

CONCURRENCE IN SENATE AMENDMENTS

AB 1481 (Boerner and Bauer-Kahan)

As Amended August 16, 2023

Majority vote

SUMMARY

Requires the Department of Health Care Services (DHCS), for a pregnant person covered under the Presumptive Eligibility for Pregnant Women (PE4PW) program who applies for full-scope Medi-Cal benefits in a specified time window, to ensure the pregnant person is covered under the PE4PW program until the pregnant person is either enrolled in full-scope Medi-Cal benefits or has received a written denial notice in response to their application for full-scope Medi-Cal benefits, and renames the program as Presumptive Eligibility for Pregnant People (PE4PP).

Senate Amendments

- 1) Require DHCS to require providers participating in the PE4PP program to provide information to pregnant persons enrolled in PE4PP on how to contact the person's county to expedite the county's determination of a Medi-Cal application.
- 2) Modify the time window wherein the above requirements apply, from one lasting 60 days, to one beginning on the date of a presumptive eligibility determination and lasting through the last day of the subsequent calendar month.

COMMENTS

- 1) *PE4PW*. DHCS administers the PE4PW program, which provides immediate, temporary ambulatory prenatal health care, including abortion and miscarriage, related to pregnancy for low-income pregnant people. PE4PW is designed for California residents who believe they are pregnant and who appear eligible for and do not have Medi-Cal coverage for prenatal care. The program is designed to ensure immediate access to a limited range of services important for pregnant people. The program allows qualified providers to grant immediate, temporary Medi-Cal coverage for ambulatory prenatal care and prescription drugs for conditions related to pregnancy to low-income pregnant applicants at or below 213% of the federal poverty level, based on self-attested information collected by the provider from the applicant, pending their formal Medi-Cal application.

Providers are required to provide beneficiaries of the PE4PW Program with an insurance affordability program application, which allows them to apply for Medi-Cal or subsidized coverage through Covered California.

- 2) *California Future of Abortion (FAB) Council Report*. In September 2021, more than 40 organizations, including sexual and reproductive health care providers, reproductive rights and reproductive justice advocacy organizations, legal and policy experts, and others joined together to form the FAB Council. The Council made a number of policy recommendations to improve equitable and affordable access to abortion care for Californians and all who seek care in the state.

Specific to this bill, one of the Council recommendations called to modernize the PE4PW program. According to the report, while the program does provide vital access to time-sensitive services, some aspects of the program, including eligibility requirements, coverage

limitations, and a web-based enrollment system that frequently experiences technical difficulties must be updated to ensure that patients receive timely care and equitable access to services available for enrollees in full-scope Medi-Cal, and that providers are adequately reimbursed for services provided to PE4PW patients. DHCS has administrative authority to address changes to the web-based enrollment system and to add coverage of specific codes as needed to update the program to address ambulatory prenatal care services not specifically identified as covered benefits.

Current Medi-Cal policy, as communicated in a DHCS All-County Welfare Directors Letter, stipulates to the extent an insurance affordability application is submitted during the PE4PW period, a beneficiary's PE4PW coverage can be extended pending the Medi-Cal determination. However, this eligibility policy is not established in statute. This bill would establish this policy as a statutory protection and ensure continuous eligibility for all individuals who submit an application within the applicable time period.

According to the Author

This bill implements a recommendation from the FAB Council report, ensuring pregnant people who qualify for pregnancy-related presumptive eligibility for Medi-Cal retain eligibility until their application for full Medi-Cal coverage is adjudicated. The author states this bill also renames the program from PE4PW to PE4PP to make the program name more inclusive of individuals who may become pregnant but who do not identify as women.

Arguments in Support

The California Legislative Women's Caucus, California Hospital Association, California Nurse Midwives Association, Service Employees International Union California, and NARAL Pro-Choice California express support for this bill. The California Legislative Women's Caucus states PE4PW provides a pregnant person with a low-income immediate, temporary coverage while they are applying for full-scope Medi-Cal, but it often can take longer for a Medi-Cal application to be approved and, in that time, PE4PW coverage can lapse leading to a gap in coverage. The California Legislative Women's Caucus indicates many people are then left without coverage and either have to pay out of pocket for services, or forgo medical care entirely while they wait for their Medi-Cal determination. Supporters also indicate this bill would also update the program name to a gender-neutral term that is more inclusive to non-binary, transgender, and gender, non-conforming Californians.

Arguments in Opposition

There is no known opposition.

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:**ASM HEALTH: 13-0-2**

YES: Wood, Aguiar-Curry, Arambula, Boerner, Wendy Carrillo, Flora, Vince Fong, Maienschein, McCarty, Rodriguez, Santiago, Villapudua, Weber

ABS, ABST OR NV: Waldron, Joe Patterson

ASM APPROPRIATIONS: 12-0-4

YES: Holden, Bryan, Calderon, Wendy Carrillo, Mike Fong, Hart, Lowenthal, Mathis, Papan, Pellerin, Weber, Ortega

ABS, ABST OR NV: Megan Dahle, Dixon, Robert Rivas, Sanchez

ASSEMBLY FLOOR: 66-1-13

YES: Addis, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Connolly, Davies, Dixon, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Garcia, Gipson, Grayson, Haney, Hart, Holden, Irwin, Jackson, Jones-Sawyer, Kalra, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Santiago, Schiavo, Soria, Ting, Valencia, Villapudua, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

NO: Gallagher

ABS, ABST OR NV: Aguiar-Curry, Chen, Megan Dahle, Essayli, Hoover, Lackey, Mathis, Papan, Jim Patterson, Joe Patterson, Sanchez, Ta, Waldron

SENATE FLOOR: 31-3-6

YES: Allen, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hurtado, Laird, Limón, McGuire, Menjivar, Min, Newman, Padilla, Portantino, Roth, Rubio, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener, Wilk

NO: Alvarado-Gil, Grove, Jones

ABS, ABST OR NV: Caballero, Dahle, Nguyen, Niello, Ochoa Bogh, Seyarto

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