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AB-636 Medi-Cal: diapers. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 13, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 636

Introduced by Assembly Member Ortega

February 13, 2025

An act to add Section 14132.33 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 636, as amended, Ortega. Medi-Cal: diapers.

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 by, and funded pursuant to, federal Medicaid program provisions. Under existing law, incontinence medical supplies are covered by the Medi-Cal program.

This bill would establish diapers as a covered Medi-Cal benefit for a child greater than 3 years of age who has been diagnosed with a condition, as specified, that contributes to incontinence, and for an individual under 21 years of age if necessary to correct or ameliorate a condition pursuant to certain federal standards. The bill would limit the provided diapers to an appropriate supply based on the diagnosed condition and the age of the Medi-Cal beneficiary.

The bill would require the department to seek any necessary federal approvals to implement these provisions. The bill would condition implementation of these provisions on receipt of any necessary federal approvals, the availability of federal financial participation, and an appropriation by the Legislature. *The bill would require the department to update the Medi-Cal provider manual, as applicable, in the course of implementing these provisions.*

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

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

SECTION 1. Section 14132.33 is added to the Welfare and Institutions Code, to read:

14132.33. (a) Notwithstanding any other law, diapers are a covered Medi-Cal benefit for any child greater than three years of age who has been diagnosed with a physical, mental, neurological, or behavioral health condition that contributes to incontinence.

(b) Notwithstanding any other law, diapers are a covered Medi-Cal benefit for individuals under 21 years of age if necessary to correct or ameliorate a condition pursuant to the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) standards set forth under subdivision (b) of Section 14059.5 and under Section 1905(r) of the federal Social Security Act (42 U.S.C. Sec. 1396d(r)).

(c) Diapers provided pursuant to this section shall be limited to an appropriate supply based on the diagnosed condition and the age of the Medi-Cal beneficiary.

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

(e) The department shall update the Medi-Cal provider manual, as applicable, in the course of implementing this section.

~~(e)~~

(f) Implementation of this section is contingent upon an appropriation by the Legislature.