

1. TEST CLAIM TITLE

Medi-Cal Eligibility of Juvenile Offenders

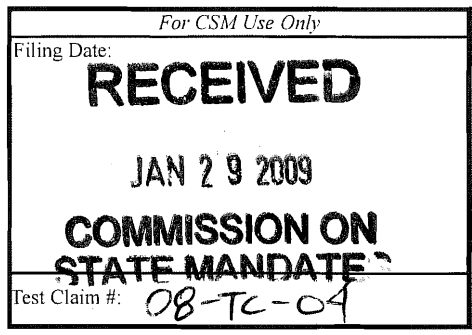
2. CLAIMANT INFORMATION

ALAMEDA COUNTY
Name of Local Agency or School District
LOUIE MARTIREZ
Claimant Contact
ADMINISTRATIVE ANALYST
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Fax Number
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E-Mail Address

3. CLAIMANT REPRESENTATIVE INFORMATION

Claimant designates the following person to act as its sole representative in this test claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

ALLAN BURDICK
Claimant Representative Name
EXECUTIVE DIRECTOR
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MAXIMUS, INC.
Organization
3130 KILGORE ROAD, STE. 400
Street Address
RANCHO CORDOVA, CA 95670
City, State, Zip
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E-Mail Address



4. TEST CLAIM STATUTES OR EXECUTIVE ORDERS CITED

Please identify all code sections, statutes, bill numbers, regulations, and/or executive orders that impose the alleged mandate (e.g., Penal Code Section 2045, Statutes 2004, Chapter 54 [AB 290]). When alleging regulations or executive orders, please include the effective date of each one.

Welfare and Institutions Code section 14029.5, Statutes 2006, chapter 657 [SB 1469]

Copies of all statutes and executive orders cited are attached.

Sections 5, 6, and 7 are attached as follows:
5. Written Narrative: pages 1 to 6.
6. Declarations: pages 7 to 10.
7. Documentation: pages 11 to 13.

SECTION 5: WRITTEN NARRATIVE

INTRODUCTION

Overview

In 2006, Senate Bill 1469 (which adds section 14029.5 to the Welfare and Institutions Code, relating to Medi-Cal eligibility) was passed and commencing January 1, 2008, requires a county juvenile detention facility to provide specified information relating to a ward of the county who is scheduled to be released to the appropriate county welfare department, and further requires the county to initiate an application and determine the individual's eligibility for the Medi-Cal program. This bill also requires the county, if the ward is a minor, to give a parent or guardian the opportunity to opt out of this eligibility determination. This bill requires a county welfare department to provide sufficient documentation to enable the ward to receive medical care upon his or her release from custody.

SECTION 14029.5

The legislation added section 14029.5 to the Welfare and Institutions Code, which currently reads:

(a)(1) Commencing January 1, 2008, immediately following the issuance of an order of the juvenile court, pertaining to the disposition of a ward of the county, committing that ward to a juvenile hall, camp, or ranch for 30 days or longer, the county juvenile detention facility shall provide the appropriate county welfare department with the ward's name, his or her scheduled or actual release date, any known information regarding the ward's Medi-Cal status prior to disposition, and sufficient information, when available, for the county welfare department to begin the process of determining the ward's eligibility for benefits under this chapter, including, if the ward is a minor, contact information for the ward's parent or guardian, if available.

(2) If the ward is a minor, prior to providing information to the county welfare department pursuant to paragraph (1), the county juvenile detention facility shall notify the parent or guardian, in writing, of its intention to submit the information required by that paragraph to the county welfare department. The parent or guardian shall be given a reasonable time to opt out of the Medi-Cal eligibility determination provided for under this section, in which case the county juvenile detention facility shall not comply with paragraph (1).

(3) For purposes of this section, "ward" means a person in the custody of a county juvenile detention facility.

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(b)(1) Upon receipt of the information described in paragraph (1) of subdivision (a), and pursuant to the protocols and procedures developed pursuant to subdivision (c) the county welfare department shall initiate an application and determine the individual's eligibility for benefits under the Medi-Cal program. If the ward is a minor, the county welfare department shall promptly contact the parent or guardian to arrange for completion of the application. The county shall expedite the application of a ward who, according to the information provided pursuant to paragraph (1) of subdivision (a), is scheduled to be released in fewer than 45 days.

(2) If the county welfare department determines that the ward does not meet the eligibility requirements for the Medi-Cal program, the county welfare department, with the consent of the ward's parent or guardian, if the ward is a minor, shall forward the ward's information to the appropriate entity to determine eligibility for the Healthy Families Program, or other appropriate health coverage program, as determined by the department.

(3) If the county welfare department determines that a ward meets eligibility requirements for the Medi-Cal program, the county shall provide sufficient documentation to enable the ward to obtain necessary medical care upon his or her release from custody.

(c) By June 1, 2007, the department, in consultation with the Chief Probation Officers of California and the County Welfare Directors Association, shall establish the protocols and procedures necessary to implement this section.

(d) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall implement this section by means of all-county letters or similar instructions, without taking any further regulatory action. Thereafter, the department shall adopt regulations, as necessary, to implement this section in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) The department shall seek any federal waivers necessary for the implementation of this section.

Application of Mandate Law

The mandate created by these statutes clearly meets both tests that the Supreme Court in the *County of Los Angeles v. State of California* (1987) created for determining what constitutes a reimbursable state mandated local program. Those two tests, which the Commission on State Mandates relies upon to determine if a reimbursable mandate exists, are the "unique to government" and the "carry out a state policy" tests. Their application to this test claim is discussed below.

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The mandate is unique to local government: This bill requires a county juvenile detention facility to provide specified information to the appropriate county welfare department relating to a ward of the county who is scheduled to be released. This function is required only of counties and is therefore unique to government.

The mandate carries out a state policy: From the legislation, it is clear that the Legislature wishes to ensure that a ward has some form of health care insurance upon his or her release from custody.

Finally, there are seven disclaimers specified in Government Code section 17556 which could serve to bar recovery of “costs mandated by the State”, as defined in that section. Test claimant asserts that none of the seven disclaimers apply to this test claim:

1. The claim is submitted by a local agency or school district which requests legislative authority for that local agency or school district to implement the program specified in the statutes, and that statute imposes costs upon the local agency or school district requesting the legislative authority.
2. The statute or executive order affirmed for the State that which had been declared existing law or regulation by action of the courts.
3. The statute or executive order implemented a federal law or regulation and resulted in costs mandated by the federal government regardless of whether the federal law or regulation was enacted or adopted prior to or after the date on which the state statute or executive order was enacted or issued, unless the statute or executive order mandates costs which exceed the mandate in that federal law or regulation.
4. The local agency or school district has the authority to levy service charges, fees or assessments sufficient to pay for the mandated program or increased level of service.
5. The statute or executive order provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate.
6. The statute or executive order imposes duties that are necessary to implement, reasonably within the scope of, or expressly included in a ballot measure approved by the voters in a statewide or local election regardless of whether the statute or executive order was enacted or adopted before or after the date on which the ballot measure was approved by the voters.

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7. The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

A. MANDATE SUMMARY

As explained above, the new activities in Section 14029.5 are the drafting and adoption of new written policies require a county juvenile detention facility to provide specified information relating to a ward of the county who is scheduled to be released to the appropriate county welfare department, and require the county to initiate an application and determine the individual's eligibility for the Medi-Cal program. The bill requires the county, if the ward is a minor, to give a parent or guardian the opportunity to opt out of this eligibility determination. The bill also requires a county welfare department to provide sufficient documentation to enable the ward to receive medical care upon his or her release from custody.

As explained above, the new activities in Section 14029.5 include, but are not limited to, identification of the ward, coordination and management of wards identified by Alameda County Probation Department (Probation) and screening for Medi-Cal eligibility by Alameda County Social Services Agency (SSA), maintenance of records regarding the wards identified by Probation after seeking approval from parent or guardian and coordination with SSA for Medi-Cal screening, provision of a temporary Medi-Cal card and finally determination of eligibility.

B. MODIFIED ACTIVITIES

Since the legislation added new sections, there are clearly modified activities for both SSA and Probation to comply with the bill. Specifically, the requirements of Section 14029.5 — that the county juvenile detention facility shall provide the appropriate county welfare department with the ward's name, his or her scheduled or actual release date, any known information regarding the ward's Medi-Cal status prior to disposition, and sufficient information, when available, for SSA to begin the process of determining the ward's eligibility for benefits under this chapter, including, if the ward is a minor, contact information for the ward's parent or guardian. Lastly, providing prior to discharge from Probation coordination of the Medi-Cal temporary card and tracking the outcome of the review conducted by SSA.

C. ACTUAL COSTS

The costs incurred by the Alameda County as a result of the statutes upon which this test claim is based are 1,274.68 to date. Alameda County did not incur costs until after January 30, 2008.

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These costs are all reimbursable costs as such costs are “costs mandated by the State” under Article XIII B, section 6 of the California Constitution, and Government Code §17500 *et seq.* Section 17514 of the Government Code defines “costs mandated by the state”, and specifies the following three requirements:

1. There are “increased costs which a local agency is required to incur after July 1, 1980.”
2. The costs are incurred “as a result of any statute enacted on or after January 1, 1975 or any executive order implementing any statute enacted on or after January 1, 1975.”
3. The costs are the result of “a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

All three of the above requirements for finding costs mandated by the State are met as described previously herein.

D. COST ESTIMATES

Test Claimant notes that the cost of discharging this program is includes but is not limited to training, implementation and other expenses excluding annual operation cost. Therefore, Test Claimant’s estimate of \$14,948.41 for Probation annually is the best projection currently available and may not reflect actual costs claimed. The projected annual cost to Social Services Agency remains unknown at this time but Alameda County reserves the right to augment the record as to these costs.

E. STATEWIDE COST ESTIMATES

As noted above, Test Claimant and others similarly situated have incurred costs for the implementation of this program and on-going costs. Implementation costs are estimated at \$427,500 statewide. On-going costs are expected to be \$1,178,926 statewide annually.

Test Claimant believes that this program, when found to be a reimbursable state mandate is a good candidate for a per-capita or other such reasonable reimbursement methodology¹ and requests same to be considered as part of the adoption of parameters and guidelines.

F. FUNDING SOURCES

Test claimant is unaware of any funding sources for these new activities.

¹ Pursuant to Government Code section 17557.

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G. PRIOR MANDATE DETERMINATIONS

Test claimant is unaware of any prior mandate determinations that bear upon the issues presented within.

CONCLUSION

The enactment of Senate Bill 1469 imposed a new state mandated program and cost on the Alameda County. The mandated program meets all of the criteria and tests for the Commission on State Mandates to find a reimbursable state-mandated program.

Test Claim Name: SB1469 Medi-Cal Eligibility of Juvenile Offenders
Claimant: Alameda County
Section 6: Declarations

DECLARATION OF PATRICIA L. FAIR

I, Patricia L. Fair, declare:

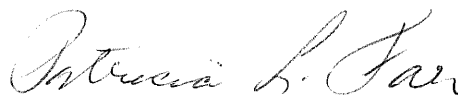
1. I am employed by the Alameda County Probation Department as the Deputy Chief Probation Officer for Juvenile Facilities. I have been a Division Director/Deputy Chief for over eight years. My duties and responsibilities include overseeing the county's juvenile hall and its camp. I have personal knowledge of the matters stated in this declaration and I could and would testify competently to them if called upon to do so.
2. In response to the addition of Section 14029.5 to the California Welfare and Institutions Code, effective January 1, 2008, Probation Department management staff met internally and then externally with representatives of the Alameda County Social Services Agency (the welfare department) in order to determine how and what steps would be required to fully execute Section 14029.5. The first of such meetings took place on or about January 30, 2008, I am informed and believe. This is when the County of Alameda first began incurring expenses in order to implement Section 14029.5. Three members of the Probation Department participated in those first discussions, Wilma Robinson, Ronald Johnson and Deborah Swanson. The cost of their time for those initial meetings was approximately \$1,274.68. Additional costs have been incurred by the Social Services Agency and by both agencies in connection with the development of a policy to implement Section 14029.5.
3. Section 14029.5 requires the Probation Department to take specified steps to facilitate establishing medi-cal eligibility and enrollment for juveniles upon release from confinement. This is a new activity that previously had not been imposed upon the Probation Department. The costs indicated in the previous paragraph were one-time costs. On an ongoing annual basis the Probation Department has determined that the estimated costs of fully implementing Section 14029.5 will be \$14,984~~8~~.41. This represents the increased secretarial services that will be necessary approximately 3.25 hours per work to prepare and process notices and other paperwork, and Deputy Probation Officer III services for 2.5 hours per week, both on an ongoing basis.
4. In order to implement the provisions of Section 14029.5 various new activities are imposed upon the Probation Department. Those activities include: issuing written notices to parents advising that Probation will be forwarding information about the minor to the Social Services Agency; tracking of various benchmark dates prior to the release date for each juvenile to insure that the notices are sent within the timelines specified in Section 14029.5; tracking and logging whether any response has been received from parents to notices; tracking and logging of nature of response if one is received; sending notice to Social Services Agency advising of need to initiate medi-cal eligibility application; ascertaining from record review and coordination with parents the specific data that Social Services may need to initiate the application, including any known information regarding the ward's Medi-Cal status prior to disposition; logging of data confirming that referral to Social Services has been made. Finally, Probation will be

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required to maintain records of all such activities and where a temporary card issued provide the temporary Medic-Cal card to the minor.

5. New activities also include the drafting and adoption of new written policies and procedures detailing how the agencies will implement Section 14029.5.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this was executed on January 28, 2009, at Oakland, California.



Patricia L. Fair

Test Claim Name: SB1469 Medi-Cal Eligibility of Juvenile Offenders
Claimant: Alameda County
Section 6: Declarations

DECLARATION OF ALLAN P. BURDICK

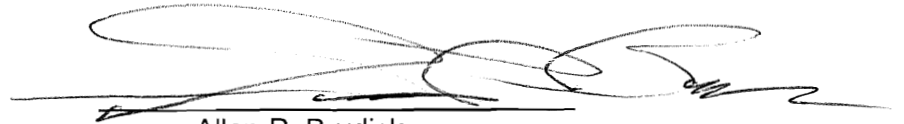
I, Allan P. Burdick, declare:

1. I am currently employed by MAXIMUS, Inc. and have worked with California's state mandate cost local program since 1978 as an employee of MAXIMUS or the California State Association of Counties. I have personal knowledge of the matters stated in this declaration and I could and would testify competently to them if called upon to do so.
2. The California Corrections Standards Authority (CSA) is the state agency to which counties report their juvenile detention facilities information. To develop the statewide cost estimate, I used the data from the CSA's Fourth Quarter Report, 2007, Camp Data. Based on that report, the annual number of juvenile inmates held in all counties was 35,089. The percentage of juvenile felons held in the camp was seventy percent (70%) or 24,562 juveniles. Based on my discussions with probation department representatives, I estimated that it takes a minimum of thirty (30) minutes of a probation officer's time and thirty minutes (30) of clerical time per juvenile to carry out the probation department's AB 1489 mandate duties. The average productive hourly rate, including all compensation and related indirect costs, is approximately seventy dollars (\$70) for a probation officer and twenty six dollars (\$26) an hour for a clerical employee, or a blended rate of forty-eight dollars (\$48) an hour. Therefore the average statewide monthly cost is \$98,248 or \$1,178,926 annually.
3. Based on my discussions with probation department representatives, in the 2008 fiscal year, most counties created joint probation department and social services department committees or task forces to develop the policies and procedures or protocols for implementing the mandated requirements of AB 1469. The time varied from a few meetings or conference calls and subsequent staff hours to nearly monthly meetings and several staff days of staff work between each meeting. For purposes of developing the implementation costs, I am using the Alameda County cost of approximately \$15,000 as the average cost for the 12 largest or urban counties; half of that amount or \$7,500 for the next 20 or suburban counties; and one-quarter of that amount or \$3,750 for the 26 smallest or rural counties. Based on those assumptions, the cost to implement the provisions of the mandate was \$427,500 statewide.
4. Based on the above, it is estimated that for the calendar year of 2008, the statewide cost was \$427,500 for implementation over an estimated 6 months and \$589,488 for the remaining six months of on-going costs. The estimated costs for the current 2009 year are based on \$101,195 a month (includes a 3% cost of living adjustment) or \$1,214,345.

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Test Claim Name: SB1469 Medi-Cal Eligibility of Juvenile Offenders
Claimant: Alameda County
Section 6: Declarations

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this was executed on January 28, 2009, at Rancho Cordova, California.

A handwritten signature in black ink, appearing to read 'Allan P. Burdick', is written over a horizontal line. The signature is stylized with loops and flourishes.

Allan P. Burdick

Test Claim Name: Medi-Cal Eligibility of Juvenile Offenders
Claimant: Alameda County
Section 7: Documentation
Senate Bill No. 1469

CHAPTER 657

An act to add Section 14029.5 to the Welfare and Institutions Code, relating to Medi-Cal eligibility.

[Approved by Governor September 29, 2006. Filed with
Secretary of State September 29, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1469, Cedillo. Medi-Cal: eligibility: juvenile offenders.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, and under which qualified low-income persons receive health care benefits. The Medi-Cal program is governed, in part, by federal Medicaid provisions.

Existing law places specified juvenile offenders in county juvenile detention facilities.

This bill, commencing January 1, 2008, would require a county juvenile detention facility to provide specified information relating to a ward of the county who is scheduled to be released to the appropriate county welfare department, and would require the county to initiate an application and determine the individual's eligibility for the Medi-Cal program, as specified. The bill would require the county, if the ward is a minor, to give a parent or guardian the opportunity to opt out of this eligibility determination. The bill would require a county welfare department to provide sufficient documentation to enable the ward to receive medical care upon his or her release from custody, as specified.

This bill would require the department, by June 1, 2007, in consultation with designated entities, to establish the protocols and procedures necessary to implement the bill. The bill would require the department to implement its provisions by means of all-county letters or similar instructions, and thereafter to adopt implementing regulations, as necessary. The bill would require the department to seek any federal waivers necessary for its implementation.

By increasing the duties of counties administering the Medi-Cal program and of county juvenile detention facilities, this 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 these statutory provisions.

Test Claim Name: Medi-Cal Eligibility of Juvenile Offenders
Claimant: Alameda County
Section 7: Documentation
The people of the State of California do enact as follows:

SECTION 1. Section 14029.5 is added to the Welfare and Institutions Code, to read:

14029.5. (a) (1) Commencing January 1, 2008, immediately following the issuance of an order of the juvenile court, pertaining to the disposition of a ward of the county, committing that ward to a juvenile hall, camp, or ranch for 30 days or longer, the county juvenile detention facility shall provide the appropriate county welfare department with the ward's name, his or her scheduled or actual release date, any known information regarding the ward's Medi-Cal status prior to disposition, and sufficient information, when available, for the county welfare department to begin the process of determining the ward's eligibility for benefits under this chapter, including, if the ward is a minor, contact information for the ward's parent or guardian, if available.

(2) If the ward is a minor, prior to providing information to the county welfare department pursuant to paragraph (1), the county juvenile detention facility shall notify the parent or guardian, in writing, of its intention to submit the information required by that paragraph to the county welfare department. The parent or guardian shall be given a reasonable time to opt out of the Medi-Cal eligibility determination provided for under this section, in which case the county juvenile detention facility shall not comply with paragraph (1).

(3) For purposes of this section, "ward" means a person in the custody of a county juvenile detention facility.

(b) (1) Upon receipt of the information described in paragraph (1) of subdivision (a), and pursuant to the protocols and procedures developed pursuant to subdivision (c) the county welfare department shall initiate an application and determine the individual's eligibility for benefits under the Medi-Cal program. If the ward is a minor, the county welfare department shall promptly contact the parent or guardian to arrange for completion of the application. The county shall expedite the application of a ward who, according to the information provided pursuant to paragraph (1) of subdivision (a), is scheduled to be released in fewer than 45 days.

(2) If the county welfare department determines that the ward does not meet the eligibility requirements for the Medi-Cal program, the county welfare department, with the consent of the ward's parent or guardian, if the ward is a minor, shall forward the ward's information to the appropriate entity to determine eligibility for the Healthy Families Program, or other appropriate health coverage program, as determined by the department.

(3) If the county welfare department determines that a ward meets eligibility requirements for the Medi-Cal program, the county shall provide sufficient documentation to enable the ward to obtain necessary medical care upon his or her release from custody.

(c) By June 1, 2007, the department, in consultation with the Chief Probation Officers of California and the County Welfare Directors

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Claimant: Alameda County Ch. 657

Section 7: Documentation

Association, shall establish the protocols and procedures necessary to implement this section.

(d) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall implement this section by means of all-county letters or similar instructions, without taking any further regulatory action. Thereafter, the department shall adopt regulations, as necessary, to implement this section in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) The department shall seek any federal waivers necessary for the implementation of this section.

SEC. 2. 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.

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8. CLAIM CERTIFICATION

*Read, sign, and date this section and insert at the end of the test claim submission.**

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and complete to the best of my own knowledge or information or belief.

SUSAN S. MURANISHI

Print or Type Name of Authorized Local Agency
or School District Official

COUNTY ADMINISTRATOR

Print or Type Title



Signature of Authorized Local Agency or
School District Official



Date

** If the declarant for this Claim Certification is different from the Claimant contact identified in section 2 of the test claim form, please provide the declarant's address, telephone number, fax number, and e-mail address below.*

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