
SENATE COMMITTEE ON HEALTH

Senator Ed Hernandez, O.D., Chair

BILL NO: SB 974
AUTHOR: Lara
VERSION: February 1, 2018
HEARING DATE: April 4, 2017
CONSULTANT: Scott Bain

SUBJECT: Medi-Cal: immigration status: adults

SUMMARY: Extends eligibility for full-scope Medi-Cal benefits to undocumented adults age 19 and above who are otherwise eligible for those benefits but for their immigration status.

Existing federal law: Prohibits undocumented individuals from being eligible for any state or local public benefits (including Medicaid), except for assistance for health care items and services that are necessary for the treatment of an emergency medical condition, public health assistance for immunizations, and for testing and treatment of symptoms of communicable disease. [8 U.S. Code §1621]

Existing state law:

- 1) Establishes the Medi-Cal program, administered by the Department of Health Care Services (DHCS), under which low income individuals are eligible for medical coverage. [WIC §14000 et seq]
- 2) Makes adults and parents with incomes up to 138% of the federal poverty level (FPL) who are under age 65 eligible for Medi-Cal, and makes children with incomes up to 266% of the FPL eligible for Medi-Cal, including providing full-scope Medi-Cal benefits to undocumented children through age 18. [WIC §14005.60, 14005.64, 14005.27, 14005.64, and 14007.8]
- 3) Makes undocumented individuals ages 19 and above, who are otherwise eligible for Medi-Cal services, eligible only for care and services that are necessary for the treatment of an emergency medical condition and medical care directly related to the emergency, as defined in federal law. [WIC §14007.05]
- 4) Makes low-income undocumented individuals eligible for Medi-Cal for pregnancy coverage, breast and cervical cancer-related treatment services, family planning services and long-term care services. [WIC §24003, 14007.65, 14007.7, 14148, 14148.5, and 15832 and HSC §104162]
- 5) Defines, under state law, an “emergency medical condition” as a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:
 - a) Placing the patient’s health in serious jeopardy;
 - b) Serious impairment to bodily functions; or,
 - c) Serious dysfunction of any bodily organ or part. [WIC §14007.05]

This bill:

- 1) Makes undocumented adults age 19 and older who meet all of the eligibility requirements for full-scope Medi-Cal benefits, except for their immigration status, eligible for full-scope Medi-Cal benefits.
- 2) Requires undocumented individuals already enrolled in limited scope Medi-Cal to be enrolled pursuant to an eligibility and enrollment plan, which includes outreach strategies developed by DHCS in consultation with interested stakeholders, including but not limited to counties, health plans, consumer advocates and the Legislature.
- 3) Requires undocumented individuals to enroll into Medi-Cal managed care health plans, and to pay copayments and premium contributions to the extent required of otherwise eligible Medi-Cal recipients who are similarly situated.
- 4) Requires DHCS to maximize federal financial participation in implementing these requirements to the extent allowable.

FISCAL EFFECT: This bill has not been analyzed by a fiscal committee.

COMMENTS:

- 1) *Author's statement.* According to the author, over the last year, we have witnessed a barrage of attacks on health care from the federal government, including multiple efforts to repeal the Affordable Care Act (ACA), the elimination of the individual mandate penalty in the federal tax bill, and various administrative actions that undermine access to care. While California has worked to shield our state from these attacks, it is just as important to continue our progress toward universal coverage. California already provides near-universal coverage for children, thanks in large part to the Health4All Kids program, which provides publicly funded health coverage for undocumented children. SB 75 (2015) included an investment to expand full-scope Medi-Cal to all low-income children under the age of 19, regardless of immigration status. With the implementation of Health4All Kids on May 16, 2016, more than 218,000 undocumented children now receive comprehensive care. In 2017, I introduced SB 562, the Healthy California Act, to create one publicly funded healthcare system that covers all Californians regardless of their immigration status or income. Unfortunately, federal law explicitly and unjustly excludes undocumented adult immigrants from receiving full scope health coverage through Medi-Cal, and from selecting a health plan or receiving subsidies through Covered California. As a result, undocumented adults are still left without comprehensive health care. This bill removes a barrier to health access due to immigration status and brings California closer to ensuring that every Californian has comprehensive, affordable, and accessible care.
- 2) *Current scope of Medi-Cal coverage for immigrants.* In order to be Medi-Cal eligible, an individual must be a state resident and generally must be low-income. Recent legal immigrants and undocumented immigrants who meet income and residency requirements are Medi-Cal eligible, but the scope of that coverage depends on the immigration status of the immigrant and the age of the individual. Undocumented children were made eligible for full-scope Medi-Cal services pursuant to SB 75 (Committee on Budget and Fiscal Review, Chapter 18, Statutes of 2016) the health budget trailer bill. As of December 2017, a total of 218,571 undocumented children have enrolled in full-scope Medi-Cal, in two distinct populations:

- a) *Restricted-scope Medi-Cal beneficiaries.* As of December 2017, 120,614 undocumented children previously enrolled in restricted-scope Medi-Cal coverage transitioned into full-scope Medi-Cal coverage; and,
- b) *Not previously enrolled.* DHCS estimated 130,924 undocumented children that were eligible for, but not enrolled in, restricted-scope Medi-Cal were eligible for full-scope coverage under the expansion of eligibility. As of December 2017, 97,957 children in this category enrolled in full-scope benefits.

Undocumented immigrants age 19 and above are not eligible for full scope services, and are instead eligible for “limited scope” Medi-Cal benefits. Limited scope services are long-term care, pregnancy-related benefits, and emergency services. Medi-Cal also provides coverage for undocumented individuals needing breast and cervical cancer treatment, family planning services through Family PACT, and through temporary presumptive eligibility programs. Undocumented adults are not eligible (with very few exceptions) for enrollment in Medi-Cal managed care plans.

- 3) *The ACA and the remaining uninsured.* According to data from the Centers for Disease Control and Prevention (CDC), National Health Interview Survey, the rate of Californians without insurance has declined from 17.2% in 2012 to 6.8% in the first six months of 2017. According to preliminary data from data from the UC Berkeley Center for Labor Research and Education (UC Berkeley) and the UCLA Center for Health Policy Research (UCLA) for 2017, there are over three million remaining uninsured in California as follows:

California Projected Uninsured, Ages 0-64, 2017	Number	Percentage
Non-subsidy eligible citizens/lawfully present immigrants	550,000	18%
Eligible for subsidies through Covered California	401,000	13%
Eligible for Medi-Cal	322,000	11%
Not eligible due to immigration status	1,787,000	58%

According to the UC Berkeley and UCLA model, an estimated 1.2 to 1.3 million undocumented adults have income at or below 138% of the FPL (at or below \$16,643 in 2017), including nearly one million enrolled in restricted scope Medi-Cal which covers emergency-and pregnancy-related services only.

- 4) *Related legislation.* AB 2965 (Arambula) is identical to this bill. AB 2965 is pending hearing in the Assembly Committee on Health.
- 5) *Prior legislation.* SB 10 (Lara, Chapter 22, Statutes of 2016) required Covered California (CC) to apply to the federal Department of Health and Human Services for a Section 1332 waiver to allow persons who are not otherwise able to obtain coverage through CC by reason of immigration status to obtain coverage from CC by waiving the requirement that CC offer only qualified health plans.

SB 4 (Lara, Chapter 709, Statutes of 2015) required undocumented individuals under 19 years of age enrolled in Medi-Cal at the time the Director of DHCS makes the determination to be enrolled in full scope of Medi-Cal benefits, if otherwise eligible, pursuant to an eligibility and enrollment plan.

SB 97 (Budget and Fiscal Review Committee, Chapter 11, Statutes of 2015) expanded eligibility for full-scope Medi-Cal benefits for undocumented children under the age of 19, regardless of immigration status.

SB 1005 (Lara of 2014) would have extended Medi-Cal eligibility to individuals who would otherwise be eligible, except for their immigration status, and would have created a new health benefit exchange, to provide subsidized health care coverage to individuals who cannot purchase health care coverage through CC due to their immigration status. *SB 1005 was held on the Senate Appropriations suspense file.*

AB X1 1 (Perez, Chapter 3, Statutes of 2013-14 First Extraordinary Session) implemented specified Medicaid provisions of the ACA, including the expansion of federal Medicaid coverage to low-income adults with incomes between 0-138% of the FPL. AB X1 1 also implemented a number of the Medicaid ACA provisions to simplify the eligibility, enrollment and renewal processes for Medi-Cal.

- 6) *Support.* This bill is jointly sponsored by Health Access California (Health Access) and the California Immigrant Policy Center (CIPC) and is supported by individuals, low-income, labor, consumer, health care providers, immigrant, religious, and community groups. Health Access writes this bill would bring California one step closer to universal coverage by making full-scope Medi-Cal available to all income-eligible adults regardless of immigration status. CIPC argues making Medi-Cal inclusive of all income-eligible Californians builds upon our state's leadership to advance universal coverage and ensure that no Californian is unjustly barred from access to health care. CIPC writes that almost two-thirds of undocumented Californians have lived in the United States for more than ten years, one in six of all California children have at least one undocumented parent, and undocumented Californians play a significant role in the workforce and the state's economy but are four times more likely to be uninsured than their US citizen counterparts. CIPC writes that despite their critical role in our society and state, undocumented and uninsured Californians are locked out of access to comprehensive health care. Health Access argues Californian's health system and Californians in general are healthier and stronger when everyone is included, and that when every Californian has the opportunity to have affordable comprehensive health coverage, they have access to preventive, primary and ongoing care as well as financial security against medical debt and bankruptcy.

SUPPORT AND OPPOSITION:

Support: Health Access California (co-sponsor)
 California Immigrant Policy Center (co-sponsor)
 Alianza
 Alliance San Diego
 American Civil Liberties Union of California Center for Advocacy and Policy
 American Friends Service Committee's US-Mexico Border Program
 API Equality-LA
 APLA Health
 Asian Americans Advancing Justice
 Asian Law Alliance
 ASPIRE
 California Advocates for Nursing Home Reform
 California Asset Building Coalition
 California Black Health Network

California Coverage & Health Initiatives
California Food Policy Advocates
CaliforniaHealth+ Advocates
California Health Professional Student Alliance
California Immigrant Policy Center
California Labor Federation
California Latinas for Reproductive Justice
California OneCare
California Pan-Ethnic Health Network
California Partnership
California Physicians Alliance
California Rural Legal Assistance Foundation
California Teamsters
California Voices for Progress
Children's Defense Fund-California
Children Now
Clinica Monsenor Oscar A. Romero Community Health Centers
Coalition for Humane Immigrant Rights
Community Health Alliance of Pasadena (ChapCare's)
Community Health Councils
Community Health Initiative of Orange County
Community Health Partnership of Santa Clara and San Mateo Counties
Dream Team Los Angeles
Essential Access Health
Friends Committee on Legislation of California
Greenlining Institute
Having Our Say Coalition
Indivisible CA StateStrong
Inland Empire Coverage and Health Collaborative
Inland Empire-Immigrant Youth Collective
Jus Semper Global Alliance
Justice in Aging
Latino Coalition for a Healthy California
Law Foundation of Silicon Valley
Long Beach Immigrant Rights Coalition
Los Angeles Dependency Lawyers
Los Angeles LGBT Center
Lutheran Office of Public Policy-California
Maternal and Child Health Access
Merced Lao Family Community, Inc.
Mixteco/Indigena Community Organizing Project
Multi-faith ACTION Coalition
National Council of Jewish Women
National Health Law Program
National Immigration Law Center
PICO California
San Diego Immigrant Rights Consortium
San Diego Organizing Project
San Francisco AIDS Foundation
San Francisco Senior & Disability Action

SEIU California
Services, Immigrant Rights, and Education Network
South Asian Network
Southeast Asia Resource Action Center
South Bay People Power
Street Level Health Project
St. Anthony Foundation
St. John's Well Child & Family Center
The Children's Partnership
TODEC Legal Center
Tri-Valley Progressives for Our Revolution
United Cambodian Community
United Ways of California
Western Center on Law and Poverty
Young Invincibles

Oppose: None received

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