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Senate Bill No. 214

CHAPTER 300

An act to add and repeal Article 6.2 (commencing with Section 14196.2) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 2020. Filed with Secretary of State September 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 214, Dodd. Medi-Cal: California Community Transitions program.

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 federal law establishes the Money Follows the Person Rebalancing Demonstration, which is designed to achieve various objectives with respect to institutional and home- and community-based long-term care services provided under state Medicaid programs. Under the Money Follows the Person Rebalancing Demonstration, an eligible individual is required, among other qualifications, to have resided in a inpatient facility for at least 90 consecutive days.

This bill would require the department to provide services consistent with the Money Follows the Person Rebalancing Demonstration for transitioning eligible individuals out of an inpatient facility who have not resided in the facility for at least 90 consecutive days. A Medi-Cal beneficiary who has resided in an inpatient facility for at least 90 consecutive days would be ineligible for services under the bill, except as specified. The bill would authorize the department to implement, interpret, or make specific the bill by means of letters, provider bulletins, or similar instructions, without taking regulatory action. Services would not be provided pursuant to the bill during any period that the department has obtained any necessary federal approvals under the Money Follows the Person Rebalancing Demonstration to not apply the 90-day residence eligibility requirement. The bill would require the department to cease to enroll beneficiaries pursuant to the bill commencing January 1, 2023, and to cease to provide services pursuant to the bill commencing January 1, 2024. The bill would repeal these provisions on January 1, 2025.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote Required: TWO THIRDS Appropriation: NO Fiscal Committee: YES Local Program: NO Immediate Effect YES Urgency: YES Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

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

SECTION 1. Article 6.2 (commencing with Section 14196.2) is added to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 6.2. Community Transitions

14196.2. (a) (1) The Legislature finds and declares that in order to reduce the risk of transmission of COVID-19 during the current pandemic and to further the objectives of the Money Follows the Person Rebalancing Demonstration, a temporary program is hereby established to facilitate the transition of individuals from an inpatient facility who have resided in that setting for fewer than 90 days.

(2) The department shall provide services consistent with the Money Follows the Person Rebalancing Demonstration Program, pursuant to Section 6071 of Public Law 109-171, as amended, for transitioning eligible individuals out of inpatient facilities.

(b) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, or make specific this article by means of letters, provider bulletins, or similar instructions, without taking regulatory action.

(c) Commencing January 1, 2023, the department shall cease to enroll beneficiaries pursuant to this article and commencing January 1, 2024, the department shall cease to provide services pursuant to this article.

14196.4. The following definitions apply for purposes of this article:

(a) "Eligible individual" means a Medi-Cal beneficiary who meets both of the following requirements:

(1) The individual meets the definition of an "eligible individual" under Section 6071(b)(2) of Public Law 109-171, except that the individual is not required to have resided for at least 90 consecutive days in an inpatient facility.

(2) The individual is targeted to receive assistance in transitioning from an inpatient facility to a qualified residence, identified in the agreement between the department and the federal Centers for Medicare and Medicaid Services for the Money Follows the Person Rebalancing Demonstration, except the individual shall not be required to have resided for at least 90 consecutive days in an inpatient facility.

(b) "Inpatient facility" has the same meaning as that term is defined in Section 6071(b)(3) of Public Law 109-171.

14196.5 (a) A Medi-Cal beneficiary who has resided for at least 90 consecutive days in an inpatient facility, as required by the Money Follows the Person Rebalancing Demonstration, is not eligible for services under this article unless the department determines that any necessary federal approvals have been obtained and federal financial participation is available for this purpose.

(b) Services shall not be provided pursuant to this article during any period that the department has obtained any necessary federal approvals under the Money Follows the Person Rebalancing Demonstration to not apply the eligibility requirement that the beneficiary has resided for at least 90 consecutive days in an inpatient facility.

14196.6. This article shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

The COVID-19 pandemic has had a significant impact on long-term care institutions, given that they house older adults and people with disabilities with underlying chronic conditions who are more susceptible to serious complications from COVID-19 illness. It is critical that individuals residing in institutional settings have access to transition services to enable them to return to the most homelike setting possible. In order to ensure continuity of integrated, high-quality health and community-based services for Medi-Cal beneficiaries that seek to transition from a health care facility to the community, it is necessary that this act take effect immediately

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