

**ASSEMBLY BILL**

**No. 1160**

---

---

**Introduced by Assembly Member Blanca Rubio**

February 18, 2021

---

---

An act to add Section 14197.13 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 1160, as introduced, Blanca Rubio. Medically supportive food.

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, including enteral nutrition products, pursuant to a schedule of benefits. Under existing law, these health care services are provided through various delivery systems, including fee-for-service and managed care. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions.

Existing law authorizes the department to enter into various types of contracts for the provision of services to beneficiaries, including contracts with a Medi-Cal managed care plan. Existing law imposes various requirements on managed care plan contractors, including network adequacy standards relating to time and distance, and requires the department to ensure that specified benefits, such as mental health, are provided by the contractors in compliance with prescribed federal law. Existing federal law authorizes specified managed care entities that participate in a state's Medicaid program to cover, for enrollees, services or settings that are in lieu of services and settings otherwise covered under a state plan.

Existing law requires the department to establish a Medically Tailored Meals Pilot Program to operate for a period of 4 years from the date the program is established, or until funding is no longer available, whichever date is earlier, in specified counties to provide medically tailored meal intervention services to Medi-Cal participants with prescribed health conditions, such as diabetes and renal disease.

Effective for contract periods commencing on or after January 1, 2022, this bill would authorize Medi-Cal managed care plans to provide medically tailored meals to enrollees. The bill would authorize the department to implement this provision by various means, including plan or provider bulletins, and would require the department to seek federal approvals. The bill would condition the implementation of this provision on the department obtaining federal approval and the availability of federal financial participation.

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. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Malnutrition and poor nutrition can lead to devastating health
- 4 outcomes, higher utilization, and increased costs, particularly
- 5 among medically vulnerable individuals with chronic conditions.
- 6 (2) Medically tailored meals help individuals achieve their
- 7 nutrition goals at critical times to help them regain and maintain
- 8 their health.
- 9 (3) Medically tailored meals help improve health outcomes,
- 10 lower hospital readmission rates, and maintain nutritional health
- 11 status.
- 12 (b) Therefore, it is the intent of the Legislature to do both of the
- 13 following:
- 14 (1) Encourage Medi-Cal managed care plans to offer in lieu of
- 15 services and settings to its enrollees.
- 16 (2) Authorize Medi-Cal managed care plans to provide medically
- 17 tailored meals to enrollees.
- 18 SEC. 2. Section 14197.13 is added to the Welfare and
- 19 Institutions Code, immediately following Section 14197.1, to read:
- 20 14197.13. (a) To encourage Medi-Cal managed care plans to
- 21 offer in lieu of services and settings pursuant to Section 438.3(e)(2)

1 of Title 42 of the Code of Federal Regulations, effective for  
2 contract periods commencing on or after January 1, 2022, Medi-Cal  
3 managed care plans may provide medically tailored meals to  
4 enrollees.

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, may  
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.

11 (c) The department shall seek any federal approvals it deems  
12 necessary to implement this section. This section shall be  
13 implemented only to the extent that any necessary federal approvals  
14 are obtained and federal financial participation is available and is  
15 not otherwise jeopardized.