

**Introduced by Senator Wiener**

January 23, 2020

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An act to ~~amend Section 103426 of the Health and Safety Code, relating to vital records.~~ *add Section 14021.38 to the Welfare and Institutions Code, relating to Medi-Cal.*

LEGISLATIVE COUNSEL'S DIGEST

SB 888, as amended, Wiener. ~~Birth certificates.~~ *Substance use disorder services: contingency management services.*

*Existing law provides for 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, including substance use disorder services that are delivered through the Drug Medi-Cal Treatment Program and the Drug Medi-Cal organized delivery system. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions.*

*This bill would, to the extent funds are made available in the annual Budget Act, expand substance use disorder services to include contingency management services, subject to utilization controls. The bill would require the department to issue guidance and training to providers on their use of contingency management services for Medi-Cal beneficiaries who access substance use disorder services under any Medi-Cal delivery system, including the Drug Medi-Cal Treatment Program and the Drug Medi-Cal organized delivery system. The bill would provide that contingency management services are not a rebate, refund, commission preference, patronage dividend, discount, or any other gratuitous consideration. The bill would authorize the department*

*to implement these provisions by various means, including provider bulletin, without taking regulatory action, and would condition the implementation of these provisions to the extent permitted by federal law, the availability of federal financial participation, and the department securing federal approval.*

~~Existing law requires the State Registrar to issue a new birth certificate reflecting a change of gender to female, male, or nonbinary without a court order for any person born in this state who submits directly to the State Registrar an application to change the gender on the birth certificate and an affidavit attesting under penalty of perjury that the request for a change of gender is to conform the person's legal gender to the person's gender identity and is not made for any fraudulent purpose.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 14021.38 is added to the Welfare and*  
2     *Institutions Code, immediately following Section 14021.37, to*  
3     *read:*

4     *14021.38. (a) To the extent funds are made available in the*  
5     *annual Budget Act for this express purpose, substance use disorder*  
6     *services shall include contingency management services as a*  
7     *covered benefit, subject to utilization controls, as described in*  
8     *Section 14133.*

9     *(b) The department shall issue guidance and training to*  
10    *providers on their use of contingency management services for*  
11    *Medi-Cal beneficiaries who access substance use disorder services*  
12    *under any Medi-Cal delivery system, including, but not limited to,*  
13    *the Drug Medi-Cal Treatment Program and the Drug Medi-Cal*  
14    *organized delivery system.*

15    *(c) Contingency management services are not a rebate, refund,*  
16    *commission preference, patronage dividend, discount, or any other*  
17    *gratuitous consideration, as described in Section 51478 of Title*  
18    *22 of the California Code of Regulations.*

19    *(d) Notwithstanding Chapter 3.5 (commencing with Section*  
20    *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*

1 *the department may implement this section by means of a provider*  
2 *bulletin or similar instruction, without taking regulatory action.*

3 *(e) This section shall only be implemented to the extent permitted*  
4 *by federal law.*

5 *(f) This section shall be implemented only to the extent that*  
6 *federal financial participation is available and any necessary*  
7 *federal approvals have been obtained.*

8 ~~SECTION 1. Section 103426 of the Health and Safety Code~~  
9 ~~is amended to read:~~

10 ~~103426. The State Registrar shall issue a new birth certificate~~  
11 ~~reflecting a change of gender to female, male, or nonbinary without~~  
12 ~~a court order for any person born in this state who submits directly~~  
13 ~~to the State Registrar an application to change the gender on the~~  
14 ~~birth certificate and an affidavit attesting under penalty of perjury~~  
15 ~~that the request for a change of gender to female, male, or~~  
16 ~~nonbinary is to conform the person's legal gender to the person's~~  
17 ~~gender identity and is not made for any fraudulent purpose. Upon~~  
18 ~~receipt of the documentation and the fee prescribed by Section~~  
19 ~~103725, the State Registrar shall establish a new birth certificate~~  
20 ~~reflecting the gender stated in the application and any change in~~  
21 ~~name, if accompanied by a court order for a change of name.~~