

**SENATE BILL****No. 222**

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**Introduced by Senator Hernandez**February 2, 2017

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An act to amend Section 14011.10 of the Welfare and Institutions Code, relating to Medi-Cal.

## LEGISLATIVE COUNSEL'S DIGEST

SB 222, as introduced, Hernandez. Inmates: health care enrollment.

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. Existing law requires Medi-Cal benefits to an individual who is an inmate of a public institution to be suspended effective the date he or she becomes an inmate of a public institution. Existing law requires the suspension to end on the date that he or she is no longer an inmate of a public institution or one year from the date he or she becomes an inmate of a public institution, whichever is sooner.

This bill instead would require the suspension of Medi-Cal benefits to end on the date he or she is no longer an inmate of a public institution or is no longer otherwise eligible for benefits under the Medi-Cal program. The bill would require the department, in consultation with specified stakeholders, to develop and implement a simplified annual renewal process for individuals in a suspended eligibility status, and would require the department to seek any necessary federal approvals or waivers to implement this provision.

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

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

1 SECTION 1. Section 14011.10 of the Welfare and Institutions  
2 Code is amended to read:

3 14011.10. (a) Except as provided in Sections 14053.7 and  
4 14053.8, benefits provided under this chapter to an individual who  
5 is an inmate of a public institution shall be suspended in accordance  
6 with Section 1396d(a)(29)(A) of Title 42 of the United States Code  
7 as provided in subdivision (c).

8 (b) County welfare departments shall notify the department  
9 within 10 days of receiving information that an individual on  
10 Medi-Cal in the county is or will be an inmate of a public  
11 institution.

12 (c) If an individual is a Medi-Cal beneficiary on the date he or  
13 she becomes an inmate of a public institution, his or her benefits  
14 under this chapter and under Chapter 8 (commencing with Section  
15 14200) shall be suspended effective the date he or she becomes  
16 an inmate of a public institution. The suspension shall end on the  
17 date he or she is no longer an inmate of a public institution or ~~one~~  
18 ~~year from the date he or she becomes an inmate of a public~~  
19 ~~institution, is no longer otherwise eligible for benefits under the~~  
20 *Medi-Cal program, whichever is sooner.*

21 (d) *The department, in consultation with stakeholders, including*  
22 *the County Welfare Directors Association and advocates, shall*  
23 *develop and implement a simplified annual renewal process for*  
24 *individuals who are in a suspended eligibility status under this*  
25 *section. The department shall seek any necessary federal approvals*  
26 *or waivers to implement this subdivision.*

27 (d)

28 (e) This section does not create a state-funded benefit or  
29 program. Health care services under this chapter and Chapter 8  
30 (commencing with Section 14200) shall not be available to inmates  
31 of public institutions whose Medi-Cal benefits have been suspended  
32 under this section.

33 (e)

34 (f) This section shall be implemented only if and to the extent  
35 allowed by federal law. This section shall be implemented only to  
36 the extent that any necessary federal approval of state plan  
37 amendments or other federal approvals are obtained.

38 (f)

1 (g) If any part of this section is in conflict with or does not  
2 comply with federal law, this entire section shall ~~be~~ *become*  
3 inoperative.

4 ~~(g)~~

5 (h) This section shall be implemented on January 1, 2010, or  
6 the date when all necessary federal approvals are obtained,  
7 whichever is later.

8 ~~(h)~~

9 (i) By January 1, 2010, or the date when all necessary federal  
10 approvals are obtained, whichever is later, the department, in  
11 consultation with the Chief Probation Officers of California and  
12 the County Welfare Directors Association, shall establish the  
13 protocols and procedures necessary to implement this section,  
14 including any needed changes to the protocols and procedures  
15 previously established to implement Section 14029.5.

16 ~~(i)~~

17 (j) The department shall determine whether federal financial  
18 participation will be jeopardized by implementing this section and  
19 shall implement this section only if and to the extent that federal  
20 financial participation is not jeopardized.

21 ~~(j)~~

22 (k) 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.