
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: SB 340 **Hearing Date:** April 25, 2023
Author: Eggman
Version: February 7, 2023
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Medi-Cal: eyeglasses: Prison Industry Authority*

HISTORY

Source: California Optometric Association

Prior Legislation: SB 1089 (Wilk), amended in the Assembly into a different bill
AB 579 (Flora), Ch. 520, Stats. 2021
AB 133 (Comm. on Budget), Ch. 143, Stats. 2021
SB 78 (Comm. on Budget & Fiscal Rev.), Ch. 38, Stats. 2019
SB 97 (Comm. on Budget & Fiscal Rev.), Ch. 52, Stats. 2017
AB X3-5 (Evans), Ch. 20, Stats. 2009

Support: California Children’s Vision Now Coalition; California Optometric Association;
California State Society for Opticians; Hero Practice Services; National Vision;
SLOLionsEye.org; Vision Center of Sana Maria; several individuals

Opposition: None known

PURPOSE

The purpose of this bill is to authorize a provider, for purposes of Medi-Cal reimbursement for covered optometric services, to obtain eyeglasses from a private entity, as an alternative to a purchase of eyeglasses from the California Prison Industry Authority (CalPIA).

Existing law establishes the Medi-Cal program, administered by the Department of Health Care Services (DHCS), under which low-income individuals are eligible for medical coverage. (Welf. & Inst. Code, § 14000 et seq.)

Existing law includes eyeglasses as a covered benefit under the Medi-Cal program. (Welf. & Inst. Code, §§ 14131.10, subd. (g), § 14132.)

Existing law establishes CalPIA within the California Department of Corrections and Rehabilitation (CDCR). (Pen. Code, § 2800 et seq.)

Existing law authorizes CalPIA to operate industrial, agricultural, and service enterprises employing incarcerated individuals in CDCR facilities to provide products and services needed by the state or other public entity or public use, as specified. Provides that one of the purposes of CalPIA is to create and maintain working conditions within the enterprises as much like those which prevail in private industry as possible, to assure incarcerated individuals employed by

CalPIA have the opportunity to work productively, to earn funds, and to acquire or improve effective work habits and occupational skills. (Pen. Code, § 2801.)

Existing law requires that all things authorized to be produced by CALPIA must be purchased by the state at the prices fixed by CALPIA. (Pen. Code, § 2807.)

This bill authorizes a provider participating in the Medi-Cal program to obtain eyeglasses from CalPIA or private entities, based on the provider's needs and assessment of quality and value.

This bill provides that for purposes of Medi-Cal reimbursement for covered optometric services, a provider may obtain eyeglasses from a private entity, as an alternative to a purchase of eyeglasses from CalPIA. Provides that the provisions of this bill only be implemented to the extent that federal financial participation is available.

COMMENTS

1. Need For This Bill

According to the author:

Current Department of Health Care Services (DHCS) policy requires that eyeglasses for the Medi-Cal program be obtained through the California Prison Industry Authority (PIA). Unfortunately, the delivery system is fraught with long delays and quality control issues. Medi-Cal beneficiaries often wait 1-2 months to receive their eyeglasses and thousands are suffering because they cannot see well enough to perform necessary life functions. School age children experiencing lengthy delays for their glasses are visually handicapped in their classroom causing them to struggle academically. Recreational and other extra-curricular activities are also negatively impacted. This is unacceptable. Over 13 million Californians rely on the Medi-Cal program for health coverage including over 40% of the state's children, nearly 5.2 million kids. With two thirds of Medi-Cal patients' people of color, the lack of timely access to eyeglasses in Medi-Cal is an equity concern. SB 340, the Better Access to Better Vision Act, addresses the ongoing concerns with delays and quality of products by optometrists participating in the Medi-Cal program by authorizing the option of using a private entity when ordering eyeglasses. Expanding the source options for eyewear allows providers to better meet their patient's needs and regardless of income, Medi-Cal patients, including children, deserve to receive quality eyeglasses in a reasonable amount of time.

2. Medi-Cal Coverage of Eyeglasses

Optometric services and eyeglasses for children are a mandatory benefit of the Medicaid program that participating states must provide. Optometric services and eyeglasses for adults are an optional state benefit. In 2009, both optometric services and eyeglasses for adults were cut from California's Medicaid program, Medi-Cal. In 2017, optometric services and eyeglasses were scheduled to be reinstated as a covered benefit in 2020, subject to an annual appropriation. For both adults and children, routine eye exam and eyeglasses are covered every 24 months. Eyeglasses require prior authorization from DHCS, though the treatment authorization request process is deferred for beneficiaries enrolled in Medi-Cal managed care plans.

Multiple studies identify a link between lack of access to vision screening and eyeglasses and academic performance in children. Research indicates that more than 20% of all school-aged children in the U.S. have vision problems, and low-income children and children of color are disproportionately likely to have unmet vision care needs. A 2015 UCLA study of low-income Black and Latino children who received free screening and eyeglasses through the Vision to Learn program found that prior to receiving eyeglasses their math scores were declining, and both their math and reading scores improved after receiving eyeglasses. A 2021 Johns Hopkins study on a similar program in Baltimore found significant increases in reading and math scores.

3. Production of Medi-Cal Eyeglasses by CalPIA

CalPIA is a self-supporting state entity that provides jobs to nearly 7,000 incarcerated individuals within CDCR institutions. (<https://www.calpia.ca.gov/about/>) CalPIA manages over 100 manufacturing, service, and consumable operations in all of the state's prisons, and all of CalPIA's goods and services are sold to government agencies. In addition to work assignments, CalPIA offers certifications and apprenticeships to incarcerated individuals. Incarcerated individuals can earn up to 12 weeks of Milestone Completion Credits for every Correctional Industry and Career Technical Education (CTE) job assignment. CalPIA reports that during the 2019-2020 fiscal year, there were 2,510 incarcerated individuals registered into the state apprenticeship program with 1,035 incarcerated individuals completing an apprenticeship program.

DHCS has contracted with CalPIA since 1988 to make eyeglasses for Medi-Cal recipients. CalPIA operates optical laboratories located at three of the state's prisons where lenses are made and then fitted into the patients' frames. Providers participating in the Medi-Cal program must order lenses from CalPIA unless the lens required cannot be accommodated by CalPIA.

CalPIA reports that there are currently 420 positions in its Optical program. The CalPIA Optical program partners with the American Board of Opticianry in order to provide certifications to graduates. CalPIA reports that the Optical program has led to the employment of several formerly incarcerated persons in the optical industry although it has not provided the Committee with any aggregate data regarding the program's employment outcomes over the last several years. According to information provided by CalPIA, it completed 875,999 eyeglass orders in 2022 for Medi-Cal's 15 million beneficiaries.

This bill was introduced due to ongoing concerns regarding delays in CalPIA's fulfillment of orders for eyeglasses as well as quality control issues. According to CalPIA, it has a current turnaround time of 4.4 business days for fulfilling orders. CalPIA has acknowledged that there were delays in the fulfillment of orders at the onset of the COVID-19 pandemic as well as during times when there were peaks in cases which impacted staffing of the optical labs. Providers contend that the delays in receiving completed eyeglasses occurred even prior to the pandemic and have continued. With respect to quality control issues, CalPIA shared with the Committee that its "re-do" rate for eyeglasses is less than 1% which is better than the industry standard. The sponsor of the bill, however, shared with the Committee that its members have had ongoing issues with respect to receiving damaged or defective glasses.

4. Argument in Support

The California Optometric Association:

The PIA has been plagued with problems for years as the eyeglasses are often late, incorrect, or of poor quality. The pandemic has made a bad situation much worse. Some patients have had to wait for more than six months for their eyeglasses. The Dept of Health Care Services claims that the backlog resulting from prison closures has been cleared up, but that is not what our members tell us. In a January 2023 survey, 41% of optometrists report an average PIA eyeglasses turn-around time of 1-2 months. An additional 18% of respondents say eyeglasses take over 2 months. This is unacceptable, especially for kids in school....

Thousands of people are suffering throughout our state because they cannot see well enough to perform necessary life functions. Each day we are hearing tragic stories from our patients about how their lives are affected by this - children who are already disadvantaged cannot participate in the classroom and are falling behind; parents cannot work to provide for their families. Some patients are getting traffic tickets because they cannot see clearly. Others are having to live with severe headaches and other symptoms caused by uncorrected vision problems. With two-thirds of Medi-Cal patients [being] people of color, the lack of timely access to eyeglasses in Medi-Cal is an equity concern.

Each day our member optometrists are having to deal with understandably frustrated patients who get aggressive, verbally abusive, and make threats because they are desperate for their glasses. Most of our Medi-Cal patients cannot afford to purchase eyewear out of pocket and so they are forced to put their lives on hold for months until the PIA lab returns their glasses.

The vision care crisis caused by the COVID-19 epidemic has brought to the spotlight the failure of the single supplier policy. Our members tell us that the requirement to fabricate glasses through the PIA has reduced the number of providers willing to accept Medi-Cal. With over 40% of the state's children covered by Medi-Cal, the consequences to our youthful patients cannot be understated.

-- END --