

AMENDED IN ASSEMBLY APRIL 26, 2021

AMENDED IN ASSEMBLY APRIL 12, 2021

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 369

Introduced by Assembly Member Kamlager

(Coauthors: Assembly Members Bauer-Kahan, *Burke*, Carrillo, Cristina Garcia, Gipson, Santiago, ~~and Stone~~) *Stone, Wood, and Lorena Gonzalez*)

(Coauthors: Senators Allen, Umberg, and Wiener)

February 1, 2021

An act to amend Section 15926 of, and to add Sections 14011.67, 14133.55, 14133.56, ~~and 14133.57~~ *14133.57, and 14301.12* to, the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 369, as amended, Kamlager. Medi-Cal services: persons experiencing homelessness.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services and 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 the department to provide presumptive Medi-Cal eligibility to pregnant women and children. Existing law authorizes a qualified hospital to make presumptive eligibility determinations if it complies with specified requirements. Existing law authorizes the department, on a regional pilot project basis, to issue an identification card to a person who is eligible for Medi-Cal program

benefits, but does not possess a valid California driver's license or identification card issued by the Department of Motor Vehicles. Existing law requires the department, in consultation with the board governing the California Health Benefit Exchange, to develop a single paper, electronic, and telephone application for insurance affordability programs, including Medi-Cal.

This bill would require the department to implement a program of presumptive eligibility for persons experiencing homelessness, under which a person would receive full-scope Medi-Cal benefits without a share of cost. The bill would require the department to authorize an enrolled Medi-Cal provider to issue a temporary Medi-Cal benefits identification card to a person experiencing homelessness, and would prohibit the department from requiring a person experiencing homelessness to present a valid California driver's license or identification card issued by the Department of Motor Vehicles to receive Medi-Cal services if the provider verifies the person's eligibility. The bill would require the insurance affordability program's paper application to include a check box, and electronic application to include a pull-down menu, for an applicant to indicate if they are experiencing homelessness at the time of application.

This bill would authorize an enrolled Medi-Cal provider to make a presumptive eligibility determination for a person experiencing homelessness. The bill would authorize an enrolled Medi-Cal provider to bill the Medi-Cal program for Medi-Cal services provided off the premises to a person experiencing homelessness, as specified. The bill would require a Medi-Cal managed care plan to allow a beneficiary to seek those services and allow a provider to provide those services, but would authorize a Medi-Cal managed care plan to establish reasonable requirements governing utilization protocols and network participation. *If Medi-Cal covered health care services covered by a Medi-Cal managed care plan are not provided within the first 60 calendar days of enrollment to a Medi-Cal beneficiary who has indicated that they are a person experiencing homelessness at the time of application, the bill would require the department to deduct the capitation payments made by the department to the plan from subsequent payments due to the plan for the time period from when the person was initially enrolled into a plan until the first receipt of plan-covered services.*

~~If a county determines a person experiencing homelessness is eligible for benefits under the Medi-Cal program, the bill would require the person to be enrolled in the Medi-Cal program's fee-for-service delivery~~

system until they elect to enroll in a Medi-Cal managed care plan. By creating new duties for counties, 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~~ no.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) People experiencing homelessness have poorer health
- 4 outcomes and increased mortality rates compared to the general
- 5 population. This has been attributed to competing priorities, such
- 6 as finding food and shelter and maintaining safety, which detract
- 7 from prioritizing health care, independent of health care coverage
- 8 status.
- 9 (b) People experiencing homelessness have poor access to
- 10 primary care, with only 8 percent of people experiencing
- 11 homelessness having a primary care provider versus 82 percent of
- 12 the general population.
- 13 (c) People experiencing homelessness with Medi-Cal coverage
- 14 rely on referrals from their primary care providers to access
- 15 specialty care. Lack of access to primary care furthers lack of
- 16 access to specialty care and necessitates at least two visits, each
- 17 one difficult to accomplish, when only one might be necessary.
- 18 (d) Poor health outcomes have been attributed to institutional
- 19 trauma in the traditional health care system, such as distrust of the
- 20 health care system, institutional discrimination, and feeling
- 21 unwelcome, leading to an unwillingness to seek medical care.
- 22 (e) Deaths in the homeless population in the County of Los
- 23 Angeles have doubled in the last five years, according to a report
- 24 from the State Department of Public Health.

1 (f) Homelessness and homeless deaths disproportionately affect
2 people of color, accounting for 68 percent of deaths and
3 demonstrating a gross health inequity.

4 (g) The COVID-19 pandemic has increased reliance on
5 telemedicine, but people experiencing homelessness often lack
6 access to telephones, furthering health inequities and increasing
7 isolation.

8 (h) Rates of COVID-19 have been increasing substantially for
9 people experiencing homelessness. They are largely unable to
10 follow the Governor's safer at home orders, wash hands regularly,
11 and keep face masks clean.

12 (i) Barriers to care prevent COVID-19 diagnosis and treatment,
13 increasing morbidity and mortality, increasing rates of community
14 transmission, and ultimately putting the general population at
15 increased risk.

16 (j) There are effective, evidence-based models for delivering
17 health care to persons experiencing homelessness, including street
18 medicine, shelter-based care, and care provided in transitional
19 housing. These models were developed specifically to address the
20 unique needs and circumstances of persons experiencing
21 homelessness onsite where they reside.

22 (k) Through shelter-based care, street medicine, mobile clinics
23 and related delivery models, providers remove access barriers for
24 persons experiencing homelessness in order to deliver
25 patient-centered care. Services provided include medical care for
26 acute and chronic health conditions, behavioral health care
27 treatment, and treatment for substance use disorders, dispensing
28 common medications, and drawing blood work.

29 (l) Less than 30 percent of people experiencing homelessness
30 who are insured have ever seen their primary care physician, versus
31 70 percent of those treated by street medicine teams, who are
32 actively engaged in primary care within one week of referral.

33 (m) Providing medical care to persons experiencing
34 homelessness outside of traditional medical settings has
35 demonstrated a decrease in hospital admissions by two-thirds with
36 a hospital-based consult service.

37 (n) Persons experiencing homelessness have twice the length
38 of stay while hospitalized compared to the housed population, and
39 spend 740 percent more days in the hospital at a 170-percent greater
40 cost per day than people who are housed.

1 (o) Providing health care and social services on the street or
2 outside traditional medical facilities improves housing placement
3 compared to only providing nonmedical outreach services. In the
4 City of Los Angeles, street medicine teams have successfully
5 transitioned 42 percent of their homeless patients into permanent
6 housing, compared to 4 percent when the Los Angeles Homeless
7 Services Authority is the responsible party.

8 (p) Direct care delivery to people experiencing homelessness
9 has taken an important role during the COVID-19 response in
10 shelters and encampments across the state, but has been limited
11 due to small existing infrastructure before the pandemic.

12 (q) The COVID-19 pandemic has forced direct care providers
13 to ration resources, either choosing to provide COVID-19
14 surveillance and testing, or needed ongoing primary care. Lack of
15 infrastructure has made it impossible to do both well.

16 SEC. 2. Section 14011.67 is added to the Welfare and
17 Institutions Code, to read:

18 14011.67. (a) ~~To the extent federal financial participation is~~
19 ~~available, the~~ The department shall implement a program of
20 presumptive eligibility for persons experiencing homelessness.

21 (b) The presumptive eligibility benefits provided under this
22 section shall be full-scope Medi-Cal benefits without a share of
23 cost.

24 (c) Upon implementation of the presumptive eligibility program
25 for persons experiencing homelessness, the department shall issue
26 a declaration, which shall be retained by the director, stating that
27 implementation of the program has commenced.

28 (d) Notwithstanding Chapter 3.5 (commencing with Section
29 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
30 the department may implement, interpret, or make specific this
31 section by means of all-county letters, plan letters, plan or provider
32 bulletins, or similar instructions until the time any necessary
33 regulations are adopted. Thereafter, the department shall adopt
34 any necessary regulations in accordance with the requirements of
35 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
36 3 of Title 2 of the Government Code.

37 (e) An enrolled Medi-Cal provider, including a health facility,
38 such as a hospital or clinic, may make a presumptive eligibility
39 determination for a person experiencing homelessness.

~~(f) If the county determines that the person experiencing homelessness is eligible for benefits under the Medi-Cal program, the person shall be enrolled in the Medi-Cal program's fee-for-service delivery system until they elect, by providing informed consent, to enroll in a Medi-Cal managed care plan. If they elect to enroll in a Medi-Cal managed care plan, they shall complete a Medi-Cal choice form with their chosen primary care provider who is present for purposes of completing that form. The department shall not assign a person experiencing homelessness to a primary care provider without the person's informed consent under any circumstances, including any time beyond the 60-day choice period.~~

~~(g)~~

(f) For purposes of this section, a "person experiencing homelessness" means a person who is "homeless" as defined in Section 91.5 of Title 24 of the Code of Federal Regulations.

(g) (1) *The department shall seek any federal approvals necessary to implement this section.*

(2) *This section shall be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available and is not otherwise jeopardized.*

SEC. 3. Section 14133.55 is added to the Welfare and Institutions Code, to read:

14133.55. (a) The department shall authorize an enrolled Medi-Cal provider to bill the Medi-Cal program for covered services that are otherwise reimbursable to the Medi-Cal provider, but that are provided off the premises of the Medi-Cal provider's office, to a person who is experiencing homelessness and meets one of the following criteria:

(1) Is a Medi-Cal beneficiary who is eligible pursuant to Section 14011.67.

(2) Is exempt from mandatory enrollment in a Medi-Cal managed care plan.

(3) Receives services through fee-for-service Medi-Cal before Medi-Cal managed care plan enrollment.

(b) For purposes of this section:

(1) A "person experiencing homelessness" means a person who is "homeless" as defined in Section 91.5 of Title 24 of the Code of Federal Regulations.

1 (2) “Premises” means a site located at an address other than the
2 address listed either on the provider’s license or in the provider
3 master file.

4 (c) (1) The department shall seek any federal ~~waivers~~ *approvals*
5 necessary to implement this section.

6 (2) This section shall be implemented only to the extent that
7 any necessary federal approvals are obtained and federal financial
8 participation is available and is not otherwise jeopardized.

9 SEC. 4. Section 14133.56 is added to the Welfare and
10 Institutions Code, to read:

11 14133.56. (a) A Medi-Cal managed care plan shall allow a
12 Medi-Cal beneficiary described in subdivision (b) to seek Medi-Cal
13 covered services directly from a participating Medi-Cal provider,
14 pursuant to this section.

15 (b) A Medi-Cal managed care plan shall authorize an enrolled
16 Medi-Cal provider to provide covered services that are otherwise
17 reimbursable to the Medi-Cal provider, but that are provided off
18 the premises of the Medi-Cal provider’s office, to a Medi-Cal
19 beneficiary who is experiencing homelessness.

20 (c) In implementing this section, a Medi-Cal managed care plan
21 may establish reasonable requirements governing utilization
22 protocols and participation in the plan network, if protocols and
23 network participation requirements are consistent with the goal of
24 authorizing services to beneficiaries pursuant to this section.

25 (d) A Medi-Cal provider providing services pursuant to this
26 section shall not be required to obtain prior approval from another
27 physician, another provider, a medical group or independent
28 practice association, a clinic, or the Medi-Cal managed care plan
29 before providing services, including specialist services and
30 laboratory services.

31 (e) (1) A Medi-Cal managed care plan shall provide a Medi-Cal
32 beneficiary the ability to inform the plan online, in person, or via
33 telephone that they are experiencing homelessness.

34 (2) The department shall inform the Medi-Cal managed care
35 plan if a Medi-Cal beneficiary has indicated they are experiencing
36 homelessness based on information furnished on the Medi-Cal
37 application.

38 (f) For purposes of this section:

1 (1) A “person experiencing homelessness” means a person who
2 is “homeless” as defined in Section 91.5 of Title 24 of the Code
3 of Federal Regulations.

4 (2) “Premises” means a site located at an address other than the
5 address listed either on the provider’s license or in the provider
6 master file.

7 (g) (1) The department shall seek any federal ~~waivers~~ *approvals*
8 necessary to implement this section.

9 (2) This section shall be implemented only to the extent that
10 any necessary federal approvals are obtained and federal financial
11 participation is available and is not otherwise jeopardized.

12 SEC. 5. Section 14133.57 is added to the Welfare and
13 Institutions Code, to read:

14 14133.57. (a) (1) Notwithstanding Sections 14017 and
15 14017.5, the department shall authorize an enrolled Medi-Cal
16 provider, including a health facility, such as a hospital or clinic,
17 to issue a temporary, provider-issued Medi-Cal benefits
18 identification card to a person experiencing homelessness who is
19 a Medi-Cal beneficiary or receives full-scope Medi-Cal benefits
20 pursuant to Section 14011.67. The department shall not require a
21 person experiencing homelessness to present a valid California
22 driver’s license or identification card issued by the Department of
23 Motor Vehicles in order to receive services under the Medi-Cal
24 program if the Medi-Cal provider verifies Medi-Cal eligibility
25 through telephone or electronic means.

26 (2) The department shall not require a provider to match the
27 name and signature on any Medi-Cal benefits identification card,
28 including the initially issued temporary card, as described under
29 paragraph (1), issued by the department or provider to a person
30 experiencing homelessness or that individual’s valid California
31 driver’s license or California identification card against a signature
32 executed at the time of service, or require a provider to visually
33 verify the likeness of a person experiencing homelessness to the
34 photograph on the identification card or driver’s license, if the
35 person does not possess a benefits identification card, temporary
36 benefits identification card, California driver’s license, or
37 California identification card.

38 (3) If a provider is unable to verify eligibility based on a
39 Medi-Cal benefits identification card, including the initially issued
40 temporary card, the provider may verify eligibility through any

1 other system, including the Medi-Cal Eligibility Data System or
2 the Homeless Management Information System, as defined in
3 subdivision (i) of Section 50216 of the Health and Safety Code.

4 (b) For purposes of this section, a “person experiencing
5 homelessness” means a person who is “homeless” as defined in
6 Section 91.5 of Title 24 of the Code of Federal Regulations.

7 (c) (1) The department shall seek any federal ~~waivers~~ *approvals*
8 necessary to implement this section.

9 (2) This section shall be implemented only to the extent that
10 any necessary federal approvals are obtained and federal financial
11 participation is available and is not otherwise jeopardized.

12 *SEC. 6. Section 14301.12 is added to the Welfare and*
13 *Institutions Code, to read:*

14 *14301.12. (a) If Medi-Cal covered health care services covered*
15 *by a Medi-Cal managed care plan are not provided within the first*
16 *60 calendar days of enrollment to a Medi-Cal beneficiary who has*
17 *indicated that they are a person experiencing homelessness at the*
18 *time of application, the department shall deduct the capitation*
19 *payments made by the department to the plan from subsequent*
20 *payments due to the plan for the time period from when the person*
21 *was initially enrolled into a Medi-Cal managed care plan until*
22 *the first receipt of plan-covered services.*

23 *(b) For purposes of this section, a “person experiencing*
24 *homelessness” means a person who is “homeless” as defined in*
25 *Section 91.5 of Title 24 of the Code of Federal Regulations.*

26 *(c) “Medi-Cal managed care plan” means an individual,*
27 *organization, or entity that enters into a comprehensive risk*
28 *contract with the department to provide covered full-scope health*
29 *care services to enrolled Medi-Cal beneficiaries pursuant to*
30 *Chapter 7 (commencing with Section 14000) or this chapter.*

31 ~~SEC. 6.~~

32 *SEC. 7. Section 15926 of the Welfare and Institutions Code is*
33 *amended to read:*

34 *15926. (a) The following definitions apply for purposes of*
35 *this part:*

36 *(1) “Accessible” means in compliance with Section 11135 of*
37 *the Government Code, Section 1557 of the PPACA, and regulations*
38 *or guidance adopted pursuant to these statutes.*

1 (2) “Limited-English-proficient” means not speaking English
2 as one’s primary language and having a limited ability to read,
3 speak, write, or understand English.

4 (3) “Insurance affordability program” means a program that is
5 one of the following:

6 (A) The Medi-Cal program under Title XIX of the federal Social
7 Security Act (42 U.S.C. Sec. 1396 et seq.).

8 (B) The state’s children’s health insurance program (CHIP)
9 under Title XXI of the federal Social Security Act (42 U.S.C. Sec.
10 1397aa et seq.).

11 (C) A program that makes available to qualified individuals
12 coverage in a qualified health plan through the California Health
13 Benefit Exchange established pursuant to Title 22 (commencing
14 with Section 100500) of the Government Code with advance
15 payment of the premium tax credit established under Section 36B
16 of the Internal Revenue Code.

17 (4) A program that makes available coverage in a qualified
18 health plan through the California Health Benefit Exchange
19 established pursuant to Title 22 (commencing with Section 100500)
20 of the Government Code with cost-sharing reductions established
21 under Section 1402 of PPACA and any subsequent amendments
22 to that act.

23 (b) An individual shall have the option to apply for insurance
24 affordability programs in person, by mail, online, by telephone,
25 or by other commonly available electronic means.

26 (c) (1) A single, accessible, standardized paper, electronic, and
27 telephone application for insurance affordability programs shall
28 be developed by the department, in consultation with the board
29 governing the Exchange, as part of the stakeholder process
30 described in subdivision (b) of Section 15925. The application
31 shall be used by all entities authorized to make an eligibility
32 determination for any of the insurance affordability programs and
33 by their agents. The paper application shall include a check box,
34 and the electronic application shall include a pull-down menu, for
35 the applicant to indicate if the applicant is homeless at the time of
36 application. For purposes of this section, “homeless” has the same
37 meaning as in Section 91.5 of Title 24 of the Code of Federal
38 Regulations.

39 (2) The department may develop and require the use of
40 supplemental forms to collect additional information needed to

1 determine eligibility on a basis other than the financial
2 methodologies described in Section 1396a(e)(14) of Title 42 of
3 the United States Code, as added by the federal Patient Protection
4 and Affordable Care Act (Public Law 111-148), and as amended
5 by the federal Health Care and Education Reconciliation Act of
6 2010 (Public Law 111-152) and any subsequent amendments, as
7 provided under Section 435.907(c) of Title 42 of the Code of
8 Federal Regulations.

9 (3) The application shall be tested and operational by the date
10 as required by the federal Secretary of Health and Human Services.

11 (4) The application form shall, to the extent not inconsistent
12 with federal statutes, regulations, and guidance, satisfy all of the
13 following criteria:

14 (A) The form shall include simple, user-friendly language and
15 instructions.

16 (B) The form may not ask for information related to a
17 nonapplicant that is not necessary to determine eligibility in the
18 applicant's particular circumstances.

19 (C) The form may require only information necessary to support
20 the eligibility and enrollment processes for insurance affordability
21 programs.

22 (D) The form may be used for, but shall not be limited to,
23 screening.

24 (E) The form may ask, or be used otherwise to identify, if the
25 mother of an infant applicant under one year of age had coverage
26 through an insurance affordability program for the infant's birth,
27 for the purpose of automatically enrolling the infant into the
28 applicable program without the family having to complete the
29 application process for the infant.

30 (F) The form may include questions that are voluntary for
31 applicants to answer regarding demographic data categories,
32 including race, ethnicity, primary language, disability status, and
33 other categories recognized by the federal Secretary of Health and
34 Human Services under Section 4302 of the PPACA.

35 (G) Until January 1, 2016, the department shall instruct counties
36 to not reject an application that was in existence prior to January
37 1, 2014, but to accept the application and request any additional
38 information needed from the applicant in order to complete the
39 eligibility determination process. The department shall work with

1 counties and consumer advocates to develop the supplemental
2 questions.

3 (d) Nothing in this section shall preclude the use of a
4 provider-based application form or enrollment procedures for
5 insurance affordability programs or other health programs that
6 differs from the application form described in subdivision (c), and
7 related enrollment procedures. Nothing in this section shall
8 preclude the use of a joint application, developed by the department
9 and the State Department of Social Services, that allows for an
10 application to be made for multiple programs, including, but not
11 limited to, CalWORKs, CalFresh, and insurance affordability
12 programs.

13 (e) The entity making the eligibility determination shall grant
14 eligibility immediately whenever possible and with the consent of
15 the applicant in accordance with the state and federal rules
16 governing insurance affordability programs.

17 (f) (1) If the eligibility, enrollment, and retention system has
18 the ability to prepopulate an application form for insurance
19 affordability programs with personal information from available
20 electronic databases, an applicant shall be given the option, with
21 their informed consent, to have the application form prepopulated.
22 Before a prepopulated application is submitted to the entity
23 authorized to make eligibility determinations, the individual shall
24 be given the opportunity to provide additional eligibility
25 information and to correct any information retrieved from a
26 database.

27 (2) All insurance affordability programs may accept
28 self-attestation, instead of requiring an individual to produce a
29 document, for age, date of birth, family size, household income,
30 state residence, pregnancy, and any other applicable criteria needed
31 to determine the eligibility of an applicant or recipient, to the extent
32 permitted by state and federal law.

33 (3) An applicant or recipient shall have their information
34 electronically verified in the manner required by the PPACA and
35 implementing federal regulations and guidance and state law.

36 (4) Before an eligibility determination is made, the individual
37 shall be given the opportunity to provide additional eligibility
38 information and to correct information.

39 (5) The eligibility of an applicant shall not be delayed beyond
40 the timeliness standards as provided in Section 435.912 of Title

1 42 of the Code of Federal Regulations or denied for any insurance
2 affordability program unless the applicant is given a reasonable
3 opportunity, of at least the kind provided for under the Medi-Cal
4 program pursuant to Section 14007.5 and paragraph (7) of
5 subdivision (e) of Section 14011.2, to resolve discrepancies
6 concerning any information provided by a verifying entity.

7 (6) To the extent federal financial participation is available, an
8 applicant shall be provided benefits in accordance with the rules
9 of the insurance affordability program, as implemented in federal
10 regulations and guidance, for which the applicant otherwise
11 qualifies until a determination is made that the applicant is not
12 eligible and all applicable notices have been provided. Nothing in
13 this section shall be interpreted to grant presumptive eligibility if
14 it is not otherwise required by state law, and, if so required, then
15 only to the extent permitted by federal law.

16 (g) The eligibility, enrollment, and retention system shall offer
17 an applicant and recipient assistance with their application or
18 renewal for an insurance affordability program in person, over the
19 telephone, by mail, online, or through other commonly available
20 electronic means and in a manner that is accessible to individuals
21 with disabilities and those who are limited-English proficient.

22 (h) (1) During the processing of an application, renewal, or a
23 transition due to a change in circumstances, an entity making
24 eligibility determinations for an insurance affordability program
25 shall ensure that an eligible applicant and recipient of insurance
26 affordability programs that meets all program eligibility
27 requirements and complies with all necessary requests for
28 information moves between programs without any breaks in
29 coverage and without being required to provide any forms,
30 documents, or other information or undergo verification that is
31 duplicative or otherwise unnecessary. The individual shall be
32 informed about how to obtain information about the status of their
33 application, renewal, or transfer to another program at any time,
34 and the information shall be promptly provided when requested.

35 (2) The application or case of an individual screened as not
36 eligible for Medi-Cal on the basis of Modified Adjusted Gross
37 Income (MAGI) household income but who may be eligible on
38 the basis of being 65 years of age or older, or on the basis of
39 blindness or disability, shall be forwarded to the Medi-Cal program
40 for an eligibility determination. During the period this application

1 or case is processed for a non-MAGI Medi-Cal eligibility
2 determination, if the applicant or recipient is otherwise eligible
3 for an insurance affordability program, the applicant or recipient
4 shall be determined eligible for that program.

5 (3) Renewal procedures shall include all available methods for
6 reporting renewal information, including, but not limited to,
7 face-to-face, telephone, mail, and online renewal or renewal
8 through other commonly available electronic means.

9 (4) An applicant who is not eligible for an insurance affordability
10 program for a reason other than income eligibility, or for any reason
11 in the case of applicants and recipients residing in a county that
12 offers a health coverage program for individuals with income above
13 the maximum allowed for the Exchange premium tax credits, shall
14 be referred to the county health coverage program in their county
15 of residence.

16 (i) Notwithstanding subdivisions (e), (f), and (j), before an online
17 applicant who appears to be eligible for the Exchange with a
18 premium tax credit or reduction in cost sharing, or both, may be
19 enrolled in the Exchange, both of the following shall occur:

20 (1) The applicant shall be informed of the overpayment penalties
21 under the federal Comprehensive 1099 Taxpayer Protection and
22 Repayment of Exchange Subsidy Overpayments Act of 2011
23 (Public Law 112-9), if the individual's annual family income
24 increases by a specified amount or more, calculated on the basis
25 of the individual's current family size and current income, and that
26 penalties are avoided by prompt reporting of income increases
27 throughout the year.

28 (2) The applicant shall be informed of the penalty for failure to
29 have minimum essential health coverage.

30 (j) The department shall, in coordination with the Exchange
31 board, streamline and coordinate all eligibility rules and
32 requirements among insurance affordability programs using the
33 least restrictive rules and requirements permitted by federal and
34 state law. This process shall include the consideration of
35 methodologies for determining income levels, assets, rules for
36 household size, citizenship and immigration status, and
37 self-attestation and verification requirements.

38 (k) (1) Forms and notices developed pursuant to this section
39 shall be accessible and standardized, as appropriate, and shall

1 comply with federal and state laws, regulations, and guidance
2 prohibiting discrimination.

3 (2) Forms and notices developed pursuant to this section shall
4 be developed using plain language and shall be provided in a
5 manner that affords meaningful access to limited-English-proficient
6 individuals, in accordance with applicable state and federal law,
7 and at a minimum, provided in the same threshold languages as
8 required for Medi-Cal managed care plans.

9 (l) The department, the California Health and Human Services
10 Agency, and the Exchange board shall establish a process for
11 receiving and acting on stakeholder suggestions regarding the
12 functionality of the eligibility systems supporting the Exchange,
13 including the activities of all entities providing eligibility screening
14 to ensure the correct eligibility rules and requirements are being
15 used. This process shall include consumers and their advocates,
16 be conducted no less than quarterly, and include the recording,
17 review, and analysis of potential defects or enhancements of the
18 eligibility systems. The process shall also include regular updates
19 on the work to analyze, prioritize, and implement corrections to
20 confirmed defects and proposed enhancements, and to monitor
21 screening.

22 (m) In designing and implementing the eligibility, enrollment,
23 and retention system, the department and the Exchange board shall
24 ensure that all privacy and confidentiality rights under the PPACA
25 and other federal and state laws are incorporated and followed,
26 including responses to security breaches.

27 (n) Except as otherwise specified, this section shall be operative
28 on January 1, 2014.

29 ~~SEC. 7. If the Commission on State Mandates determines that~~
30 ~~this act contains costs mandated by the state, reimbursement to~~
31 ~~local agencies and school districts for those costs shall be made~~
32 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
33 ~~4 of Title 2 of the Government Code.~~

34
35
36 REVISIONS:

37 Heading—Line 3.
38

O