shall apply:

25 (1) "ACA" means the federal Patient Protection and Affordable
26 Care Act (Public Law 111-148), as amended by the federal Health
27 Care and Education Reconciliation Act of 2010 (Public Law
28 111-152).

29 (2) "CalHEERS" means the California Healthcare Eligibility,
30 Enrollment, and Retention System developed under Section 15926.

31 (3) "Exchange" means the California Health Benefit Exchange
32 established pursuant to Section 100500 of the Government Code.

33 (4) "MAGI-based income" means income calculated using the
34 financial methodologies described in Section 1396a(e)(14) of Title
35 42 of the United States Code as added by ACA and any subsequent
36 amendments.

37 (g) This section shall be implemented only if and to the extent
38 that federal financial participation is available and any necessary
39 federal approvals have been obtained.

40 (h) This section shall become operative on October 1, 2013.

1 (i) This section shall become inoperative on July 1, 2015, and,
2 as of January 1, 2016, is repealed, unless a later enacted statute,
3 that becomes operative on or before January 1, 2016, deletes or
4 extends the dates on which it becomes inoperative and is repealed.

5 SEC. 36. Section 14015.7 is added to the Welfare and
6 Institutions Code, to read:

7 14015.7. (a) (1) Notwithstanding any other law, for persons
8 who call the customer service center operated by the Exchange
9 for the purpose of applying for an insurance affordability program,
10 the Exchange shall implement a workflow transfer protocol that
11 consists of only those questions that are essential to reliably
12 ascertain whether the caller's household appears to include any
13 individuals who are potentially eligible for Medi-Cal benefits and
14 to determine an appropriate point of referral. The workflow
15 transfer protocol and referral procedures used by the Exchange
16 shall be developed and implemented in conjunction with and
17 subject to review and approval by the department.

18 (2) (A) Except as provided in paragraph (3), if, after applying
19 the transfer protocol specified in paragraph (1), the Exchange
20 determines that the caller's household appears to include one or
21 more individuals who are potentially eligible for Medi-Cal benefits
22 using the applicable MAGI-based income standard, the Exchange
23 shall refer the caller to his or her county of residence or other
24 appropriate county resource for completion of the federally
25 required assessment. The county shall proceed with the assessment
26 and also perform any required eligibility determination.

27 (B) Subject to any income limitations that may be imposed by
28 the Exchange, and subject to review and approval from the
29 department, if after applying the transfer protocol specified in
30 paragraph (1) the Exchange determines that the caller's household
31 appears to include an individual who is pregnant, or who is
32 potentially eligible for Medi-Cal benefits on a basis other than
33 using a MAGI-based income standard because an applicant is
34 potentially disabled, 65 years of age or older, or potentially in
35 need of long-term care services, the Exchange shall refer the caller
36 to his or her county of residence or other appropriate county
37 resource for completion of the federally required assessment. The
38 county shall proceed with the assessment and also perform any
39 required eligibility determination.

1 (3) Notwithstanding any other law, only during the initial open
2 enrollment period established by the Exchange, and in no case
3 after June 30, 2014, if after applying the transfer protocol specified
4 in paragraph (1) the Exchange determines that the caller's
5 household appears to include both individuals who are potentially
6 eligible for Medi-Cal benefits using the applicable MAGI-based
7 income standard and individuals who are not potentially eligible
8 for Medi-Cal benefits, the Exchange shall proceed with its
9 assessment and if it is subsequently determined that an applicant
10 or applicants are potentially eligible for Medi-Cal benefits using
11 the applicable MAGI-based income standard, the Exchange shall
12 initially determine the applicant or applicants eligibility for
13 Medi-Cal benefits. If determined eligible, the applicant's or
14 applicants' coverage shall start on January 1, 2014, or on the date
15 of the determination, whichever is later. The county of residence
16 shall be responsible for final confirmation of eligibility
17 determinations relying on data provided by and verifications done
18 by the Exchange and the county shall perform only that additional
19 work that is necessary for the county to prepare and send out the
20 required notice to the applicant regarding the result of the
21 eligibility determination and shall not impose any additional
22 burdens upon the applicant. The county of residence shall be
23 responsible for sending out the required notices of all Medi-Cal
24 eligibility determinations.

25 (4) Notwithstanding any other law, if after applying the transfer
26 protocol specified in paragraph (1) the Exchange determines that
27 the caller's household appears to only include individuals who
28 are not potentially eligible for Medi-Cal benefits, the Exchange
29 shall proceed with its assessment of eligibility. If it is subsequently
30 determined that an applicant or applicants are potentially eligible
31 for Medi-Cal benefits using the applicable MAGI-based income
32 standard, the Exchange shall initially determine the applicant or
33 applicants eligibility for Medi-Cal benefits. If determined eligible,
34 the applicant's or applicants' coverage shall start on January 1,
35 2014, or on the date of the determination, whichever is later. The
36 county of residence shall be responsible for final confirmation of
37 eligibility determinations relying on data provided by and
38 verifications done by the Exchange and the county shall perform
39 only that additional work that is necessary for the county to
40 prepare and send out the required notice to the applicant regarding

1 *the result of the eligibility determination and shall not impose any*
2 *additional burdens upon the applicant. The county of residence*
3 *shall be responsible for sending out the required notices of all*
4 *Medi-Cal eligibility determinations.*

5 *(5) Subject to any income limitations that may be imposed by*
6 *the Exchange, and subject to review and approval from the*
7 *department, if after assessing the potential eligibility of an*
8 *applicant, which shall include enrolling the individual in*
9 *Exchange-based coverage if eligible and, if the determination is*
10 *being made pursuant to subdivision (3), determining initial*
11 *eligibility for MAGI-based Medi-Cal, the Exchange determines*
12 *that the applicant is pregnant, or is potentially eligible for*
13 *Medi-Cal benefits on a basis other than using a MAGI-based*
14 *income standard because the applicant is potentially disabled, 65*
15 *years of age or older, or potentially in need of long-term care*
16 *services, or if the applicant requests a full Medi-Cal eligibility*
17 *determination, the Exchange shall, consistent with federal law and*
18 *regulations, transmit all information provided by or on behalf of*
19 *the applicant, and any information obtained or verified by the*
20 *Exchange, to the applicant's county of residence or other*
21 *appropriate county resource via secure electronic interface,*
22 *promptly and without undue delay, for a full Medi-Cal eligibility*
23 *determination.*

24 *(6) Except as otherwise provided in this section and subdivision*
25 *(b) of Section 14015.5, the county of residence shall be responsible*
26 *for eligibility determinations and ongoing case management for*
27 *the Medi-Cal program.*

28 *(7) Implementation of the protocols and referral procedures in*
29 *this subdivision shall be subject to the terms specified in the*
30 *agreements established under subdivision (b).*

31 *(b) The department, Exchange, and each county consortia shall*
32 *jointly enter into an interagency agreement that specifies the*
33 *operational parameters and performance standards pertaining to*
34 *the transfer protocol. After consulting with counties, consumer*
35 *advocates, and labor organizations that represent employees of*
36 *the customer service center operated by the Exchange and*
37 *employees of county customer service centers, the Exchange and*
38 *the department shall determine and implement the performance*
39 *standards that shall be incorporated into these agreements.*

1 (c) Prior to October 1, 2014, the Exchange and the department,
2 in consultation with counties, consumer advocates, and labor
3 organizations that represent employees of the customer service
4 center operated by the Exchange and employees of county customer
5 service centers, shall review and determine the efficacy of the
6 enrollment procedures established in this section.

7 (d) Notwithstanding Chapter 3.5 (commencing with Section
8 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
9 the department, without taking any further regulatory action, shall
10 implement, interpret, or make specific this section by means of
11 all-county letters, plan letters, plan or provider bulletins, or similar
12 instructions until the time regulations are adopted. Thereafter, the
13 department shall adopt regulations in accordance with the
14 requirements of Chapter 3.5 (commencing with Section 11340) of
15 Part 1 of Division 3 of Title 2 of the Government Code. Beginning
16 six months after the effective date of this section, the department
17 shall provide a status report to the Legislature on a semiannual
18 basis until regulations have been adopted.

19 (e) For the purposes of this section, the following definitions
20 shall apply:

21 (1) “ACA” means the federal Patient Protection and Affordable
22 Care Act (Public Law 111-148), as amended by the federal Health
23 Care and Education Reconciliation Act of 2010 (Public Law
24 111-152).

25 (2) “CalHEERS” means the California Healthcare Eligibility,
26 Enrollment, and Retention System developed under Section 15926.

27 (3) “Exchange” means the California Health Benefit Exchange
28 established pursuant to Section 100500 of the Government Code.

29 (4) “MAGI-based income” means income calculated using the
30 financial methodologies described in Section 1396a(e)(14) of Title
31 42 of the United States Code as added by ACA and any subsequent
32 amendments.

33 (f) This section shall be implemented only if and to the extent
34 that federal financial participation is available and any necessary
35 federal approvals have been obtained.

36 (g) This section shall become operative on October 1, 2013.

37 SEC. 37. Section 14055 is added to the Welfare and Institutions
38 Code, to read:

39 14055. (a) For the purposes of this chapter, “caretaker
40 relative” means a relative of a dependent child by blood, adoption,

1 *or marriage with whom the child is living, who assumes primary*
2 *responsibility for the child’s care, and who is one of the following:*

3 *(1) The child’s father, mother, grandfather, grandmother,*
4 *brother, sister, stepfather, stepmother, stepbrother, stepsister,*
5 *great grandparent, uncle, aunt, nephew, niece, great-great*
6 *grandparent, great uncle or aunt, first cousin, great-great-great*
7 *grandparent, great-great uncle or aunt, or first cousin once*
8 *removed.*

9 *(2) The spouse or registered domestic partner of one of the*
10 *relatives identified in paragraph (1), even after the marriage is*
11 *terminated by death or divorce or the domestic partnership has*
12 *been legally terminated.*

13 *(b) This section shall become operative on January 1, 2014.*

14 *SEC. 38. Section 14057 is added to the Welfare and Institutions*
15 *Code, to read:*

16 *14057. (a) For the purposes of this chapter, “insurance*
17 *affordability program” means a program that is one of the*
18 *following:*

19 *(1) The state’s Medi-Cal program under Title XIX of the federal*
20 *Social Security Act (42 U.S.C. Sec. 1396 et seq.).*

21 *(2) The state’s children’s health insurance program (CHIP)*
22 *under Title XXI of the federal Social Security Act (42 U.S.C. Sec.*
23 *1397aa et seq.).*

24 *(3) A program that makes available to qualified applicants*
25 *coverage in a qualified health plan through the California Health*
26 *Benefit Exchange, established pursuant to Title 22 (commencing*
27 *with Section 100500) of the Government Code, with advance*
28 *payment of the premium tax credit established under Section 36B*
29 *of the Internal Revenue Code.*

30 *(4) A program that makes available coverage in a qualified*
31 *health plan through the California Health Benefit Exchange,*
32 *established pursuant to Title 22 (commencing with Section 100500)*
33 *of the Government Code, with cost-sharing reductions established*
34 *under Section 1402 of the federal Patient Protection and Affordable*
35 *Care Act (Public Law 111-148), and any subsequent amendments*
36 *to that act.*

37 *(b) This section shall become operative on January 1, 2014.*

38 *SEC. 39. Section 14102 is added to the Welfare and Institutions*
39 *Code, to read:*

1 14102. (a) (1) Notwithstanding any other law and except as
2 otherwise provided in this section, any individual who is 21 years
3 of age or older, who does not have minor children eligible for
4 Medi-Cal, and would be eligible for full-scope Medi-Cal benefits
5 pursuant to Section 1902(a)(10)(A)(i)(VIII) of Title XIX of the
6 federal Social Security Act (42 U.S.C. Sec.
7 1396a(a)(10)(A)(i)(VIII)) but for the five-year eligibility limitation
8 under Section 1613 of Title 8 of the United States Code and who
9 is otherwise eligible for state-only funded full-scope benefits shall
10 be ineligible for those state-only funded benefits if he or she is
11 eligible for, and is not barred from enrolling in because he or she
12 is outside of an available enrollment period for coverage with an
13 advanced premium tax credit offered through the Exchange.

14 (2) On or after January 1, 2015, if an individual is eligible for
15 and does not enroll in coverage offered through the Exchange with
16 an advanced premium tax credit during his or her first available
17 enrollment period, that individual shall be ineligible for the
18 state-only funded benefits referenced in paragraph (1), except as
19 provided in paragraph (3).

20 (3) An individual shall be ineligible for Medi-Cal pursuant to
21 this section only if and when he or she is able to receive the
22 premium assistance, cost sharing, and benefits described in
23 subdivision (c). Disenrollment from state-only Medi-Cal shall only
24 occur during an available enrollment period in the Exchange.

25 (4) The department shall inform and assist such individuals on
26 enrolling in coverage through the Exchange with the premium
27 assistance, cost sharing, and benefits described in subdivision (c)
28 and the process for disenrollment from Medi-Cal, if applicable,
29 in a way that ensures seamless transition between coverage,
30 including, but not limited to, developing processes to coordinate
31 with the county entities that administer eligibility for coverage in
32 Medi-Cal and the Exchange.

33 (b) (1) An individual who is a state-only Medi-Cal person as
34 defined in Section 14052 shall not be subject to subdivision (a) or
35 (c).

36 (c) An individual subject to subdivision (a) who is enrolled in
37 coverage through the Exchange with an advanced premium tax
38 credit shall be eligible for the following:

39 (1) Those Medi-Cal benefits for which he or she would have
40 been eligible but for the five-year eligibility limitation only to the

1 extent that they are not available through his or her individual
2 health plan.

3 (2) The department shall pay on behalf of the beneficiary:

4 (A) The beneficiary's insurance premium costs for an individual
5 health plan, minus the beneficiary's premium tax credit authorized
6 by Section 36B of Title 26 of the United States Code and its
7 implementing regulations.

8 (B) The beneficiary's cost-sharing charges so that the individual
9 has the same cost-sharing charges as he or she would have in the
10 Medi-Cal program.

11 (d) For purposes of this section, the following definitions shall
12 apply:

13 (1) "Cost-sharing charges" means any expenditure required
14 by or on behalf of an enrollee by his or her individual health plan
15 with respect to essential health benefits and includes deductibles,
16 coinsurance, copayments, or similar charges, but excludes
17 premiums, and spending for noncovered services.

18 (2) "Exchange" means the California Health Benefit Exchange
19 established pursuant to Section 100500 of the Government Code.

20 (e) Benefits for services under this section shall be provided
21 with state-only funds only if federal financial participation is not
22 available for those services. The department shall maximize federal
23 financial participation in implementing this section to the extent
24 allowable.

25 (f) Notwithstanding Chapter 3.5 (commencing with Section
26 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
27 the department, without taking any further regulatory action, shall
28 implement, interpret, or make specific this section by means of
29 all-county letters, plan letters, plan or provider bulletins, or similar
30 instructions until the time regulations are adopted. Thereafter, the
31 department shall adopt regulations in accordance with the
32 requirements of Chapter 3.5 (commencing with Section 11340) of
33 Part 1 of Division 3 of Title 2 of the Government Code. Beginning
34 six months after the effective date of this section, the department
35 shall provide a status report to the Legislature on a semiannual
36 basis until regulations have been adopted.

37 (g) This section shall become operative on January 1, 2014.

38 SEC. 40. Section 14102.5 is added to the Welfare and
39 Institutions Code, to read:

1 14102.5. (a) The department shall, in collaboration with the
2 Exchange, the counties, consumer advocates, and the Statewide
3 Automated Welfare System consortia, develop and prepare one or
4 more reports that shall be issued on at least a quarterly basis and
5 shall be made publicly available within 30 days following the end
6 of each quarter, for the purpose of informing the California Health
7 and Human Services Agency, the Exchange, the Legislature, and
8 the public about the enrollment process for all insurance
9 affordability programs. The reports shall comply with federal
10 reporting requirements and shall, at a minimum, include the
11 following information, to be derived from, as appropriate
12 depending on the data element, CalHEERS, MEDS, or the
13 Statewide Automated Welfare System:

14 (1) For applications received for insurance affordability
15 programs through any venue, all of the following:

16 (A) The number of applications received through each venue.

17 (B) The number of applicants included on those applications.

18 (C) Applicant demographics, including, but not limited to,
19 gender, age, race, ethnicity, and primary language.

20 (D) The disposition of applications, including all of the
21 following:

22 (i) The number of eligibility determinations that resulted in an
23 approval for coverage.

24 (ii) The program or programs for which the individuals in clause
25 (i) were determined eligible.

26 (iii) The number of applications that were denied for any
27 coverage and the reason or reasons for the denials.

28 (E) The number of days for eligibility determinations.

29 (2) With regard to health plan selection, all of the following:

30 (A) The health plans that are selected by applicants enrolled in
31 an insurance affordability program, reported by the program.

32 (B) The number of Medi-Cal enrollees who do not select a health
33 plan but are defaulted into a plan.

34 (3) For annual redeterminations conducted for beneficiaries,
35 all of the following:

36 (A) The number of redeterminations processed.

37 (B) The number of redeterminations that resulted in continued
38 eligibility for the same program.

39 (C) The number of redeterminations that resulted in a change
40 in eligibility to a different program.

1 (D) *The number of redeterminations that resulted in a finding*
2 *of ineligibility for any program and the reason or reasons for the*
3 *findings of ineligibility.*

4 (E) *The number of days for redeterminations to be completed.*

5 (4) *With regard to disenrollments not related to a*
6 *redetermination of eligibility, all of the following:*

7 (A) *The number of beneficiary disenrollments.*

8 (B) *The reasons for the disenrollments.*

9 (C) *The number of disenrollments that are caused by an*
10 *individual disenrolling from one insurance affordability program*
11 *and enrolling into another.*

12 (5) *The number of applications for insurance affordability*
13 *programs that were filed with the help of an assister or navigator.*

14 (6) *The total number of grievances and appeals filed by*
15 *applicants and enrollees regarding eligibility for insurance*
16 *affordability programs, the basis for the grievance, and the*
17 *outcomes of the appeals.*

18 (b) *The department shall collect the information necessary for*
19 *these reports and develop these reports using data obtained from*
20 *the Statewide Automated Welfare System, CalHEERS, MEDS, and*
21 *any other appropriate state information management systems.*

22 (c) *For purposes of this section, the following definitions shall*
23 *apply:*

24 (1) *“CalHEERS” means the California Healthcare Eligibility,*
25 *Enrollment, and Retention System developed under Section 15926.*

26 (2) *“Exchange” means the California Health Benefit Exchange*
27 *established pursuant to Title 22 (commencing with Section 100500)*
28 *of the Government Code.*

29 (3) *“Statewide Automated Welfare System” means the system*
30 *developed pursuant to Section 10823.*

31 (4) *“MEDS” means the Medi-Cal Eligibility Data System.*

32 (d) *Notwithstanding Chapter 3.5 (commencing with Section*
33 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
34 *the department, without taking any further regulatory action, shall*
35 *implement, interpret, or make specific this section by means of*
36 *all-county letters, plan letters, plan or provider bulletins, or similar*
37 *instructions until the time regulations are adopted. Thereafter, the*
38 *department shall adopt regulations in accordance with the*
39 *requirements of Chapter 3.5 (commencing with Section 11340) of*
40 *Part 1 of Division 3 of Title 2 of the Government Code. Beginning*

1 *six months after the effective date of this section, the department*
2 *shall provide a status report to the Legislature on a semiannual*
3 *basis until regulations have been adopted.*

4 *(e) This section shall become operative on January 1, 2014.*

5 ~~SEC. 27.~~

6 *SEC. 41.* Section 14132 of the Welfare and Institutions Code
7 is amended to read:

8 14132. The following is the schedule of benefits under this
9 chapter:

10 (a) Outpatient services are covered as follows:

11 Physician, hospital or clinic outpatient, surgical center,
12 respiratory care, optometric, chiropractic, psychology, podiatric,
13 occupational therapy, physical therapy, speech therapy, audiology,
14 acupuncture to the extent federal matching funds are provided for
15 acupuncture, and services of persons rendering treatment by prayer
16 or healing by spiritual means in the practice of any church or
17 religious denomination insofar as these can be encompassed by
18 federal participation under an approved plan, subject to utilization
19 controls.

20 (b) (1) Inpatient hospital services, including, but not limited
21 to, physician and podiatric services, physical therapy and
22 occupational therapy, are covered subject to utilization controls.

23 (2) For Medi-Cal fee-for-service beneficiaries, emergency
24 services and care that are necessary for the treatment of an
25 emergency medical condition and medical care directly related to
26 the emergency medical condition. This paragraph shall not be
27 construed to change the obligation of Medi-Cal managed care
28 plans to provide emergency services and care. For the purposes of
29 this paragraph, “emergency services and care” and “emergency
30 medical condition” shall have the same meanings as those terms
31 are defined in Section 1317.1 of the Health and Safety Code.

32 (c) Nursing facility services, subacute care services, and services
33 provided by any category of intermediate care facility for the
34 developmentally disabled, including podiatry, physician, nurse
35 practitioner services, and prescribed drugs, as described in
36 subdivision (d), are covered subject to utilization controls.
37 Respiratory care, physical therapy, occupational therapy, speech
38 therapy, and audiology services for patients in nursing facilities
39 and any category of intermediate care facility for the
40 developmentally disabled are covered subject to utilization controls.

1 (d) (1) Purchase of prescribed drugs is covered subject to the
2 Medi-Cal List of Contract Drugs and utilization controls.

3 (2) Purchase of drugs used to treat erectile dysfunction or any
4 off-label uses of those drugs are covered only to the extent that
5 federal financial participation is available.

6 (3) (A) To the extent required by federal law, the purchase of
7 outpatient prescribed drugs, for which the prescription is executed
8 by a prescriber in written, nonelectronic form on or after April 1,
9 2008, is covered only when executed on a tamper resistant
10 prescription form. The implementation of this paragraph shall
11 conform to the guidance issued by the federal Centers ~~of~~ *for*
12 Medicare and Medicaid Services but shall not conflict with state
13 statutes on the characteristics of tamper resistant prescriptions for
14 controlled substances, including Section 11162.1 of the Health
15 and Safety Code. The department shall provide providers and
16 beneficiaries with as much flexibility in implementing these rules
17 as allowed by the federal government. The department shall notify
18 and consult with appropriate stakeholders in implementing,
19 interpreting, or making specific this paragraph.

20 (B) Notwithstanding Chapter 3.5 (commencing with Section
21 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
22 the department may take the actions specified in subparagraph (A)
23 by means of a provider bulletin or notice, policy letter, or other
24 similar instructions without taking regulatory action.

25 (4) (A) (i) For the purposes of this paragraph, nonlegend has
26 the same meaning as defined in subdivision (a) of Section
27 14105.45.

28 (ii) Nonlegend acetaminophen-containing products, with the
29 exception of children's acetaminophen-containing products,
30 selected by the department are not covered benefits.

31 (iii) Nonlegend cough and cold products selected by the
32 department are not covered benefits. This clause shall be
33 implemented on the first day of the first calendar month following
34 90 days after the effective date of the act that added this clause,
35 or on the first day of the first calendar month following 60 days
36 after the date the department secures all necessary federal approvals
37 to implement this section, whichever is later.

38 (iv) Beneficiaries under the Early and Periodic Screening,
39 Diagnosis, and Treatment Program shall be exempt from clauses
40 (ii) and (iii).

1 (B) Notwithstanding Chapter 3.5 (commencing with Section
2 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
3 the department may take the actions specified in subparagraph (A)
4 by means of a provider bulletin or notice, policy letter, or other
5 similar instruction without taking regulatory action.

6 (e) Outpatient dialysis services and home hemodialysis services,
7 including physician services, medical supplies, drugs and
8 equipment required for dialysis, are covered, subject to utilization
9 controls.

10 (f) Anesthesiologist services when provided as part of an
11 outpatient medical procedure, nurse anesthetist services when
12 rendered in an inpatient or outpatient setting under conditions set
13 forth by the director, outpatient laboratory services, and X-ray
14 services are covered, subject to utilization controls. Nothing in
15 this subdivision shall be construed to require prior authorization
16 for anesthesiologist services provided as part of an outpatient
17 medical procedure or for portable X-ray services in a nursing
18 facility or any category of intermediate care facility for the
19 developmentally disabled.

20 (g) Blood and blood derivatives are covered.

21 (h) (1) Emergency and essential diagnostic and restorative
22 dental services, except for orthodontic, fixed bridgework, and
23 partial dentures that are not necessary for balance of a complete
24 artificial denture, are covered, subject to utilization controls. The
25 utilization controls shall allow emergency and essential diagnostic
26 and restorative dental services and prostheses that are necessary
27 to prevent a significant disability or to replace previously furnished
28 prostheses which are lost or destroyed due to circumstances beyond
29 the beneficiary's control. Notwithstanding the foregoing, the
30 director may by regulation provide for certain fixed artificial
31 dentures necessary for obtaining employment or for medical
32 conditions that preclude the use of removable dental prostheses,
33 and for orthodontic services in cleft palate deformities administered
34 by the department's California Children Services Program.

35 (2) For persons 21 years of age or older, the services specified
36 in paragraph (1) shall be provided subject to the following
37 conditions:

38 (A) Periodontal treatment is not a benefit.

39 (B) Endodontic therapy is not a benefit except for vital
40 pulpotomy.

1 (C) Laboratory processed crowns are not a benefit.

2 (D) Removable prosthetics shall be a benefit only for patients
3 as a requirement for employment.

4 (E) The director may, by regulation, provide for the provision
5 of fixed artificial dentures that are necessary for medical conditions
6 that preclude the use of removable dental prostheses.

7 (F) Notwithstanding the conditions specified in subparagraphs
8 (A) to (E), inclusive, the department may approve services for
9 persons with special medical disorders subject to utilization review.

10 (3) Paragraph (2) shall become inoperative July 1, 1995.

11 (i) Medical transportation is covered, subject to utilization
12 controls.

13 (j) Home health care services are covered, subject to utilization
14 controls.

15 (k) Prosthetic and orthotic devices and eyeglasses are covered,
16 subject to utilization controls. Utilization controls shall allow
17 replacement of prosthetic and orthotic devices and eyeglasses
18 necessary because of loss or destruction due to circumstances
19 beyond the beneficiary's control. Frame styles for eyeglasses
20 replaced pursuant to this subdivision shall not change more than
21 once every two years, unless the department so directs.

22 Orthopedic and conventional shoes are covered when provided
23 by a prosthetic and orthotic supplier on the prescription of a
24 physician and when at least one of the shoes will be attached to a
25 prosthesis or brace, subject to utilization controls. Modification
26 of stock conventional or orthopedic shoes when medically
27 indicated, is covered subject to utilization controls. When there is
28 a clearly established medical need that cannot be satisfied by the
29 modification of stock conventional or orthopedic shoes,
30 custom-made orthopedic shoes are covered, subject to utilization
31 controls.

32 Therapeutic shoes and inserts are covered when provided to
33 beneficiaries with a diagnosis of diabetes, subject to utilization
34 controls, to the extent that federal financial participation is
35 available.

36 (l) Hearing aids are covered, subject to utilization controls.
37 Utilization controls shall allow replacement of hearing aids
38 necessary because of loss or destruction due to circumstances
39 beyond the beneficiary's control.

1 (m) Durable medical equipment and medical supplies are
 2 covered, subject to utilization controls. The utilization controls
 3 shall allow the replacement of durable medical equipment and
 4 medical supplies when necessary because of loss or destruction
 5 due to circumstances beyond the beneficiary’s control. The
 6 utilization controls shall allow authorization of durable medical
 7 equipment needed to assist a disabled beneficiary in caring for a
 8 child for whom the disabled beneficiary is a parent, stepparent,
 9 foster parent, or legal guardian, subject to the availability of federal
 10 financial participation. The department shall adopt emergency
 11 regulations to define and establish criteria for assistive durable
 12 medical equipment in accordance with the rulemaking provisions
 13 of the Administrative Procedure Act (Chapter 3.5 (commencing
 14 with Section 11340) of Part 1 of Division 3 of Title 2 of the
 15 Government Code).

16 (n) Family planning services are covered, subject to utilization
 17 controls.

18 (o) Inpatient intensive rehabilitation hospital services, including
 19 respiratory rehabilitation services, in a general acute care hospital
 20 are covered, subject to utilization controls, when either of the
 21 following criteria are met:

22 (1) A patient with a permanent disability or severe impairment
 23 requires an inpatient intensive rehabilitation hospital program as
 24 described in Section 14064 to develop function beyond the limited
 25 amount that would occur in the normal course of recovery.

26 (2) A patient with a chronic or progressive disease requires an
 27 inpatient intensive rehabilitation hospital program as described in
 28 Section 14064 to maintain the patient’s present functional level as
 29 long as possible.

30 (p) (1) Adult day health care is covered in accordance with
 31 Chapter 8.7 (commencing with Section 14520).

32 (2) Commencing 30 days after the effective date of the act that
 33 added this paragraph, and notwithstanding the number of days
 34 previously approved through a treatment authorization request,
 35 adult day health care is covered for a maximum of three days per
 36 week.

37 (3) As provided in accordance with paragraph (4), adult day
 38 health care is covered for a maximum of five days per week.

1 (4) As of the date that the director makes the declaration
2 described in subdivision (g) of Section 14525.1, paragraph (2)
3 shall become inoperative and paragraph (3) shall become operative.

4 (q) (1) Application of fluoride, or other appropriate fluoride
5 treatment as defined by the department, other prophylaxis treatment
6 for children 17 years of age and under, are covered.

7 (2) All dental hygiene services provided by a registered dental
8 hygienist in alternative practice pursuant to Sections 1768 and
9 1770 of the Business and Professions Code may be covered as
10 long as they are within the scope of Denti-Cal benefits and they
11 are necessary services provided by a registered dental hygienist
12 in alternative practice.

13 (r) (1) Paramedic services performed by a city, county, or
14 special district, or pursuant to a contract with a city, county, or
15 special district, and pursuant to a program established under Article
16 3 (commencing with Section 1480) of Chapter 2.5 of Division 2
17 of the Health and Safety Code by a paramedic certified pursuant
18 to that article, and consisting of defibrillation and those services
19 specified in subdivision (3) of Section 1482 of the article.

20 (2) All providers enrolled under this subdivision shall satisfy
21 all applicable statutory and regulatory requirements for becoming
22 a Medi-Cal provider.

23 (3) This subdivision shall be implemented only to the extent
24 funding is available under Section 14106.6.

25 (s) In-home medical care services are covered when medically
26 appropriate and subject to utilization controls, for beneficiaries
27 who would otherwise require care for an extended period of time
28 in an acute care hospital at a cost higher than in-home medical
29 care services. The director shall have the authority under this
30 section to contract with organizations qualified to provide in-home
31 medical care services to those persons. These services may be
32 provided to patients placed in shared or congregate living
33 arrangements, if a home setting is not medically appropriate or
34 available to the beneficiary. As used in this section, “in-home
35 medical care service” includes utility bills directly attributable to
36 continuous, 24-hour operation of life-sustaining medical equipment,
37 to the extent that federal financial participation is available.

38 As used in this subdivision, in-home medical care services,
39 include, but are not limited to:

40 (1) Level of care and cost of care evaluations.

- 1 (2) Expenses, directly attributable to home care activities, for
2 materials.
- 3 (3) Physician fees for home visits.
- 4 (4) Expenses directly attributable to home care activities for
5 shelter and modification to shelter.
- 6 (5) Expenses directly attributable to additional costs of special
7 diets, including tube feeding.
- 8 (6) Medically related personal services.
- 9 (7) Home nursing education.
- 10 (8) Emergency maintenance repair.
- 11 (9) Home health agency personnel benefits which permit
12 coverage of care during periods when regular personnel are on
13 vacation or using sick leave.
- 14 (10) All services needed to maintain antiseptic conditions at
15 stoma or shunt sites on the body.
- 16 (11) Emergency and nonemergency medical transportation.
- 17 (12) Medical supplies.
- 18 (13) Medical equipment, including, but not limited to, scales,
19 gurneys, and equipment racks suitable for paralyzed patients.
- 20 (14) Utility use directly attributable to the requirements of home
21 care activities which are in addition to normal utility use.
- 22 (15) Special drugs and medications.
- 23 (16) Home health agency supervision of visiting staff which is
24 medically necessary, but not included in the home health agency
25 rate.
- 26 (17) Therapy services.
- 27 (18) Household appliances and household utensil costs directly
28 attributable to home care activities.
- 29 (19) Modification of medical equipment for home use.
- 30 (20) Training and orientation for use of life-support systems,
31 including, but not limited to, support of respiratory functions.
- 32 (21) Respiratory care practitioner services as defined in Sections
33 3702 and 3703 of the Business and Professions Code, subject to
34 prescription by a physician and surgeon.
- 35 Beneficiaries receiving in-home medical care services are entitled
36 to the full range of services within the Medi-Cal scope of benefits
37 as defined by this section, subject to medical necessity and
38 applicable utilization control. Services provided pursuant to this
39 subdivision, which are not otherwise included in the Medi-Cal
40 schedule of benefits, shall be available only to the extent that

1 federal financial participation for these services is available in
2 accordance with a home- and community-based services waiver.

3 (t) Home- and community-based services approved by the
4 United States Department of Health and Human Services may be
5 covered to the extent that federal financial participation is available
6 for those services under waivers granted in accordance with Section
7 1396n of Title 42 of the United States Code. The director may
8 seek waivers for any or all home- and community-based services
9 approvable under Section 1396n of Title 42 of the United States
10 Code. Coverage for those services shall be limited by the terms,
11 conditions, and duration of the federal waivers.

12 (u) Comprehensive perinatal services, as provided through an
13 agreement with a health care provider designated in Section
14 14134.5 and meeting the standards developed by the department
15 pursuant to Section 14134.5, subject to utilization controls.

16 The department shall seek any federal waivers necessary to
17 implement the provisions of this subdivision. The provisions for
18 which appropriate federal waivers cannot be obtained shall not be
19 implemented. Provisions for which waivers are obtained or for
20 which waivers are not required shall be implemented
21 notwithstanding any inability to obtain federal waivers for the
22 other provisions. No provision of this subdivision shall be
23 implemented unless matching funds from Subchapter XIX
24 (commencing with Section 1396) of Chapter 7 of Title 42 of the
25 United States Code are available.

26 (v) Early and periodic screening, diagnosis, and treatment for
27 any individual under 21 years of age is covered, consistent with
28 the requirements of Subchapter XIX (commencing with Section
29 1396) of Chapter 7 of Title 42 of the United States Code.

30 (w) Hospice service which is Medicare-certified hospice service
31 is covered, subject to utilization controls. Coverage shall be
32 available only to the extent that no additional net program costs
33 are incurred.

34 (x) When a claim for treatment provided to a beneficiary
35 includes both services which are authorized and reimbursable
36 under this chapter, and services which are not reimbursable under
37 this chapter, that portion of the claim for the treatment and services
38 authorized and reimbursable under this chapter shall be payable.

39 (y) Home- and community-based services approved by the
40 United States Department of Health and Human Services for

1 beneficiaries with a diagnosis of AIDS or ARC, who require
2 intermediate care or a higher level of care.

3 Services provided pursuant to a waiver obtained from the
4 Secretary of the United States Department of Health and Human
5 Services pursuant to this subdivision, and which are not otherwise
6 included in the Medi-Cal schedule of benefits, shall be available
7 only to the extent that federal financial participation for these
8 services is available in accordance with the waiver, and subject to
9 the terms, conditions, and duration of the waiver. These services
10 shall be provided to individual beneficiaries in accordance with
11 the client’s needs as identified in the plan of care, and subject to
12 medical necessity and applicable utilization control.

13 The director may under this section contract with organizations
14 qualified to provide, directly or by subcontract, services provided
15 for in this subdivision to eligible beneficiaries. Contracts or
16 agreements entered into pursuant to this division shall not be
17 subject to the Public Contract Code.

18 (z) Respiratory care when provided in organized health care
19 systems as defined in Section 3701 of the Business and Professions
20 Code, and as an in-home medical service as outlined in subdivision
21 (s).

22 (aa) (1) There is hereby established in the department, a
23 program to provide comprehensive clinical family planning
24 services to any person who has a family income at or below 200
25 percent of the federal poverty level, as revised annually, and who
26 is eligible to receive these services pursuant to the waiver identified
27 in paragraph (2). This program shall be known as the Family
28 Planning, Access, Care, and Treatment (Family PACT) Program.

29 (2) The department shall seek a waiver in accordance with
30 Section 1315 of Title 42 of the United States Code, or a state plan
31 amendment adopted in accordance with Section
32 1396a(a)(10)(A)(ii)(XXI) of Title 42 of the United States
33 Code, which was added to Section 1396a of Title 42 of the United States
34 Code by Section 2303(a)(2) of the federal Patient Protection and
35 Affordable Care Act (PPACA) (Public Law 111-148), for a
36 program to provide comprehensive clinical family planning
37 services as described in paragraph (8). Under the waiver, the
38 program shall be operated only in accordance with the waiver and
39 the statutes and regulations in paragraph (4) and subject to the
40 terms, conditions, and duration of the waiver. Under the state plan

1 amendment, which shall replace the waiver and shall be known as
2 the Family PACT successor state plan amendment, the program
3 shall be operated only in accordance with this subdivision and the
4 statutes and regulations in paragraph (4). The state shall use the
5 standards and processes imposed by the state on January 1, 2007,
6 including the application of an eligibility discount factor to the
7 extent required by the federal Centers for Medicare and Medicaid
8 Services, for purposes of determining eligibility as permitted under
9 Section 1396a(a)(10)(A)(ii)(XXI) of Title 42 of the United States
10 Code. To the extent that federal financial participation is available,
11 the program shall continue to conduct education, outreach,
12 enrollment, service delivery, and evaluation services as specified
13 under the waiver. The services shall be provided under the program
14 only if the waiver and, when applicable, the successor state plan
15 amendment are approved by the federal Centers for Medicare and
16 Medicaid Services and only to the extent that federal financial
17 participation is available for the services. Nothing in this section
18 shall prohibit the department from seeking the Family PACT
19 successor state plan amendment during the operation of the waiver.

20 (3) Solely for the purposes of the waiver or Family PACT
21 successor state plan amendment and notwithstanding any other
22 provision of law, the collection and use of an individual's social
23 security number shall be necessary only to the extent required by
24 federal law.

25 (4) Sections 14105.3 to 14105.39, inclusive, 14107.11, 24005,
26 and 24013, and any regulations adopted under these statutes shall
27 apply to the program provided for under this subdivision. No other
28 provision of law under the Medi-Cal program or the State-Only
29 Family Planning Program shall apply to the program provided for
30 under this subdivision.

31 (5) Notwithstanding Chapter 3.5 (commencing with Section
32 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
33 the department may implement, without taking regulatory action,
34 the provisions of the waiver after its approval by the federal Health
35 Care Financing Administration and the provisions of this section
36 by means of an all-county letter or similar instruction to providers.
37 Thereafter, the department shall adopt regulations to implement
38 this section and the approved waiver in accordance with the
39 requirements of Chapter 3.5 (commencing with Section 11340) of
40 Part 1 of Division 3 of Title 2 of the Government Code. Beginning

1 six months after the effective date of the act adding this
2 subdivision, the department shall provide a status report to the
3 Legislature on a semiannual basis until regulations have been
4 adopted.

5 (6) In the event that the Department of Finance determines that
6 the program operated under the authority of the waiver described
7 in paragraph (2) or the Family PACT successor state plan
8 amendment is no longer cost effective, this subdivision shall
9 become inoperative on the first day of the first month following
10 the issuance of a 30-day notification of that determination in
11 writing by the Department of Finance to the chairperson in each
12 house that considers appropriations, the chairpersons of the
13 committees, and the appropriate subcommittees in each house that
14 considers the State Budget, and the Chairperson of the Joint
15 Legislative Budget Committee.

16 (7) If this subdivision ceases to be operative, all persons who
17 have received or are eligible to receive comprehensive clinical
18 family planning services pursuant to the waiver described in
19 paragraph (2) shall receive family planning services under the
20 Medi-Cal program pursuant to subdivision (n) if they are otherwise
21 eligible for Medi-Cal with no share of cost, or shall receive
22 comprehensive clinical family planning services under the program
23 established in Division 24 (commencing with Section 24000) either
24 if they are eligible for Medi-Cal with a share of cost or if they are
25 otherwise eligible under Section 24003.

26 (8) For purposes of this subdivision, “comprehensive clinical
27 family planning services” means the process of establishing
28 objectives for the number and spacing of children, and selecting
29 the means by which those objectives may be achieved. These
30 means include a broad range of acceptable and effective methods
31 and services to limit or enhance fertility, including contraceptive
32 methods, federal Food and Drug Administration approved
33 contraceptive drugs, devices, and supplies, natural family planning,
34 abstinence methods, and basic, limited fertility management.
35 Comprehensive clinical family planning services include, but are
36 not limited to, preconception counseling, maternal and fetal health
37 counseling, general reproductive health care, including diagnosis
38 and treatment of infections and conditions, including cancer, that
39 threaten reproductive capability, medical family planning treatment
40 and procedures, including supplies and followup, and

1 informational, counseling, and educational services.
2 Comprehensive clinical family planning services shall not include
3 abortion, pregnancy testing solely for the purposes of referral for
4 abortion or services ancillary to abortions, or pregnancy care that
5 is not incident to the diagnosis of pregnancy. Comprehensive
6 clinical family planning services shall be subject to utilization
7 control and include all of the following:

8 (A) Family planning related services and male and female
9 sterilization. Family planning services for men and women shall
10 include emergency services and services for complications directly
11 related to the contraceptive method, federal Food and Drug
12 Administration approved contraceptive drugs, devices, and
13 supplies, and followup, consultation, and referral services, as
14 indicated, which may require treatment authorization requests.

15 (B) All United States Department of Agriculture, federal Food
16 and Drug Administration approved contraceptive drugs, devices,
17 and supplies that are in keeping with current standards of practice
18 and from which the individual may choose.

19 (C) Culturally and linguistically appropriate health education
20 and counseling services, including informed consent, that include
21 all of the following:

- 22 (i) Psychosocial and medical aspects of contraception.
- 23 (ii) Sexuality.
- 24 (iii) Fertility.
- 25 (iv) Pregnancy.
- 26 (v) Parenthood.
- 27 (vi) Infertility.
- 28 (vii) Reproductive health care.
- 29 (viii) Preconception and nutrition counseling.
- 30 (ix) Prevention and treatment of sexually transmitted infection.
- 31 (x) Use of contraceptive methods, federal Food and Drug
32 Administration approved contraceptive drugs, devices, and
33 supplies.
- 34 (xi) Possible contraceptive consequences and followup.
- 35 (xii) Interpersonal communication and negotiation of
36 relationships to assist individuals and couples in effective
37 contraceptive method use and planning families.

38 (D) A comprehensive health history, updated at the next periodic
39 visit (between 11 and 24 months after initial examination) that
40 includes a complete obstetrical history, gynecological history,

1 contraceptive history, personal medical history, health risk factors,
2 and family health history, including genetic or hereditary
3 conditions.

4 (E) A complete physical examination on initial and subsequent
5 periodic visits.

6 (F) Services, drugs, devices, and supplies deemed by the federal
7 Centers for Medicare and Medicaid Services to be appropriate for
8 inclusion in the program.

9 (9) In order to maximize the availability of federal financial
10 participation under this subdivision, the director shall have the
11 discretion to implement the Family PACT successor state plan
12 amendment retroactively to July 1, 2010.

13 (ab) (1) Purchase of prescribed enteral nutrition products is
14 covered, subject to the Medi-Cal list of enteral nutrition products
15 and utilization controls.

16 (2) Purchase of enteral nutrition products is limited to those
17 products to be administered through a feeding tube, including, but
18 not limited to, a gastric, nasogastric, or jejunostomy tube.
19 Beneficiaries under the Early and Periodic Screening, Diagnosis,
20 and Treatment Program shall be exempt from this paragraph.

21 (3) Notwithstanding paragraph (2), the department may deem
22 an enteral nutrition product, not administered through a feeding
23 tube, including, but not limited to, a gastric, nasogastric, or
24 jejunostomy tube, a benefit for patients with diagnoses, including,
25 but not limited to, malabsorption and inborn errors of metabolism,
26 if the product has been shown to be neither investigational nor
27 experimental when used as part of a therapeutic regimen to prevent
28 serious disability or death.

29 (4) Notwithstanding Chapter 3.5 (commencing with Section
30 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
31 the department may implement the amendments to this subdivision
32 made by the act that added this paragraph by means of all-county
33 letters, provider bulletins, or similar instructions, without taking
34 regulatory action.

35 (5) The amendments made to this subdivision by the act that
36 added this paragraph shall be implemented June 1, 2011, or on the
37 first day of the first calendar month following 60 days after the
38 date the department secures all necessary federal approvals to
39 implement this section, whichever is later.

1 (ac) Diabetic testing supplies are covered when provided by a
2 pharmacy, subject to utilization controls.

3 (ad) Commencing January 1, 2014, any benefits, services, and
4 coverage not otherwise described in this ~~section~~ *chapter* that are
5 included in the essential health benefits package adopted by the
6 state *pursuant to Section 1367.005 of the Health and Safety Code*
7 *and Section 10112.27 of the Insurance Code* and approved by the
8 United States Secretary of Health and Human Services under
9 Section 18022 of Title 42 of the United States Code, *and any*
10 *successor essential health benefit package adopted by the state.*

11 ~~SEC. 28.~~

12 *SEC. 42.* Section 14132.02 is added to the Welfare and
13 Institutions Code, to read:

14 14132.02. (a) Pursuant to Sections 1902(k)(1) and
15 1937(b)(1)(D) of the federal Social Security Act (42 U.S.C. Sec.
16 1396a(k)(1); 42 U.S.C. Sec. 1396u-7(b)(1)(D)), the department
17 shall seek approval from the United States Secretary of Health and
18 Human Services to establish a benchmark benefit package that
19 includes the same benefits, services, and coverage as is provided
20 to all other full-scope Medi-Cal enrollees, supplemented by any
21 benefits, services, and coverage included in the essential health
22 benefits package adopted by the state *pursuant to Section 1367.005*
23 *of the Health and Safety Code and Section 10112.27 of the*
24 *Insurance Code* and approved by the secretary under Section 18022
25 of Title 42 of the United States Code, *and any successor essential*
26 *health benefit package adopted by the state.*

27 (b) This section shall become operative on January 1, 2014.

28 ~~SEC. 29.~~

29 *SEC. 43.* Section 15926 of the Welfare and Institutions Code
30 is amended to read:

31 15926. (a) The following definitions apply for purposes of
32 this part:

33 (1) “Accessible” means in compliance with Section 11135 of
34 the Government Code, Section 1557 of the PPACA, and regulations
35 or guidance adopted pursuant to these statutes.

36 (2) “Limited-English-proficient” means not speaking English
37 as one’s primary language and having a limited ability to read,
38 speak, write, or understand English.

39 (3) ~~“State health subsidy programs” means the programs~~
40 ~~described in Section 1413(e) of the PPACA.~~

1 (3) “Insurance affordability program” means a program that
2 is one of the following:

3 (A) The Medi-Cal program under Title XIX of the federal Social
4 Security Act (42 U.S.C. Sec. 1396 et seq.).

5 (B) The Healthy Families Program under Title XXI of the federal
6 Social Security Act (42 U.S.C. Sec. 1397aa et seq.).

7 (C) A program that makes available to qualified individuals
8 coverage in a qualified health plan through the California Health
9 Benefit Exchange established pursuant to Title 22 (commencing
10 with Section 100500) of the Government Code with advance
11 payment of the premium tax credit established under Section 36B
12 of the Internal Revenue Code.

13 (4) A program that makes available coverage in a qualified
14 health plan through the California Health Benefit Exchange
15 established pursuant to Title 22 (commencing with Section 100500)
16 of the Government Code with cost-sharing reductions established
17 under Section 1402 of PPACA and any subsequent amendments
18 to that act.

19 (b) An individual shall have the option to apply for ~~state health~~
20 ~~subsidy insurance affordability~~ programs in person, by mail, online,
21 by telephone, or by other commonly available electronic means.

22 (c) (1) A single, accessible, standardized paper, electronic, and
23 telephone application for ~~state health subsidy insurance~~
24 ~~affordability~~ programs shall be developed by the department in
25 consultation with MRMIB and the board governing the Exchange
26 as part of the stakeholder process described in subdivision (b) of
27 Section 15925. The application shall be used by all entities
28 authorized to make an eligibility determination for any of the ~~state~~
29 ~~health subsidy insurance affordability~~ programs and by their
30 agents.

31 (2) The application shall be tested and operational by the date
32 as required by the federal Secretary of Health and Human Services.

33 (3) The application form shall, to the extent not inconsistent
34 with federal statutes, regulations, and guidance, satisfy all of the
35 following criteria:

36 (A) The form shall include simple, user-friendly language and
37 instructions.

38 (B) The form may not ask for information related to a
39 nonapplicant that is not necessary to determine eligibility in the
40 applicant’s particular circumstances.

1 (C) The form may require only information necessary to support
2 the eligibility and enrollment processes for ~~state health subsidy~~
3 *insurance affordability* programs.

4 (D) The form may be used for, but shall not be limited to,
5 screening.

6 (E) The form may ask, or be used otherwise to identify, if the
7 mother of an infant applicant under one year of age had coverage
8 through a ~~state health subsidy~~ *an insurance affordability* program
9 for the infant's birth, for the purpose of automatically enrolling
10 the infant into the applicable program without the family having
11 to complete the application process for the infant.

12 (F) The form may include questions that are voluntary for
13 applicants to answer regarding demographic data categories,
14 including race, ethnicity, primary language, disability status, and
15 other categories recognized by the federal Secretary of Health and
16 Human Services under Section 4302 of the PPACA.

17 (G) *Until January 1, 2016, the department shall instruct counties*
18 *to not reject an application that was in existence prior to January*
19 *1, 2014, but to accept the application and request any additional*
20 *information needed from the applicant in order to complete the*
21 *eligibility determination process. The department shall work with*
22 *counties and consumer advocates to develop the supplemental*
23 *questions.*

24 (d) Nothing in this section shall preclude the use of a
25 provider-based application form or enrollment procedures for ~~state~~
26 ~~health subsidy~~ *insurance affordability* programs or other health
27 programs that differs from the application form described in
28 subdivision (c), and related enrollment procedures. *Nothing in this*
29 *section shall preclude the use of a joint application, developed by*
30 *the department and the State Department of Social Services, that*
31 *allows for an application to be made for multiple programs,*
32 *including, but not limited to, CalWORKs, CalFresh, and insurance*
33 *affordability programs.*

34 (e) The entity making the eligibility determination shall grant
35 eligibility immediately whenever possible and with the consent of
36 the applicant in accordance with the state and federal rules
37 governing ~~state health subsidy~~ *insurance affordability* programs.

38 (f) (1) If the eligibility, enrollment, and retention system has
39 the ability to prepopulate an application form for insurance
40 affordability programs with personal information from available

1 electronic databases, an applicant shall be given the option, with
2 his or her informed consent, to have the application form
3 prepopulated. Before a prepopulated ~~renewal form or, if available,~~
4 ~~prepopulated~~ application is submitted to the entity authorized to
5 make eligibility determinations, the individual shall be given the
6 opportunity to provide additional eligibility information and to
7 correct any information retrieved from a database.

8 (2) All ~~state health subsidy insurance affordability~~ programs
9 shall accept self-attestation, instead of requiring an individual to
10 produce a document, for age, date of birth, family size, household
11 income, state residence, pregnancy, and any other applicable
12 criteria needed to determine the eligibility of an applicant or
13 recipient, to the extent permitted by state and federal law.

14 (3) An applicant or recipient shall have his or her information
15 electronically verified in the manner required by the PPACA and
16 implementing federal regulations and guidance.

17 (4) Before an eligibility determination is made, the individual
18 shall be given the opportunity to provide additional eligibility
19 information and to correct information.

20 (5) The eligibility of an applicant shall not be delayed or denied
21 for any ~~state health subsidy insurance affordability~~ program unless
22 the applicant is given a reasonable opportunity, of at least the kind
23 provided for under the Medi-Cal program pursuant to Section
24 14007.5 and paragraph (7) of subdivision (e) of Section 14011.2,
25 to resolve discrepancies concerning any information provided by
26 a verifying entity.

27 (6) To the extent federal financial participation is available, an
28 applicant shall be provided benefits in accordance with the rules
29 of the ~~state health subsidy insurance affordability~~ program, as
30 implemented in federal regulations and guidance, for which he or
31 she otherwise qualifies until a determination is made that he or
32 she is not eligible and all applicable notices have been provided.
33 Nothing in this section shall be interpreted to grant presumptive
34 eligibility if it is not otherwise required by state law, and, if so
35 required, then only to the extent permitted by federal law.

36 (g) The eligibility, enrollment, and retention system shall offer
37 an applicant and recipient assistance with his or her application or
38 renewal for a ~~state health subsidy~~ *an insurance affordability*
39 program in person, over the telephone, ~~and by mail,~~ online, or
40 *through other commonly available electronic means* and in a

1 manner that is accessible to individuals with disabilities and those
2 who are limited English proficient.

3 (h) (1) During the processing of an application, renewal, or a
4 transition due to a change in circumstances, an entity making
5 eligibility determinations for ~~a state health subsidy~~ *an insurance*
6 *affordability* program shall ensure that an eligible applicant and
7 recipient of ~~state health subsidy~~ *insurance affordability* programs
8 that meets all program eligibility requirements and complies with
9 all necessary requests for information moves between programs
10 without any breaks in coverage and without being required to
11 provide any forms, documents, or other information or undergo
12 verification that is duplicative or otherwise unnecessary. The
13 individual shall be informed about how to obtain information about
14 the status of his or her application, renewal, or transfer to another
15 program at any time, and the information shall be promptly
16 provided when requested.

17 (2) The application or case of an individual screened as not
18 eligible for Medi-Cal on the basis of Modified Adjusted Gross
19 Income (MAGI) household income but who may be eligible on
20 the basis of being 65 years of age or older, or on the basis of
21 blindness or disability, shall be forwarded to the Medi-Cal program
22 for an eligibility determination. During the period this application
23 or case is processed for a non-MAGI Medi-Cal eligibility
24 determination, if the applicant or recipient is otherwise eligible
25 for ~~a state health subsidy~~ *an insurance affordability* program, he
26 or she shall be determined eligible for that program.

27 (3) Renewal procedures shall include all available methods for
28 reporting renewal information, including, but not limited to,
29 face-to-face, telephone, *mail*, and online renewal *or renewal*
30 *through other commonly available electronic means*.

31 (4) An applicant who is not eligible for ~~a state health subsidy~~
32 *an insurance affordability* program for a reason other than income
33 eligibility, or for any reason in the case of applicants and recipients
34 residing in a county that offers a health coverage program for
35 individuals with income above the maximum allowed for the
36 Exchange premium tax credits, shall be referred to the county
37 health coverage program in his or her county of residence.

38 (i) Notwithstanding subdivisions (e), (f), and (j), before an online
39 applicant who appears to be eligible for the Exchange with a

1 premium tax credit or reduction in cost sharing, or both, may be
2 enrolled in the Exchange, both of the following shall occur:

3 (1) The applicant shall be informed of the overpayment penalties
4 under the federal Comprehensive 1099 Taxpayer Protection and
5 Repayment of Exchange Subsidy Overpayments Act of 2011
6 (Public Law 112-9), if the individual's annual family income
7 increases by a specified amount or more, calculated on the basis
8 of the individual's current family size and current income, and that
9 penalties are avoided by prompt reporting of income increases
10 throughout the year.

11 (2) The applicant shall be informed of the penalty for failure to
12 have minimum essential health coverage.

13 (j) The department shall, in coordination with MRMIB and the
14 Exchange board, streamline and coordinate all eligibility rules and
15 requirements among ~~state health subsidy~~ *insurance affordability*
16 programs using the least restrictive rules and requirements
17 permitted by federal and state law. This process shall include the
18 consideration of methodologies for determining income levels,
19 assets, rules for household size, citizenship and immigration status,
20 and self-attestation and verification requirements.

21 (k) (1) Forms and notices developed pursuant to this section
22 shall be accessible and standardized, as appropriate, and shall
23 comply with federal and state laws, regulations, and guidance
24 prohibiting discrimination.

25 (2) Forms and notices developed pursuant to this section shall
26 be developed using plain language and shall be provided in a
27 manner that affords meaningful access to limited-English-proficient
28 individuals, in accordance with applicable state and federal law,
29 and at a minimum, provided in the same threshold languages as
30 required for Medi-Cal managed care plans.

31 (l) The department, the California Health and Human Services
32 Agency, MRMIB, and the Exchange board shall establish a process
33 for receiving and acting on stakeholder suggestions regarding the
34 functionality of the eligibility systems supporting the Exchange,
35 including the activities of all entities providing eligibility screening
36 to ensure the correct eligibility rules and requirements are being
37 used. This process shall include consumers and their advocates,
38 be conducted no less than quarterly, and include the recording,
39 review, and analysis of potential defects or enhancements of the
40 eligibility systems. The process shall also include regular updates

1 on the work to analyze, prioritize, and implement corrections to
2 confirmed defects and proposed enhancements, and to monitor
3 screening.

4 (m) In designing and implementing the eligibility, enrollment,
5 and retention system, the department, MRMIB, and the Exchange
6 board shall ensure that all privacy and confidentiality rights under
7 the PPACA and other federal and state laws are incorporated and
8 followed, including responses to security breaches.

9 (n) Except as otherwise specified, this section shall be operative
10 on and after January 1, 2014.

11 ~~SEC. 30. — If the Commission on State Mandates determines~~
12 ~~that this act contains costs mandated by the state, reimbursement~~
13 ~~to local agencies and school districts for those costs shall be made~~
14 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
15 ~~4 of Title 2 of the Government Code.~~

16 *SEC. 44. No reimbursement is required by this act pursuant*
17 *to Section 6 of Article XIII B of the California Constitution for*
18 *certain costs that may be incurred by a local agency or school*
19 *district because, in that regard, this act creates a new crime or*
20 *infraction, eliminates a crime or infraction, or changes the penalty*
21 *for a crime or infraction, within the meaning of Section 17556 of*
22 *the Government Code, or changes the definition of a crime within*
23 *the meaning of Section 6 of Article XIII B of the California*
24 *Constitution.*

25 *However, if the Commission on State Mandates determines that*
26 *this act contains other costs mandated by the state, reimbursement*
27 *to local agencies and school districts for those costs shall be made*
28 *pursuant to Part 7 (commencing with Section 17500) of Division*
29 *4 of Title 2 of the Government Code.*

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