

AMENDED IN ASSEMBLY JANUARY 6, 2014

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 175

Introduced by Assembly Member V. Manuel Pérez

January 24, 2013

An act to add Section 124557 to the Health and Safety Code, relating to health care coverage, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 175, as amended, V. Manuel Pérez. Health care coverage.

Existing law requires the State Department of Health Care Services to maintain a program for seasonal agricultural and migratory workers and their families that includes technical and financial assistance to local agencies concerned with the health of seasonal agricultural and migratory workers and their families in coordination with similar programs of the federal government, other states, and voluntary agencies, and to grant funds to eligible private, nonprofit, community-based primary care clinics for the purpose of establishing and maintaining a health services program for seasonal agricultural and migratory workers and their families. Existing federal law, the federal Patient Protection and Affordable Care Act (PPACA), enacts various health care coverage market reforms that take effect January 1, 2014.

This bill would establish the Uncovered *Worker* Health Trust Fund for the purpose of providing ~~health care coverage~~ *comprehensive primary health care services* to workers ineligible for health care coverage under federal and state programs, including the PPACA. This

bill would authorize voluntary contributions to be deposited into the trust.

~~The~~

~~This bill would require that trust moneys, as specified, be distributed by the Primary Health Care Services Branch Primary, Rural, and Indian Health Division of the department through its the authority of the Rural Health Clinic Program. The bill would require the department to publish a list of employers who contributed to the trust and make that list available to nonprofit community health centers. Because the bill would create a continuously appropriated fund, it would make an appropriation. The bill would also require the department to provide those employers contributing to the trust with a list of nonprofit community health centers, as defined, accessible to uncovered workers.~~

This bill would require the department, on or before ~~January 1, 2015, March 1, 2015,~~ to prepare ~~and make available~~ an application form, as specified, for nonprofit community health centers to use to apply for moneys from the trust. The bill would require a nonprofit community health center applying for trust moneys to submit the application to the department. The bill would ~~also~~ require the department to distribute trust moneys according to specified ~~criteria. The bill criteria, and would require authorize~~ nonprofit community health centers to utilize mobile medical units and provide transportation to *uncovered* workers who reside or are employed in geographical areas that make access to clinic sites difficult.

This bill would require that the costs to the department of administering the trust be provided from the trust, and would prohibit ~~these administrative~~ costs from exceeding 10% of the total trust moneys.

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

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

- 1 SECTION 1. The Legislature hereby finds and declares the
- 2 following:
- 3 (a) An analysis of data collected by the United States
- 4 government in March 2008, about insurance coverage in the prior
- 5 calendar year, found that 33.2 percent of all immigrants did not
- 6 have health insurance compared to 12.7 percent of native-born
- 7 Americans.

1 (b) Immigrants account for 27.1 percent of all those without
2 health insurance. Immigrants are 12.5 percent of the nation’s total
3 population.

4 (c) Lack of health insurance is a significant problem, even for
5 long-time immigrant residents. Among immigrants who arrived
6 in the country in the 1980s, 28.7 percent lacked health insurance
7 in 2007.

8 (d) The high level of uninsured amongst the immigrant
9 population means that they often have jobs that do not provide
10 insurance while their low incomes make private insurance too
11 expensive.

12 (e) California is home to almost one-third of all immigrants in
13 the United States.

14 (f) Many of these immigrants are much more likely to work in
15 small business, agriculture, labor, cleaning or repair, and sales,
16 technology, and administration industries.

17 (g) In 2010, 7 million individuals or 21.5 percent of California’s
18 population was uninsured, with adults comprising 86 percent of
19 the uninsured.

20 (h) Based on an analysis by the University of California, Los
21 Angeles, Center for Health Policy Research, the federal Patient
22 Protection and Affordable Care Act—(~~PPACA~~), (*PPACA*) will
23 reduce California’s eligible uninsured population to 2.72 million
24 by 2019.

25 (i) A report by the Central Coast Health Network in 2012 found
26 that between 300,000 and 1 million farmworkers in California will
27 remain uninsured under the PPACA because of their ineligibility
28 to participate in the program and their lack of sufficient income.

29 (j) Based on the annual income earned by many workers in
30 small business, agriculture, restaurants, sales, and service industries
31 in California, these workers will not be covered by the PPACA
32 and expansion of Medicaid.

33 SEC. 2. Section 124557 is added to the Health and Safety Code,
34 to read:

35 124557. (a) The following definitions apply for purposes of
36 this section:

37 (1) “Contributing employer” means a person who employs an
38 individual who is ineligible to receive health care coverage under
39 state or federal programs and contributes money to the Uncovered
40 Worker Health Trust Fund.

1 (2) “Nonprofit community health center” means a community
2 clinic or free clinic, as defined in subdivision (a) of Section 1204.

3 ~~(2)~~

4 (3) “Trust” means the Uncovered Worker Health Trust Fund.

5 ~~(3)~~

6 (4) “Uncovered worker” means an individual who *does not have*
7 *health care coverage and is ineligible to receive health care*
8 *coverage beyond emergency and pregnancy services under state*
9 *or federal programs, including, but not limited to, Medi-Cal or*
10 *other coverage under the federal Patient Protection and Affordable*
11 *Care Act (Public Law 111-148), and is working in the state for*
12 *an employer who contributes money to the Uncovered Worker*
13 *Health Trust Fund.*

14 (b) There is hereby created the Uncovered Worker Health Trust
15 Fund for the purpose of providing comprehensive ~~health insurance~~
16 ~~coverage~~ *primary health care services* to uncovered workers.
17 Voluntary contributions may be deposited into the trust from the
18 following sources:

19 (1) Private donors.

20 (2) Charitable and philanthropic organizations.

21 (3) Contributing employers.

22 (c) The department shall, on or before ~~January 1, 2015~~, *March*
23 *1, 2015*, prepare and make available an application form for
24 nonprofit community health centers to use in requesting moneys
25 from the trust. The department shall include in the application form
26 a memorandum of understanding that contains space for the
27 following information, in addition to any other data the department
28 deems relevant:

29 (1) The name of the contributing employer.

30 (2) The number of uncovered workers that will be employed
31 by the contributing employer.

32 (3) The length of time that uncovered workers will be employed
33 by the contributing employer and the time that those workers will
34 continue to require health care services.

35 (4) The estimated cost of providing health care services to the
36 contributing employer’s uncovered workers.

37 (d) Nonprofit community health centers applying for moneys
38 from the trust shall submit the application to the department.

39 (e) ~~Moneys from the trust~~ *Notwithstanding Section 13340 of*
40 *the Government Code, moneys from the trust are continuously*

1 *appropriated to the department, and shall be allocated to*
2 *participating nonprofit community health centers no later than July*
3 *1, 2015, unless the department determines that the trust has an*
4 *insufficient balance to carry out the requirements of this section,*
5 *in which case the department may delay implementation until the*
6 *trust has a balance of one million dollars (\$1,000,000) or more.*

7 ~~(1) The Primary Health Care Services Branch~~ *Primary, Rural,*
8 *and Indian Health Division* of the department, through ~~its~~ *the*
9 *authority of the Rural Health Clinic Program, shall distribute*
10 *moneys from the trust to nonprofit community health centers to*
11 *provide comprehensive primary health care services, including*
12 *preventive mental health and dental care, to uncovered workers.*

13 (2) The department shall allocate moneys from the trust to
14 nonprofit community health centers based on the number of
15 uncovered workers to be served, the length of time the uncovered
16 worker will be employed by the contributing employer,
17 geographical location, and any other criteria developed by the
18 department in consultation with contributing employers and
19 nonprofit community health centers.

20 ~~(f) (1) The department shall publish a list of contributing~~
21 ~~employers and shall make that list available to nonprofit~~
22 ~~community health centers that serve uncovered workers.~~

23 ~~(2)~~

24 (f) The department shall publish a list of nonprofit community
25 ~~clinics~~ *health centers* located in the proximity of, and accessible
26 to, uncovered workers and shall provide that list to contributing
27 employers.

28 (g) Nonprofit community health centers ~~shall~~ *may* utilize mobile
29 medical units or provide transportation to uncovered workers who
30 reside or are employed in geographical areas that make access to
31 clinic sites difficult.

32 (h) The cost to the department of administering the trust shall
33 be provided from the trust. Administrative costs shall not exceed
34 10 percent of the total moneys in the trust.

35 ~~(i) Nothing in this act shall detract, impede, or violate any~~
36 ~~provision of the PPACA.~~