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AB-847 Medi-Cal: pediatric palliative care services. (2023-2024)

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Assembly Bill No. 847

CHAPTER 814

An act to add Section 14132.76 to the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor October 13, 2023. Filed with Secretary of State October 13, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 847, Luz Rivas. Medi-Cal: pediatric palliative care services.

Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions.

Existing law requires the department to develop a pediatric palliative care benefit as a pilot program to Medi-Cal beneficiaries under 21 years of age, to be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available. Existing law requires that program to include, among other things, hospice services to individuals whose conditions may result in death, regardless of the estimated length of the individual's remaining period of life.

Pursuant to the above-described provisions, the department established the Pediatric Palliative Care (PPC) Waiver in 2009, upon receiving federal approval in December 2008. After the waiver ended on December 31, 2018, the department implemented a plan in 2019 to transition some pediatric palliative care services to the Early and Periodic, Screening, Diagnostic, and Treatment (EPSDT) benefit, which is available to Medi-Cal beneficiaries under 21 years of age, as specified.

This bill, Sophia's Act, would authorize extended eligibility for pediatric hospice services and palliative care services for those individuals who have been determined eligible for those services prior to 21 years of age to after 21 years of age, as specified. To the extent that these provisions would alter the eligibility of individuals for these services, the bill would create a state-mandated local program. The bill would require the department to seek any federal approvals it deems necessary to implement these provisions. The bill would implement these provisions only to the extent that necessary federal approvals are obtained and federal financial participation is available and not otherwise jeopardized.

This bill would state the Legislature's intent to investigate future legislation to make pediatric palliative and hospice care more accessible to families.

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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This bill shall be known and may be cited as “Sophia’s Act.”

SEC. 2. It is the intent of the Legislature to investigate future legislation in all of the following areas to make pediatric palliative and hospice care more accessible to families:

(a) Require group or individual accident or health insurance or a managed care plan to provide coverage for community-based pediatric palliative or hospice care and require that care to be delivered to any qualified child with a serious illness by a trained interdisciplinary team that allows a child to receive community-based pediatric palliative and hospice care while continuing to pursue curative treatment and disease-directed therapies for the qualifying illness, consistent with the terms of the Pediatric Palliative Care Act of 2003.

(b) Expand the definitions of “palliative care” and “serious illness.”

(c) Make conforming changes in the California Children’s Services Program (CCS), Medi-Cal program, and Covered California.

(d) Establish a program for palliative care and hospice services for children and young adults who are dying, but who do not meet the financial eligibility criteria for Medi-Cal or CCS, including those children whose families have lost their private health coverage, and ensure that this program does not restrict the location or type of palliative care services available.

(e) Amend the CCS income eligibility requirements so that families can use their current actual income if that income is lower than the income in their most recent tax return.

(f) Create and update a user-tested and user-friendly internet website that allows for communication between parents or caretakers and trained interdisciplinary teams and ensure that the website has the ability to allow families to request services or respond to denials of services.

SEC. 3. Section 14132.76 is added to the Welfare and Institutions Code, to read:

14132.76. (a) An individual who is determined to be eligible to receive hospice services prior to 21 years of age may continue to receive hospice services after 21 years of age when certified as eligible by a physician in accordance with section 1905(o) of the Social Security Act (42 U.S.C. Sec. 1396d(o)).

(b) An individual who is determined to be eligible to receive palliative care services prior to 21 years of age may continue to receive medically necessary palliative care services after 21 years of age when determined to be eligible by the recipient’s treating health care provider.

(c) The department shall seek any federal approvals it deems necessary to implement this section. This section shall be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available and not otherwise jeopardized.

SEC. 4. 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.