

HB0391S03 compared with HB0391S02

~~{deleted text}~~ shows text that was in HB0391S02 but was deleted in HB0391S03.

inserted text shows text that was not in HB0391S02 but was inserted into HB0391S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Representative Jacob L. Anderegg}~~Senator Todd Weiler proposes the following substitute bill:

PROHIBITION OF MEDICAID EXPANSION

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the ~~{governor's programs}~~Health Code related to the ~~{Health System Reform Act}~~state Medicaid program by prohibiting the ~~{governor and the Department of Health from expanding}~~expansion of the Medicaid program under certain circumstances.

Highlighted Provisions:

This bill:

- ▶ defines terms:
- ▶ prohibits~~{ the governor or }~~ the Department of Health or the governor from expanding the state Medicaid program to~~{ the }~~ optional~~{ population under the Patient Protection and Affordable Care Act }~~ expansion populations unless:

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- the Health System Reform Task Force completes a review of a statewide charity care system;
- the department completes a thorough analysis of the impact of Medicaid expansion in the state and makes the analysis available to the public; and
- the department reports to the Legislature in accordance with statutory reporting requirements.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-18-18, Utah Code Annotated 1953

~~{ 63M-1-2508, Utah Code Annotated 1953~~

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

Section 1. Section 26-18-18 is enacted to read:

26-18-18. ~~Prohibition of~~ Optional Medicaid expansion.

~~{ The department shall comply with Section 63M-1-2508.~~

Section 2. Section 63M-1-2508 is enacted to read:

~~63M-1-2508. Prohibition of Medicaid expansion.~~

~~{ (1) {The purpose} For purposes of this section {is to respond to Chief Justice Robert's opinion in Nat'l Federation of Business v. Sebelius, Sec'y of Health and Human Services, 132 S.Ct. 2566 (2012) which stated:~~

~~———— (a) "In the typical case we look to the States to defend their prerogatives by adopting 'the simple expedient of not yielding' to federal blandishments when they do not want to embrace the federal policies as their own. The States are separate and independent sovereigns. Sometimes they have to act like it..."; and~~

~~———— (b) ". . . . As for the Medicaid expansion, that portion of the Affordable Care Act violates the Constitution by threatening existing Medicaid funding. Congress has no authority to order the States to regulate according to its instructions. Congress may offer the States~~

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~~grants and require the States to comply with accompanying conditions, but the States must have a genuine choice whether to accept the offer. The States are given no such choice in this case: They must either accept a basic change in the nature of Medicaid, or risk losing all Medicaid funding. The remedy for that constitutional violation is to preclude the Federal Government from imposing such a sanction. . . ."~~

~~— (2) The Governor and the Department of Health shall not~~ PPACA is as defined in Section 31A-1-301.

(2) The department and the governor shall not expand the state's Medicaid program to the optional population under PPACA unless:

(a) the Health System Reform Task Force has completed a thorough analysis of a statewide charity care system;

(b) the department and its contractors have:

(i) completed a thorough analysis of the impact to the state of expanding the state's Medicaid program to optional population under PPACA; and

(ii) made the analysis conducted under Subsection (2)(b)(i) available to the public; and

(c) the department has reported its intention to expand the state Medicaid program ~~to~~ the optional expansion population under the Patient Protection and Affordable Care Act, as permitted by the Supreme Court decision described in Subsection (1).

~~under PPACA to the Legislature in compliance with the legislative review process in Sections 63M-1-2505.5 and 26-18-3.~~