

AMENDED IN ASSEMBLY MAY 25, 2018

AMENDED IN ASSEMBLY MARCH 23, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2965

Introduced by Assembly Member Arambula *Assembly Members
Arambula and Thurmond*
(Coauthors: Assembly Members ~~Wood, Chiu, and Friedman~~) *Burke,
Carrillo, Chiu, Friedman, Gonzalez Fletcher, and Wood*)

February 16, 2018

An act to amend Section 14007.8 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 2965, as amended, Arambula. Medi-Cal: immigration ~~status:~~
~~adults:~~ *status*.

Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid ~~Program~~ *program* provisions. The federal Medicaid ~~Program~~ *program* provisions ~~prohibit~~ *program prohibits* payment to a state for medical assistance furnished to an alien who is not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.

Existing law requires that individuals under 19 years of age enrolled in restricted-scope Medi-Cal at the time the Director of Health Care Services makes a determination that systems have been programmed for implementation of these ~~provisions;~~ *provisions* be enrolled in the

full scope of Medi-Cal benefits, if otherwise eligible, pursuant to an eligibility and enrollment plan. Existing law makes the effective date of enrollment for those individuals the same day that systems are operational to begin processing new applications pursuant to the director's determination. Existing law requires the department, until the director makes the above-described determination, to provide monthly updates to specified legislative committees on the status of the implementation of these provisions.

This bill would extend eligibility for full-scope Medi-Cal benefits to individuals ~~of all ages who are under 26 years of age and~~ who are otherwise eligible for those benefits but for their immigration status. The bill would delete provisions delaying eligibility and enrollment until the director makes the determination described above. The bill would require the department to provide, indefinitely, the above-described monthly updates to the legislative committees. 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 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. Section 14007.8 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 14007.8. (a) (1) An individual *who is under 26 years of age*
- 4 *and* who does not have satisfactory immigration status or is unable
- 5 to establish satisfactory immigration status as required by Section
- 6 14011.2 shall be eligible for the full scope of Medi-Cal benefits,
- 7 if he or she is otherwise eligible for benefits under this chapter.
- 8 (2) (A) Individuals *who are under 26 years of age and who are*
- 9 enrolled in Medi-Cal pursuant to subdivision (d) of Section 14007.5
- 10 shall be enrolled in the full scope of Medi-Cal benefits, if otherwise

1 eligible, pursuant to an eligibility and enrollment plan. This plan
2 shall include outreach strategies developed by the department in
3 consultation with interested stakeholders, including, but not limited
4 to, counties, health care service plans, consumer advocates, and
5 the Legislature. Individuals subject to this subparagraph shall not
6 be required to file a new application for Medi-Cal.

7 (B) The department shall provide monthly updates to the
8 appropriate policy and fiscal committees of the Legislature on the
9 status of the implementation of this section.

10 (b) To the extent permitted by state and federal law, an
11 individual eligible under this section shall be required to enroll in
12 a Medi-Cal managed care health plan. Enrollment in a Medi-Cal
13 managed care health plan shall not preclude a beneficiary from
14 being enrolled in any other children's Medi-Cal specialty program
15 that he or she would otherwise be eligible for.

16 (c) The department shall seek any necessary federal approvals
17 to obtain federal financial participation in implementing this
18 section. Benefits for services under this section shall be provided
19 with state-only funds only if federal financial participation is not
20 available for those services.

21 (d) The department shall maximize federal financial participation
22 in implementing this section to the extent allowable.

23 (e) This section shall be implemented only to the extent it is in
24 compliance with Section 1621(d) of Title 8 of the United States
25 Code.

26 (f) (1) 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, without taking any further regulatory action, shall
29 implement, interpret, or make specific this section by means of
30 all-county letters, plan letters, plan or provider bulletins, or similar
31 instructions until the time any necessary regulations are adopted.
32 Thereafter, the department shall adopt regulations in accordance
33 with the requirements of Chapter 3.5 (commencing with Section
34 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

35 (2) Notwithstanding Section 10231.5 of the Government Code,
36 the department shall provide a status report to the Legislature on
37 a semiannual basis, in compliance with Section 9795 of the
38 Government Code, until regulations have been adopted.

39 (g) In implementing this section, the department may contract,
40 as necessary, on a bid or nonbid basis. This subdivision establishes

1 an accelerated process for issuing contracts pursuant to this section.
2 Those contracts, and any other contracts entered into pursuant to
3 this subdivision, may be on a noncompetitive bid basis and shall
4 be exempt from the following:

5 (1) Part 2 (commencing with Section 10100) of Division 2 of
6 the Public Contract Code and any policies, procedures, or
7 regulations authorized by that part.

8 (2) Article 4 (commencing with Section 19130) of Chapter 5
9 of Part 2 of Division 5 of Title 2 of the Government Code.

10 (3) Review or approval of contracts by the Department of
11 General Services.

12 SEC. 2. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.