
SENATE COMMITTEE ON HEALTH

Senator Dr. Richard Pan, Chair

BILL NO: SB 56
AUTHOR: Durazo
VERSION: December 7, 2020
HEARING DATE: March 10, 2021
CONSULTANT: Kimberly Chen

SUBJECT: Medi-Cal: eligibility

SUMMARY: Extends eligibility for full-scope Medi-Cal benefits to undocumented adults age 65 and above who are otherwise eligible for those benefits but for their immigration status, beginning July 1, 2022. Subjects the eligibility extension to an appropriation of funds in the annual Budget Act or another statute.

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 65 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) Subjects implementation of this bill to an appropriation of funds in the annual Budget Act or another statute.
- 5) 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.

FISCAL EFFECT: This bill has not been analyzed by a fiscal committee.

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) *Background.* According to data from the US Census Bureau, since the implementation of the ACA in 2014, the rate of Californians without health insurance declined from 17.2% in 2013 to 7.1% in 2020. Undocumented immigrants represent 40% of California's remaining uninsured, according to the Legislative Analyst Office (LAO).
- 3) *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.

Depending on the county in which they reside, an undocumented individual may receive health care benefits through the county indigent health program. The types of services covered and access to providers vary by each county program. For instance, in Los Angeles County, its county indigent health program, My Health LA, has elected to extend services to low-income undocumented individuals and uses the (Global Payment Program) GPP to offer more comprehensive coverage and patient management within the primary care setting by assigning patients to a primary care provider. The GPP is a statewide pool of funding for the remaining uninsured established through the Medi-Cal 2020 section 1115 waiver. The program seeks to improve the health of the uninsured through care coordination by encouraging public hospital systems to provide greater primary and preventive services. In counties where undocumented individuals have been deemed ineligible for county indigent health programs, low-income undocumented individuals often seek care through other safety net providers, such as community clinics, or may seek care through hospital emergency departments.

- 4) *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.

- 5) *Related legislation.* AB 4 (Arambula) extends, beginning January 1, 2022, eligibility for full scope Medi-Cal benefits to anyone regardless of age, and who is otherwise eligible for those benefits but for their immigration status. *AB 4 is pending in the Assembly Health Committee.*
- 6) *Prior legislation.* SB 29 (Durazo of 2019) was substantially similar to this bill. *SB 29 died on the Assembly floor.*

AB 4 (Arambula of 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) requires full-scope Medi-Cal eligibility to be extended to income eligible undocumented adults ages 19 to 25, regardless of immigration status.

SB 974 (Lara of 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 of 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) requires 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) requires 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) requires 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 of 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.*

- 7) *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.

Korean American Family Services writes in support of this bill stating that federal law explicitly and unjustly excludes undocumented adult immigrants from receiving health coverage through Medi-Cal, and from selecting a health plan or receiving subsidies through Covered California. They state that this bill removes a barrier to health access due to immigration status and brings California closer to ensuring that every Californian has comprehensive, affordable, and accessible care

California Labor Federation also supports this bill and write that although undocumented immigrants have not benefited from the federal relief packages, many are critical parts of the United States’ response to the COVID-19 pandemic. Many work in essential services such as health care, cleaning services, agriculture, manufacturing, or are part of the food distribution supply chains. Yet, they are at increased risk of exposure and poor health outcomes due to inadequate protective measures, limited access to health care services, underlying medical conditions, and poor working conditions. California Labor Federation concludes that expanding health coverage to undocumented adults would provide better access for those affected by COVID-19 who would otherwise be unable to obtain needed health care because of their immigration status and inability to pay on the private market.

SUPPORT AND OPPOSITION:

Support: California Immigrant Policy Center (co-sponsor)
 Health Access California (co-sponsor)
 AADAP
 ACCE Action
 ACLU California
 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
 Bienestar Human Services
 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 Health Plans
California Association of Hospitals and Health Systems
California Black Health Network
California Coverage & Health Initiatives
California Department of Insurance
California Health Professional Student Alliance
California Hospital Association
California Immigrant Youth Justice Alliance
California Insurance Commissioner Ricardo Lara
California Labor Federation
California Latinas for Reproductive Justice
California OneCare/HEAL California
California Pan-Ethnic Health Network
California Physicians Alliance
California Primary Care Association
California Religious Action Center of Reform Judaism
California Rural Legal Assistance Foundation
California Senior Legislature
California Teachers Association
Canal Alliance
CANHR
Center for Community Action and Environmental Justice
Central City Neighborhood Partners
Central Valley Immigrant Integration Collaborative
Centro Del Immigrante Inc.
Centro Law Familia Advocacy Services
Child Care Law Center
Chinatown Service Center
Christie's Place
Clínica 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 Welfare Directors Association of California
Courage California
Disability Rights California
Drug Policy Alliance
Education and Leadership Foundation
Elder Abuse Service Inc. (EASI)

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
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
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
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
Judaism/RAC-CA
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 Unity Council
The Los Angeles Trust for Children's Health
TODEC Legal Center
UndocuHealth Advocates
Unity Fellowship Social Justice Center
Vision y Compromiso
Western Center on Law & Poverty
Young Invincibles
Four Individuals

Oppose: None received

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