

**Representative Greg J. Curtis** proposes the following substitute bill:

**CHILDREN'S HEALTH INSURANCE PROGRAM**

**- OPEN ENROLLMENT**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Greg J. Curtis**

Senate Sponsor: John L. Valentine

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

27 **Uncodified Material Affected:**

28 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  
42 or 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  
47 enrollment 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.

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**Fiscal Note****H.B. 326 1st Sub. (Buff) - Children's Health Insurance Program - Open Enrollment**

2008 General Session

State of Utah

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**State Impact**

Enactment of this Legislation will allow an appropriation of \$2,063,000 from nonlapsing balances and \$8,079,600 in Federal Funds for FY 2009, and will require \$2,856,000 from the General Fund and \$11,424,000 in Federal Funds for FY 2010.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund	\$0	\$2,856,000	\$2,856,000	\$0	\$0	\$0
General Fund, One-Time	\$0	(\$2,856,000)	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$8,079,600	\$11,424,000	\$0	\$0	\$0
Nonlapsing Funds	\$0	\$2,063,000	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$10,142,600</b>	<b>\$14,280,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

The businesses contracting with the State to provide these services will receive increased revenues. Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or local governments.