

CHILDREN'S HEALTH INSURANCE PROGRAM

- OPEN ENROLLMENT

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Greg J. Curtis

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill amends the Utah Children's Health Insurance Act.

Highlighted Provisions:

This bill:

- ▶ makes technical drafting amendments;
- ▶ requires the Department of Health to keep enrollment in the Children's Health Insurance Program open so that an eligible child who applies for coverage under the Children's Health Insurance Program can enroll in the program; and
- ▶ designates the appropriations to the Utah Children's Health Insurance Program as non-lapsing appropriations.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-40-105, as enacted by Laws of Utah 1998, Chapter 360

26-40-108, as enacted by Laws of Utah 1998, Chapter 360

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **26-40-105** is amended to read:

32 **26-40-105. Eligibility.**

33 (1) ~~[To be eligible to enroll in the program, a child must]~~ A child is eligible to enroll in
34 the program if the child:

35 (a) ~~[be]~~ is a bona fide Utah resident;

36 (b) ~~[be]~~ is a citizen or legal resident of the United States;

37 (c) ~~[be]~~ is under 19 years of age;

38 (d) ~~[not have]~~ does not have access to or coverage under other health insurance,
39 including any coverage available through a parent or legal guardian's employer;

40 (e) ~~[be]~~ is ineligible for Medicaid benefits;

41 (f) ~~[reside]~~ resides in a household whose gross family income, as defined by rule, is at or
42 below 200% of the federal poverty level; and

43 (g) ~~[not be]~~ is not an inmate of a public institution or a patient in an institution for
44 mental diseases.

45 (2) A child ~~[may not be determined to be ineligible to enroll in the program based on]~~
46 who qualifies for enrollment in the program under Subsection (1) may not be denied enrollment
47 due to a diagnosis or pre-existing condition.

48 (3) (a) The department shall determine eligibility and send notification of the eligibility
49 decision within 30 days after receiving the application for coverage.

50 (b) If the department cannot reach a decision because the applicant fails to take a
51 required action, or because there is an administrative or other emergency beyond the
52 department's control, the department shall:

53 ~~[(a)]~~ (i) document the reason for the delay in the applicant's case record; and

54 ~~[(b)]~~ (ii) inform the applicant of the status of the application and time frame for
55 completion.

56 (4) The department may not close enrollment in the program for a child who is eligible
57 to enroll in the program under the provisions of Subsection (1).

58 Section 2. Section **26-40-108** is amended to read:

59 **26-40-108. Funding.**

60 (1) The program shall be funded by federal matching funds received under, together
61 with state matching funds required by, 42 U.S.C. Sec. 1397ee.

62 (2) Program expenditures in the following categories may not exceed 10% in the
63 aggregate of all federal payments pursuant to 42 U.S.C. Sec. 1397ee:

64 (a) other forms of child health assistance for children with gross family incomes below
65 200% of the federal poverty level;

66 (b) other health services initiatives to improve low-income children's health;

67 (c) outreach program expenditures; and

68 (d) administrative costs.

69 (3) Appropriations to the program are non-lapsing.

70 Section 3. **Legislative intent.**

71 Under Section 63-38-8.1 of the Utah Code, the Legislature intends that the
72 appropriation to the Children's Health Insurance Program provided by Item 101, Chapter 1,
73 Laws of Utah 2007, and Item 90, Chapter 371, Laws of Utah 2007 not lapse at the close of
74 fiscal year 2008.