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THIRD READING

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Bill No: SB 56  
Author: Durazo (D), et al.  
Amended: 5/25/21  
Vote: 21

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SENATE HEALTH COMMITTEE: 9-2, 3/10/21

AYES: Pan, Eggman, Gonzalez, Hurtado, Leyva, Limón, Roth, Rubio, Wiener

NOES: Melendez, Grove

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/20/21

AYES: Portantino, Bradford, Kamlager, Laird, Wieckowski

NOES: Bates, Jones

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**SUBJECT:** Medi-Cal: eligibility

**SOURCE:** California Immigrant Policy Center  
Health Access California

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**DIGEST:** This bill extends eligibility for full-scope Medi-Cal benefits to undocumented adults age 60 and above who are otherwise eligible for those benefits but for their immigration status, beginning July 1, 2022. This bill subjects the eligibility extension to an appropriation of funds in the annual Budget Act or another statute.

**ANALYSIS:** 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) Requires adults and parents with incomes up to 138% of the federal poverty level (FPL) who are under age 65 to be eligible for Medi-Cal. Requires children, including undocumented children, with incomes up to 266% of the FPL to be eligible for Medi-Cal, through age 18. Requires undocumented adults ages 19 to 25, with incomes up to 138% of the FPL, to be eligible for full-scope Medi-Cal. [WIC §14005.60, 14005.64, 14005.27, 14005.64, and 14007.8]
- 3) Requires DHCS to implement an eligibility and enrollment plan for expanding full-scope Medi-Cal benefits to undocumented individuals consistent with existing law. [WIC §14007.8]
- 4) Requires the extension of full-scope Medi-Cal benefits to undocumented adults age 65 and above, who are otherwise eligible for those benefits but for their immigration status, be prioritized for inclusion in the budget for the upcoming fiscal year if specified fiscal conditions are met. [WIC §14007.8]
- 5) Requires low-income undocumented individuals ages 19 and above, who are otherwise eligible for Medi-Cal services, to be 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 §14007.5]
- 6) Requires low-income undocumented individuals ages 19 and above to be eligible for limited Medi-Cal pregnancy coverage, breast and cervical cancer-related treatment services, family planning services and long-term care services. [WIC §14007.65, 14007.7, 14148, 14148.5, and 24003 and HSC §104162]
- 7) 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 §14007.5]

This bill:

- 1) Requires, beginning July 1, 2022, undocumented individuals ages 60 years and above, who meet the eligibility requirements for full scope Medi-Cal, except for their immigration status, to be eligible for full scope Medi-Cal benefits.

- 2) Requires undocumented individuals, who are already enrolled in limited scope Medi-Cal and become eligible for full-scope Medi-Cal because of this bill, to be enrolled in full-scope Medi-Cal without filing a new Medi-Cal application.
- 3) Requires the eligibility and enrollment plan for expanding full-scope Medi-Cal, required by existing law, to include consultation with health care providers.
- 4) Prohibits the requirement in existing law for the Department of Finance (DOF) to determine specified fiscal conditions are met in order for full-scope Medical to be expanded to specified undocumented adults from determining full-scope Medi-Cal eligibility for undocumented adults 60 years of age and older.
- 5) Subjects implementation of this bill to an appropriation of funds in the annual Budget Act or another statute.
- 6) Requires DHCS to seek any necessary federal approvals to obtain federal financial participation (FFP) in order to implement this bill. Requires DHCS to implement the benefits expansion required by this bill with state-only funds if FFP is not available.
- 7) Prohibits DHCS, beginning January 1, 2022, from entering into contracts exempted from existing state contracting laws in order to implement this bill.
- 8) Makes technical and conforming changes.

## **Comments**

- 1) *Author's statement.* According to the author, no Californian should be forced to face worse health outcomes simply because of where they were born. In response to the ongoing COVID-19 pandemic's disproportionate impacting on communities of color, including our immigrant communities, now more than ever California must demonstrate its commitment to healthcare coverage as a basic human right by providing equitable access to care for all of its residents. Undocumented Californians pay an estimated \$3 billion every year in state and local taxes and make up one-tenth of the state's workforce. They pick the fruits and vegetables for our families and sew the clothes we wear. They drive the trucks that put food on the shelves of our grocery stores. Despite contributing significantly to California's economic vitality, they are unjustly excluded from the economic prosperity they have helped to generate. Treatment for common conditions, such as asthma and diabetes, is out of reach for many undocumented residents and treatable illnesses often result in permanent disability or death, devastating results that have been exacerbated by the COVID-19 pandemic.

Covering undocumented Californians, who are our family members, students, and colleagues, is vital this year.

- 2) *Sources of health care coverage for undocumented immigrants.* According to California Immigrant Data Portal, California is home to approximately 2.3 million undocumented immigrants. Undocumented immigrants, who are not currently eligible under Medi-Cal, may purchase health insurance directly from insurers or may receive health care benefits through an employer. However, federal law prohibits undocumented individuals from purchasing health insurance through Covered California (CC) and prohibits individuals from receiving any federal subsidies. Moreover, according to the UC Berkeley Labor Center, because undocumented immigrants are more likely to work in industries and occupations that do not offer health insurance, they are far less likely than citizens or green card holders to receive health coverage through employer-sponsored insurance.
- 3) *Medi-Cal coverage for immigrants.* Eligibility for full-scope Medi-Cal services is dependent on a number of factors, including income, age, disability, immigration status, and other characteristics. Individuals without satisfactory immigration status are generally not eligible for full-scope Medi-Cal but may receive “restricted scope” Medi-Cal. This includes a limited set of services that includes emergency care, pregnancy-related coverage, and benefits in other specific circumstances. In 2015, California made undocumented individuals under the age of 19 eligible to receive full-scope Medi-Cal through state-only funding. Since then, over 250,000 undocumented children have been enrolled in full-scope Medi-Cal. Full scope Medi-Cal coverage was extended to all income eligible adults ages 19 to 25, regardless of immigration status, in 2019. According to the November 2020 Medi-Cal Estimate, DHCS expects 90,000 of those adults to transition to full scope Medi-Cal in fiscal year 2021-2022.

In 2019, UC Berkeley Labor Center projected an estimated 25,000 individuals age 65 and older, who are eligible for Medi-Cal but for their immigration status, would receive full scope Medi-Cal coverage if all restricted-scope enrollees are automatically transitioned to full-scope and additional eligible individuals newly enrolled.

### **Related/Prior Legislation**

SB 29 (Durazo, 2019) was substantially similar to this bill. SB 29 died on the Assembly Floor.

AB 4 (Arambula, 2019) would have extended eligibility for full-scope Medi-Cal benefits to undocumented adults 19 years and older, who are otherwise eligible for those benefits but for their immigration status. Subjected the expansion of eligibility to an appropriation of funds in the annual Budget Act or another statute. AB 4 was not heard in the Senate Health Committee.

SB 104 (Committee on Budget and Fiscal Review, Chapter 67, Statutes of 2019) required full-scope Medi-Cal eligibility to be extended to income eligible undocumented adults ages 19 to 25, regardless of immigration status.

SB 974 (Lara, 2018) would have required full scope Medi-Cal eligibility, subject to an appropriation, to be expanded to individuals 65 years of or older, regardless of immigration status. SB 974 was held on the Assembly Appropriations suspense file.

AB 2965 (Arambula, 2018) would have required full scope Medi-Cal eligibility to be extended to individuals under 26 years of age, regardless of immigration status. AB 2965 was held on the Senate Appropriations suspense file.

SB 10 (Lara, Chapter 22, Statutes of 2016) required 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 children under the age of 19 enrolled in restricted scope Medi-Cal, who are eligible to be enrolled in full-scope Medi-Cal, to be enrolled in full-scope Medi-Cal when DHCS implements the expansion of Medi-Cal eligibility to undocumented children under the age of 19, regardless of immigration status.

SB 75 (Committee on Budget and Fiscal Review, Chapter 18, Statutes of 2015) required full-scope Medi-Cal eligibility to be extended to income eligible undocumented children under the age of 19, regardless of immigration status.

SB 1005 (Lara, 2014) would have required full scope Medi-Cal eligibility to be extended 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.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee, staff estimates unknown, significant ongoing costs (low hundreds of millions General Fund) to Medi-Cal and the In-Home Supportive Services Program. Prior to the March 4, 2020 State of Emergency declaration and Executive Order N-33-20 due to the COVID-19 pandemic, the Governor's 2020 Budget included a substantively similar proposal to this bill, with projected full-year implementation costs of approximately \$350 million (\$320 million General Fund). The assumption included that persons who would qualify for this expansion would already be receiving federally required coverage for emergency care. The Administration withdrew its proposal during the May Revision 2020. In addition, based on the latest DOF August 2020 analysis for a similar bill (SB 29, Durazo, 2020), estimated costs were \$163 million (\$153 million General Fund) and \$255 million (\$245 million GF), plus growth in the out-years, to Medi-Cal and In-Home Supportive Services programs. Amendments taken in Appropriations Committee will further increase Medi-Cal costs to at least \$858 million annually General Fund.

**SUPPORT:** (Verified 5/21/21)

California Immigrant Policy Center (co-source)  
Health Access California (co-source)  
California Insurance Commissioner Ricardo Lara  
AADAP  
ACCE Action  
ACLU California  
AFSCME, AFL-CIO  
Alliance for a Better Community  
Alliance San Diego  
AltaMed Health Services  
American Academy of Pediatrics  
APLA Health  
Asian Americans Advancing Justice California  
Asian Americans Advancing Justice Los Angeles  
Asian Pacific American Labor Alliance, IE Chapter  
Asian Pacific American Women Lawyers Alliance  
Asian Pacific Islander Forward Movement  
Asian Resources, Inc  
Association of California Healthcare Districts  
Bienestar Human Services  
Blue Shield of California

Buen Vecino  
Building Skills Partnership  
Burma Refugee Families & Newcomers  
California Academy of Child and Adolescent Psychiatry  
California Advocates for Nursing Home Reform  
California Alliance for Retired Americans  
California Association of Public Hospitals and Health Systems  
California Association of Health Plans  
California Black Health Network  
California Coverage & Health Initiatives  
California Department of Insurance  
California Health Professional Student Alliance  
California Hospital Association  
California Immigrant Policy Center  
California Immigrant Youth Justice Alliance  
California Labor Federation  
California Latinas for Reproductive Justice  
California Nurses Association  
California OneCare/HEAL California  
California Pan-Ethnic Health Network  
California Physicians Alliance  
California Primary Care Association  
California Public Defenders Association  
California Religious Action Center of Reform Judaism  
California Rural Legal Assistance Foundation  
California Senior Legislature  
California Teachers Association  
CaliforniaHealth+ Advocates  
Canal Alliance  
CANHR  
Center for Community Action and Environmental Justice  
Central City Neighborhood Partners  
Central Valley Immigrant Integration Collaborative  
Centro Del Immigrant Inc.  
Centro Law Familia Advocacy Services  
Child Care Law Center  
Chinatown Service Center  
Christie's Place  
Clinica Monseñor Oscar A. Romero  
Coachella Valley Immigrant Dignity Rapid Response Network

Coalition for Humane Immigrant Rights  
Coalition of Orange County Community Health Centers  
Community Clinic Association of Los Angeles County  
Community Health Initiative of Orange County  
Community Health Partnership  
Congregation Sherith Israel, San Francisco  
County Behavioral Health Directors Association of California  
County Health Executives Association of California  
County of San Diego  
County Welfare Directors Association of California  
Courage California  
Disability Rights California  
Drug Policy Alliance  
Education and Leadership Foundation  
Elder Abuse Service Inc.  
Employee Rights Center  
Empowering Pacific Islander Communities  
Fresno Metro Black Chamber of Commerce  
Friends Committee on Legislation of California  
Gender Justice LA  
Graton Day Labor Center/ALMAS  
Healthy House within a MATCH Coalition  
Healthy Richmond  
ICUC  
ICUC Coachella Valley  
Immigration Center of San Bernardino, Inc.  
Indivisible CA: StateStrong  
Indivisible Yolo  
IndivisibleSF  
Inland Coalition for Immigrant Justice  
Interfaith Movement for Human Integrity  
Judaism/RAC-CA  
Kaiser Permanente  
Khmer Girls in Action  
Korean American Family Services  
Korean American Federation of Los Angeles  
Korean Community Center of East Bay  
Korean Community Services  
Korean Resource Center  
L.A. Care Health Plan

La Raza Centro Legal  
Latino and Latina Roundtable of San Gabriel and Pomona Valley  
Latino Coalition for a Health California  
Latino Community Foundation  
Latinx Physicians of California  
Legal Aid at Work  
Little Tokyo Service Center  
Local Health Plans of California  
Long Beach Immigrant Rights Coalition  
Los Angeles LGBT Center  
Lutheran Office of Public Policy CA  
Maternal and Child Health Access  
Mi Familia Vota  
Mid-City Community Advocacy Center  
Mixteco/Indigena Community Organizing Project  
Monument Impact  
Multi-Faith ACTION Coalition  
National Association of Social Workers, California Chapter  
National Council of Jewish Women California  
National Council of Jewish Women Los Angeles  
National Health Law Program  
National Immigration Law Center  
National Lawyers Guild of Los Angeles  
NextGen California  
Nourish California  
PRC  
Public Law Center  
Rainbow Pride Youth Alliance  
Religious Action Center of Reform  
Ruby's Place  
Saban Community Clinic  
San Bernardino Community Service Center  
San Diego Immigrant Rights Consortium  
San Francisco AIDS Foundation  
San Francisco Senior & Disability Action  
Santa Clara County Wage Theft Coalition  
SEIU California  
Services, Immigrant Rights & Education Network  
South Asian Network  
Southeast Asia Resource Action Center

St. John's Well Child and Family Center  
Thai Community Development Center  
The Children's Partnership  
The Fresno Center  
The Gathering for Justice  
The Los Angeles Trust for Children's Health  
The Unity Council  
TODEC Legal Center  
UndocuHealth Advocates  
Unity Fellowship Social Justice Center  
Vision y Compromiso  
Western Center on Law & Poverty  
Young Invincibles  
Four Individuals

**OPPOSITION:** (Verified 5/21/21)

None received

**ARGUMENTS IN SUPPORT:** This bill is co-sponsored by Health Access California and the California Immigrant Policy Center, which write that the COVID-19 pandemic has demonstrated the disparities and deadly impacts that undocumented adults face when they are excluded from access to preventive care. They state that undocumented immigrants are overrepresented in “essential” jobs during the pandemic and face a disproportionate risk of exposure for themselves and their family. They also state that California has set up programs to cover COVID-related care for the uninsured, but this does not effectively meet the broader health needs of the immigrant community, who may have gone years without a checkup. Health Access California and the California Immigrant Policy Center argues that health care for undocumented seniors should be an urgent priority to provide them the appropriate preventive care before the onset of conditions that disproportionately impact the elderly. Numerous other organizations have shared similar sentiments in support.

Prepared by: Kimberly Chen / HEALTH / (916) 651-4111  
5/25/21 10:56:32

\*\*\*\* END \*\*\*\*