

AMENDED IN ASSEMBLY APRIL 29, 2021

AMENDED IN ASSEMBLY MARCH 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1214**

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**Introduced by Assembly Member Waldron**  
*(Coauthor: Assembly Member Wood)*

February 19, 2021

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An act to add Section 14011.12 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 1214, as amended, Waldron. Medi-Cal eligibility.

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 provides for the suspension of Medi-Cal benefits to an inmate of a public institution, which ends on the date they are no longer an inmate of a public institution or one year from the date they become an inmate of a public institution, whichever is sooner. Existing law generally requires a county to redetermine a Medi-Cal beneficiary's eligibility to receive Medi-Cal benefits every 12 months and whenever the county receives information about changes in a beneficiary's circumstances that may affect their eligibility for Medi-Cal benefits.

~~This bill would make an individual incarcerated in the state prison or a county jail eligible for the Medi-Cal program for 30 days prior to the date they are released from the correctional facility if they have a chronic~~

~~physical or behavioral health condition, a mental illness, or a substance use disorder. The bill would require the department to seek any waivers or state plan amendments necessary to implement its provisions, and would require the department to send an annual report to the Legislature on the implementation of these provisions, as specified. Because counties are required to make Medi-Cal eligibility determinations, the bill would impose a state-mandated local program.~~

*This bill would make an individual who is incarcerated in a state prison or county jail eligible for the Medi-Cal program for 30 days before the date they are released from that correctional facility. The bill would require the department to send an annual report to the Legislature on the implementation of these provisions, would authorize the department to implement these provisions by various means, including provider bulletins, and, by January 1, 2026, would require the department to promulgate regulations. The bill would require the department to seek federal approvals, including amendments to the state plan, necessary to implement these provisions, and would condition the implementation of these provisions on the department obtaining necessary federal approvals, and to the extent that federal matching funds are obtained. Because counties are required to make Medi-Cal eligibility determinations, 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 14011.12 is added to the Welfare and  
2 Institutions Code, to read:  
3       14011.12. (a) (1) Notwithstanding Section 14011.10, an  
4 individual identified in subdivision (b) shall be eligible for the  
5 Medi-Cal program for 30 days prior to before the date they are  
6 released from a correctional facility.

1       (2) *For purposes of paragraph (1), “correctional facility” means*  
2 *the state prison or a county jail.*

3       (b) This section applies to individuals who are incarcerated in  
4 a correctional facility and have any of the following conditions:

5       (1) A chronic physical or behavioral health condition.  
6       (2) A mental illness.

7       (3) A substance use disorder, including an opioid or alcohol use  
8 disorder.

9       (e) The department shall seek any federal waivers or state plan  
10 amendments necessary to implement this section, and shall only  
11 implement this section to the degree that those waivers or state  
12 plan amendments are obtained.

13       (d) If the waiver or state plan amendments required in  
14 subdivision (e) are approved, the department shall, while the waiver  
15 or state plan amendment is in effect, annually

16       (b) Upon implementation of this section, the department shall  
17 annually send a report to the Legislature on November 30 each  
18 year on all of the following:

19       (1) The number of inmates served under the program.

20       (2) The cost of the program.

21       (3) The effectiveness of the program, including any of the  
22 following:

23       (A) Any reduction in the number of emergency room visits or  
24 hospitalizations by inmates after release from a correctional facility.

25       (B) Any reduction in the number of inmates undergoing inpatient  
26 treatment after release from a correctional facility.

27       (C) Any reduction in overdose rates and deaths of inmates after  
28 release from a correctional facility.

29       (D) Any other costs or benefits as a result of the program.

30       (e)

31       (c) A report to be submitted pursuant to subdivision (d) (b) shall  
32 be submitted in compliance with Section 9795 of the Government  
33 Code.

34       (f) For the purposes of this section, the following terms have  
35 the following meanings:

36       (1) “Correctional facility” means the state prison or a county  
37 jail.

38       (2) “Mental illness” means a psychiatric disorder that  
39 substantially impairs an individual’s mental, emotional, behavioral,  
40 or related functioning, or the same meaning as defined in either

1 the Diagnostic and Statistical Manual of Mental Disorders  
2 published by the American Psychiatric Association or the  
3 International Statistical Classification of Diseases and Related  
4 Health Problems.

5 (d) (1) 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 may implement this section by means of provider  
8 bulletins, all-plan letters, or notices, policy letters, or other similar  
9 instructions, without taking regulatory action.

10 (2) By January 1, 2026, the department shall promulgate  
11 regulations, as necessary, to implement this section in accordance  
12 with the requirements of Chapter 3.5 (commencing with Section  
13 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

14 (e) The department shall seek any federal approvals, including,  
15 but not limited to, amendments or waivers to the state plan,  
16 necessary to implement this section. This section shall only be  
17 implemented if the department obtains necessary federal approvals,  
18 and to the extent that federal matching funds are obtained.

19 SEC. 2. If the Commission on State Mandates determines that  
20 this act contains costs mandated by the state, reimbursement to  
21 local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code.