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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.98] (Division 9 added by Stats. 1965, Ch. 1784.)

PART 3. AID AND MEDICAL ASSISTANCE [11000 - 15771] (Part 3 added by Stats. 1965, Ch. 1784.)

CHAPTER 7. Basic Health Care [14000 - 14199.87] (Chapter 7 added by Stats. 1965, 2nd Ex. Sess., Ch. 4.)

ARTICLE 1.6. Medi-Cal Conflict of Interest Law [14047 - 14047.7] (Heading of Article 1.6 renumbered from Article 1.1 by Stats. 2019, Ch. 497, Sec. 315.)

14047. (a) This article shall be known as the "Medi-Cal Conflict of Interest Law."

It is the intent of the Legislature that provisions be made for disclosure of the interests of providers of service in the services, facilities, and organizations to which they refer Medi-Cal recipients so that it is possible to determine the extent to which conflicts of interests may exist because of such referrals.

It is the further intent of the Legislature that provision be made for the regulation of employment of present and former employees of state and local agencies responsible for the expenditure of funds under Medi-Cal so as to avoid the risk of conflicts of interests.

(b) As used in this article, the term "referral" means (1) the referral of a recipient by a provider of service to any other provider of service; (2) the placement of a recipient by a provider of service in any facility; or (3) the obtaining, requesting, ordering, or prescribing of services or supplies by a provider of service on behalf of a recipient from any other provider of service.

As used in this article, the term "immediate family" includes the spouse and children of the provider of service, the parents of the provider of service and their spouses, and the spouses of the children of the provider of service.

As used in this article, the term "state or local officer or employee who is responsible for the expenditure of substantial amounts of funds under Medi-Cal" means (1) the Director of the State Department of Health Care Services, and (2) those other state officers or employees, and those local officers or employees, who are determined by the director by regulation to be responsible for the expenditure of substantial amounts of funds under the California Medical Assistance Act and California's State Plan under Title XIX of the federal Social Security Act.

As used in this article, the term "substantial amounts of funds" shall have the meaning defined by the director by regulation. As used in this article, "judicial, quasi-judicial or other proceeding" shall have the meaning defined in Article 4 (commencing with Section 87400) of Chapter 7 of Title 9 of the Government Code.

(Added by renumbering Section 14030 by Stats. 2019, Ch. 497, Sec. 316. (AB 991) Effective January 1, 2020. Repealed conditionally as prescribed in Section 14047.7. After repeal, see related provisions in Section 14022.)

14047.5. A payment under this chapter shall not be made to a provider of services or to any facility or organization in which a provider of service or the immediate family of the provider of service has a significant beneficial interest, for services rendered in connection with any referral of a recipient, unless there is on file with the director and the Advisory Health Council a statement of the nature and extent of such interest.

(Added by renumbering Section 14031 by Stats. 2019, Ch. 497, Sec. 317. (AB 991) Effective January 1, 2020. Repealed conditionally as prescribed in Section 14047.7. After repeal, see related provisions in Section 14022.)

14047.6. (a) A state or local officer or employee who is responsible for the expenditure of substantial amounts of funds under Medi-Cal, an individual who formerly was such an officer or employee, or a partner of such an officer or employee shall not commit any act, in connection with any activity concerning Medi-Cal, if the commission of such act by an officer or employee of the United States Government, an individual who was such an officer or employee, or a partner of such an officer or employee, in connection with any activity concerning the United States Government, would be prohibited by Section 207 or 208 of Title 18 of the United States Code.

(b) Upon the petition of any interested person or party, a court or state administrative agency or any officer thereof in any judicial, quasi-judicial or other proceeding may, after notice and an opportunity for hearing, exclude any person found to be in violation of this section from further participation in any judicial, quasi-judicial or other proceeding then pending before such court, agency or officer.

(c) The prohibitions of this section do not apply to any person who left government service prior to the effective date of this section except that any such person who returned to government service on or after the effective date of this section shall be covered thereby.

(Added by renumbering Section 14032 by Stats. 2019, Ch. 497, Sec. 318. (AB 991) Effective January 1, 2020. Repealed conditionally as prescribed in Section 14047.7. After repeal, see related provisions in Section 14022.)

14047.7. This article shall remain in effect only until Section 1902(a)(4)(C) of the federal Social Security Act, as added by Public Law 95-559 is repealed, held invalid by a court of appeal, or otherwise made inoperative, and as of such date is repealed.

(Added by renumbering Section 14033 by Stats. 2019, Ch. 497, Sec. 319. (AB 991) Effective January 1, 2020. Repealed conditionally as prescribed by its own provisions. After repeal, see related provisions in Section 14022. Note: Repeal affects Article 1.6, commencing with Section 14047.)