

1-1-1985

Health and Welfare

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Recommended Citation

University of the Pacific; McGeorge School of Law, *Health and Welfare*, 16 PAC. L. J. 683 (1985).

Available at: <https://scholarlycommons.pacific.edu/mlr/vol16/iss2/22>

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Health and Welfare

Health and Welfare; patient access to records

Health and Safety Code §25252 (amended).
AB 3791 (Isenberg); 1984 STAT. Ch 1274

Under existing law, health care providers¹ may reveal confidential patient records² only to certain persons.³ Willfully revealing confidential patient records to unauthorized persons, or failing to disclose patient records as required, is deemed unprofessional conduct and subjects the health care provider to disciplinary action.⁴ Under Chapter 1274, the willful disclosure or nondisclosure of confidential patient records by health care providers⁵ in violation of existing law is an infraction⁶ punishable by a fine of not more than \$100.⁷

1. See CAL. HEALTH & SAFETY CODE §25252(f). See *id.* §25251(a)(4)-(8) (describing certain health care providers).

2. *Id.* §25251(d) (definition of patient records).

3. *Id.* §25252(a). These persons are (1) any adult patient of a health care provider, (2) any minor patient authorized by law to consent to medical treatment, or (3) a patient representative. *Id.*

4. *Id.* §25252(f).

5. See *id.* §25251(a)(1)-(3) (describing certain health care providers).

6. An infraction subjects the health care provider to disciplinary action by the state agency, board, or commission which issued the health care provider's institutional license. *Id.* §25252(f).

7. *Id.*

Health and Welfare; shared housing, elderly and handicapped

Health and Safety Code §§19904 (new and amended); §§19902, 19903, 50152.7 (new); §§50067, 50072 (amended).
AB 3164 (Hauser); 1984 STAT. Ch 1072

Existing law, under the Zenovich-Moscone-Chacon Housing and Home Finance Act (hereafter referred to as the Home Finance Act),¹

1. CAL. HEALTH & SAFETY CODE §50000 (short title).

defines elderly as a single person sixty years of age or older, or a family in which the head of the household is sixty years or older.² Handicapped is defined as a family in which the head of the household has a physical disability, a single person with a physical disability, or a family or person requiring special care or facilities in the home.³ The handicapped provision of the Home Finance Act also includes the head of a family or a single person with a developmental or mental disorder which renders them eligible to participate in rehabilitative or social services.⁴ For the purposes of rental housing assistance,⁵ Chapter 1072 extends the definition of elderly and handicapped to include a household composed of an elderly and a handicapped person living together⁶ who have a combined income equal to that of a family of the same size which conforms to the eligibility for rental housing assistance provisions.⁷ The elderly and handicapped couple or household also must meet any additional requirements imposed by the program,⁸ and their joint occupancy must be lawful⁹ and conform to the habitability standards imposed by the department.¹⁰

2. *Id.* §50067.

3. *Id.* §50072. The physical disability must affect the person's ability to obtain employment, and the head of a household may additionally suffer from an orthopedic disability impairing physical mobility. *Id.*

4. *Id.* §50072(a).

5. *Id.* §§50500-50518 (assistance activities of the Department of Housing and Community Development [hereinafter referred to as Department]).

6. *Id.* §19902(e), 19904(a).

7. *Id.* §19904(b)(1)(B). Section 19904(b)(1) does not apply to any residency, occupancy, or use of a dwelling permitted under section 51.3 of the Civil Code. *Id.* §19904(b)(2). See *Review of Selected 1984 California Legislation*, 16 PAC. L.J. ____ (1985) (discussion of §51.3).

8. *Id.* §19904(b)(1)(D).

9. *Id.* §19904(b)(1)(A).

10. *Id.* §19904(b)(a)(C); see *id.* §50152.7 (the Department may promulgate regulations establishing habitability standards for housing units); see also *id.* §50400 (definition of the Department).

Health and Welfare; medi-cal fraud

Welfare and Institutions Code §14026 (amended).

AB 3530 (Frizzelle); 1984 STAT. Ch 752

Under existing law Medi-Cal beneficiaries¹ who furnish, give, or lend their Medi-Cal cards to a person other than a provider of health

1. CAL. WELF. & INST. CODE §14252 (definition of Medi-Cal beneficiary).

care services² are guilty of a misdemeanor.³ Under prior law persons could not lawfully represent Medi-Cal eligibility to a health care provider when in fact they *knew* they were not eligible as Medi-Cal beneficiaries.⁴ Chapter 752 imposes a misdemeanor penalty for using a Medi-Cal card issued to another person to obtain health care services.⁵ Chapter 752, however, does not apply to a person who uses a family member's Medi-Cal card if the person using the card is eligible as a Medi-Cal beneficiary.⁶

2. CAL. HEALTH & SAFETY CODE §1345(h) (definition of health care provider).

3. CAL. WELF. & INST. CODE §14026(a). Punishment for conviction of a misdemeanor is imprisonment in the county jail not exceeding six months, a fine not exceeding \$1,000, or both. CAL. PENAL CODE §19.

4. 1980 Cal. Stat. c. 1008, §1, at 3245 (amending CAL. WELF. & INST. CODE §14026).

5. Compare CAL. WELF. & INST. CODE §14026(b) with 1980 Cal. Stat. c. 1008, §1, at 3245 (amending CAL. WELF. & INST. CODE §14026).

6. CAL. WELF. & INST. CODE §14026(b).

Health and Welfare; aid to families with dependent children—overpayments

Welfare and Institutions Code §11004 (amended).
SB 1579 (Rosenthal); 1984 STAT. Ch 1441

State welfare laws contain eligibility requirements for persons receiving assistance from the Aid to Families with Dependent Children program (hereinafter referred to as AFDC).¹ Under prior law, if aid applicants or recipients failed to meet AFDC requirements because of an error by a state or county agency, their grant was considered to be an overpayment and either was deducted from subsequent payments² or recovered by legal action.³ With the enactment of Chapter 1441, no ineligibility determination may be made retrospectively so as to result in an overpayment assessment when the failure by the recipient or applicant to perform a condition of eligibility is attributable to an error of a public agency, and the grant amount would not have been different if the act had been performed.⁴

1. CAL. WELF. & INST. CODE §§11250-11270 (eligibility for AFDC), 11310 (Work Incentive Program registration requirements).

2. 1981-82 (Ex. Sess.) Cal. Stat. c. 3, §3, at 6890-91 (enacting CAL. WELF. & INST. CODE §11004) (provisions for recovery of overpayment); *Olivia v. Swoap*, 59 Cal. App. 3d 130, 136, 130 Cal. Rptr. 411, 414 (1976) (grants may be reduced to recover overpayments caused by county administrative errors); *see also Garcia v. Woods*, 103 Cal. App. 3d 702, 717, 163 Cal. Rptr. 272, 281 (1980) (when overpayment is received honestly, payments cannot be reduced to an amount that leaves the family with total available resources less than the maximum aid payment to the family).

3. 1981-82 (Ex. Sess.) Cal. Stat. c. 3, §3, at 6890-91 (enacting CAL. WELF. & INST. CODE §11004) (provisions for recovery of overpayment).

4. CAL. WELF. & INST. CODE §11004(d).

