

File No. 140084

Committee Item No. 2

Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Neighborhood Services & Safety Date March 20, 2014

Board of Supervisors Meeting Date April 1, 2014

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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Completed by: Derek Evans Date 3/14/14

Completed by: Derek Evans Date 3/25/14

1 [Administrative Code - Jail Inmate Health Insurance Enrollment]

2
3 **Ordinance amending the Administrative Code, to designate the Sheriff as the entity to**
4 **assist county jail inmates with submitting an application for a health insurance**
5 **affordability program consistent with federal requirements.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. Findings.

15 1. California Penal Code section 4011.11(a) authorizes the board of supervisors in
16 each county, in consultation with the county sheriff, to designate an entity or entities to assist
17 county jail inmates to apply for a health insurance affordability program.

18 2. California Penal Code section 4011.11(f) defines health insurance affordability
19 programs to include: (1) The state's Medi-Cal program under Title XIX of the federal Social
20 Security Act; (2) The state's children's health insurance program (CHIP) under Title XXI of the
21 federal Social Security Act; (3) A program that makes coverage in a qualified health plan
22 through the California Health Benefit Exchange established pursuant to Section 100500 of the
23 California Government Code with advance payment of the premium tax credit established
24 under Section 36B of the Internal Revenue Code available to qualified individuals; and (4) A
25 program that makes available coverage in a qualified health plan through the California Health
Benefit Exchange established pursuant to Section 100500 of the California Government Code

1 with cost-sharing reductions established under Section 1402 of the federal Patient Protection
2 and Affordable Care Act (Public Law 111-148) and any subsequent amendments to that act.

3 Section 2. The Administrative Code is hereby amended by adding Section 13.5 in
4 Chapter 13, Article I, to read as follows:

5 **SEC. 13.5. SHERIFF TO ASSIST COUNTY JAIL INMATES WITH HEALTH**
6 **INSURANCE AFFORDABILITY PROGRAM ENROLLMENT.**

7 *The Sheriff's Department is designated as the entity to assist county jail inmates with*
8 *submitting an application for a health insurance affordability program consistent with federal*
9 *requirements, as permitted by California Penal Code section 4011.11(a). For purposes of this Section*
10 *13.5, a "health insurance affordability program" shall be defined pursuant to California Penal Code*
11 *section 4011.11(f).*

12 Section 3. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor's veto of the ordinance.

16
17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By:


21 JANA CLARK
22 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code- Inmate Health Insurance Enrollment]

Ordinance amending the Administrative Code to designate the Sheriff as the entity to assist county jail inmates with submitting an application for a health insurance affordability program consistent with federal requirements.

Background Information

Federal law generally does not authorize federal financial participation for Medi-Cal when a person is an inmate of a county jail. However, federal financial participation is available after an inmate is released from county jail. An inmate's ineligibility while in custody does not preclude processing an application for a health insurance program by or on behalf of the inmate.

Existing Law

California Penal Code section 4011.11(a) authorizes the board of supervisors in each county, in consultation with the county sheriff, to designate an entity or entities to assist county jail inmates to apply for a health insurance affordability program. California Penal Code section 4011.11(f) defines health insurance affordability programs to include: (1) The State's Medi-Cal program under Title XIX of the federal Social Security Act; (2) The State's children's health insurance program (CHIP) under Title XXI of the federal Social Security Act; (3) A program that makes coverage in a qualified health plan through the California Health Benefit Exchange established pursuant to Section 100500 of the California Government Code with advance payment of the premium tax credit established under Section 36B of the Internal Revenue Code available to qualified individuals; and (4) A program that makes available coverage in a qualified health plan through the California Health Benefit Exchange established pursuant to Section 100500 of the California Government Code with cost-sharing reductions established under Section 1402 of the federal Patient Protection and Affordable Care Act (Public Law 111-148) and any subsequent amendments to that act.

Amendments to Current Law

This ordinance would designate the Sheriff as the entity to assist county inmates to apply for a health insurance affordability program, as defined by California Penal Code section 4011.11(f).



**OFFICE OF THE SHERIFF
CITY AND COUNTY OF SAN FRANCISCO**

1 DR. CARLTON B. GOODLETT PLACE
ROOM 456, CITY HALL
SAN FRANCISCO, CALIFORNIA 94102



**Ross Mirkarimi
SHERIFF**

January 28, 2014

Reference: AdminCD 2014-004

Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
JAN 28 PM 4:15
AK

Dear Ms. Calvillo,

I am submitting this request on behalf of Sheriff Ross Mirkarimi. Attached please find an original and two copies of a proposed ordinance for the Board of Supervisors approval which seeks to amend the Administrative Code to designate the sheriff as the entity to assist county jail inmates with submitting an application for the Health Insurance Affordability Program.

If you have any questions relative to his request, please do not hesitate to contact me at (415) 554-7223. Thank you in advance for your consideration in this matter.

Sincerely,

Kathy Gorwood, #1319
Chief Deputy

