STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

PETE WILSON, *Governor*

DEPARTMENT OF HEALTH SERVICES
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P.O. BOX 942732
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March 13, 1991
Letter No.: 91-20

All County Welfare Directors
All County Administrative Officers

SUBJECT: NEW LAW ON SPECIAL TREATMENT PROGRAM - PARENTERAL HYPERALIMENTATION AND RELATED SERVICES

This letter is to advise you that AB 2592, Chapter 833, Statutes of 1990, has been signed by the Governor. It became effective on September 14, 1990. This legislation makes nonlinked individuals eligible for parenteral hyperalimentation and related services.

Parenteral hyperalimentation patients are now treated differently by Medi-Cal. Applicants and beneficiaries will no longer have to meet Medi-Cal linkage requirements to be eligible for parenteral hyperalimentation and related services under the Special Treatment Program, i.e., they do not have to be aged, blind, disabled, under 21, the parent of a child deprived of parental support, or pregnant. They still have to meet all other eligibility criteria specified under current regulations. (This program is covered in Title 22, California Code of Regulations Sections 50801 et seq. We will issue new regulations in coming months.)

Please implement this change retroactively effective with the September 1990 month of eligibility. All new eligibles for parenteral hyperalimentation under the Special Treatment Program should be reported to MEDS in aid code 73. All eligibles for dialysis services under the Special Treatment Program should be reported in aid code 71.

Attached is a copy of the chaptered legislation for this change. If we may be of further assistance, please call Elena Lara at (916) 324-4953, ATSS 454-4953.

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

CHAPTER 833

An act to amend Section 14142 of, and to add Section 14142.5 to, the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 12, 1990. Filed with Secretary of State September 14, 1990.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2592, Roos. Medi-Cal: parenteral hyperalimentation.

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance and certain other low-income persons. Existing law provides that persons otherwise eligible as categorically needy persons, or as state-only Medi-Cal persons, except for income and resource eligibility, are eligible for dialysis, parenteral hyperalimentation, and related services under Medi-Cal, based on the net worth of their family unit. Under existing law, family units with a net worth of less than $5,000 are not liable to pay for these services, and family units with a net worth of $5,000 or more are required to pay 2% of the costs of these services for each $5,000 of net worth. Persons in family units with a net worth of more than $250,000 are not eligible for these benefits under Medi-Cal.

This bill would retain these provisions with regard to eligibility for dialysis, and would provide that any person requiring parenteral hyperalimentation would be eligible for those services under Medi-Cal, without regard to other eligibility requirements, when their family unit meets the specified net worth requirements.

This bill would also make technical changes.

Existing law requires the county in which a person resides to determine a person's eligibility for Medi-Cal benefits and continued eligibility.

This bill would impose a state-mandated local program because it would increase the counties' responsibilities for eligibility determination.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed

$1,000,000, shall be made from the State Mandates Claims Fund.

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

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

SECTION 1. Section 14142 of the Welfare and Institutions Code is amended to read:

14142. Notwithstanding Section 14005.4 or 14005.7, a person who is otherwise eligible for dialysis and related services under Section 14005.4 or 14005.7, except for his or her income and resource eligibility, is eligible for dialysis and related services under Medi-Cal pursuant to this article, as follows:

(a) A person in a family unit with a net worth of less than five thousand dollars ($5,000) shall not be liable to pay for dialysis and related services.

(b) A person in a family unit with a net worth of five thousand dollars ($5,000) or above shall pay 2 percent of the cost of dialysis and related services for each five thousand dollars ($5,000) of net worth, up to a maximum net worth of two hundred fifty thousand dollars ($250,000). Persons in a family unit with a net worth above two hundred fifty thousand dollars ($250,000) shall not be eligible to receive dialysis under Medi-Cal.

SEC. 2. Section 14142.5 is added to the Welfare and Institutions Code, to read:

14142.5. Notwithstanding Section 14005.4 or 14005.7, a person requiring parenteral hyperalimentation and related services is eligible for these services under Medi-Cal pursuant to this section, as follows:

(a) A person in a family unit with a net worth of less than five thousand dollars ($5,000) shall not be liable to pay for parenteral hyperalimentation and related services.

(b) A person in a family unit with a net worth of five thousand dollars ($5,000) or above shall pay 2 percent of the cost of parenteral hyperalimentation and related services for each five thousand dollars ($5,000) of net worth, up to a maximum net worth of two hundred fifty thousand dollars ($250,000). Persons in a family unit with a net worth above two hundred fifty thousand dollars ($250,000) shall not be eligible to receive parenteral hyperalimentation under Medi-Cal.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless

otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 4. 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 Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide timely parenteral hyperalimentation services to persons and to avoid their needless hospitalization, it is necessary that this act take effect immediately.

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