

**California Department of Health Care Services  
Proposed Trailer Bill Legislation**

**Conform Inmate Eligibility to Federal Law**

**FACT SHEET**

**Issue Title: Conform Inmate Eligibility to Federal Law.** This proposal would bring state law into compliance with the federal "Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act", which, in part, requires states to no longer terminate Medicaid eligibility for juveniles who are incarcerated and allows states to adopt indefinite Medi-Cal suspension for eligible incarcerated juveniles.

**Background:** Existing state law requires the suspension of Medi-Cal benefits to last for up to one year from the date the individual became an inmate of a public institution (if otherwise eligible) or until the individual is no longer an inmate, whichever is sooner. If the individual remains incarcerated after one year, suspension ends and the individual's Medi-Cal eligibility is terminated (Welfare and Institutions Code Section 14011.10).

In October 2018, H.R. 6 (Public Law 115-271 Section 1001) the SUPPORT Act was signed into law, which requires that juveniles who are inmates of public institutions cannot have a time-limited suspension for Medicaid. The SUPPORT Act defines an eligible juvenile as an individual under 21 years of age or former foster care youth under 26 years of age.

**Justification for Change:** Existing state law requires Medi-Cal benefits provided to an individual who is an inmate of a public institution to be suspended effective the date the individual becomes an inmate of a public institution. The suspension ends on the date the individual is no longer an inmate of a public institution or one year from the date the individual becomes an inmate of a public institution, whichever is sooner.

Existing federal law requires the Medi-Cal program to perform redeterminations of eligibility for Medi-Cal beneficiaries every 12 months without regard to incarceration status, and to promptly redetermine eligibility whenever the state receives information about changes in a beneficiary's circumstances that may affect eligibility for Medi-Cal benefits.

Due to the SUPPORT Act being signed into federal law, which requires that all eligible juveniles who are inmates of a public institution can no longer have a time-limited suspension of Medi-Cal benefits, California's current state law limit of one year for Medi-Cal suspensions must be changed to conform to federal law.

**SUMMARY ARGUMENT IN SUPPORT:** This proposal would bring state law into compliance with the federal "Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act".