

1 **PRIMARY CARE GRANTS AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Allen M. Christensen**

5 House Sponsor: Michael S. Kennedy

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Utah Health Code related to primary care grants.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ creates the Primary Care Grant Committee;
- 13 ▶ directs the committee to evaluate applications for primary care grants and make
- 14 recommendations to the department;
- 15 ▶ directs the department to review and rank applications for primary care grants;
- 16 ▶ allows the department to use up to 5% of funds appropriated by the Legislature for
- 17 primary care grants to pay the department's costs to administer the primary care
- 18 grant program;
- 19 ▶ recodifies provisions related to community outreach and education contracts;
- 20 ▶ adds the primary care grant program to the list of programs with nonlapsing funds;
- 21 and
- 22 ▶ makes technical and conforming amendments.

23 **Money Appropriated in this Bill:**

24 This bill appropriates in fiscal year 2014-15:

- 25 ▶ to the Department of Health - Primary Care Grants as ~~H~~→ **[an ongoing]** **a one-time** ←~~H~~
- 25a appropriation:
 - 26 • from General Fund, \$2,000,000.

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **26-1-7**, as last amended by Laws of Utah 2003, Chapter 246

32 **26-10b-101**, as renumbered and amended by Laws of Utah 2010, Chapter 340

33 **26-10b-102**, as last amended by Laws of Utah 2012, Chapter 347

34 **26-10b-103**, as renumbered and amended by Laws of Utah 2010, Chapter 340

35 **26-10b-104**, as renumbered and amended by Laws of Utah 2010, Chapter 340

36 **63J-1-602.1**, as last amended by Laws of Utah 2013, Chapter 394

37 ENACTS:

38 **26-10b-106**, Utah Code Annotated 1953

39 **26-10b-107**, Utah Code Annotated 1953



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

42 Section 1. Section **26-1-7** is amended to read:

43 **26-1-7. Committees within department.**

44 (1) There are created within the department the following committees:

45 (a) Health Facility Committee;

46 (b) State Emergency Medical Services Committee;

47 (c) Health Data Committee; [~~and~~]

48 (d) Utah Health Care Workforce Financial Assistance Program Advisory Committee[~~;~~];

49 and

50 (e) Primary Care Grant Committee.

51 (2) The department shall:

52 (a) review all committees and advisory groups in existence before July 1, 2003 that are
53 not listed in Subsection (1) or Section **26-1-7.5**, and not required by state or federal law; and

54 (b) beginning no later than July 1, 2003:

55 (i) consolidate those advisory groups and committees with other committees or

56 advisory groups as appropriate to create greater efficiencies and budgetary savings for the
57 department; and

58 (ii) create in writing, time-limited and subject-limited duties for the advisory groups or

59 committees as necessary to carry out the responsibilities of the department.

60 Section 2. Section **26-10b-101** is amended to read:

61 **26-10b-101. Definitions.**

62 As used in this ~~[part]~~ chapter:

63 (1) "Committee" means the Primary Care Grant Committee created in Section [26-1-7](#)
64 and described in Section [26-10b-105](#).

65 ~~[(1)]~~ (2) "Community based organization":

66 (a) means a private entity; and

67 (b) includes for profit and not for profit entities.

68 ~~[(2)]~~ (3) "Cultural competence" means a set of congruent behaviors, attitudes, and
69 policies that come together in a system, agency, or profession and enables that system, agency,
70 or profession to work effectively in cross-cultural situations.

71 (4) "Executive director" means the executive director of the department.

72 ~~[(3)]~~ (5) "Health literacy" means the degree to which an individual has the capacity to
73 obtain, process, and understand health information and services needed to make appropriate
74 health decisions.

75 ~~[(4)]~~ (6) "Institutional capacity" means the ability of a community based organization
76 to implement public and private contracts.

77 ~~[(5)]~~ (7) "Medically underserved population" means the population of an urban or rural
78 area or a population group ~~[designated by the department as having]~~ that the committee
79 determines has a shortage of primary health care [services].

80 (8) "Primary care grant" means a grant awarded by the department under Subsection
81 [26-10b-102\(1\)](#).

82 ~~[(6)]~~ (9) (a) "Primary health care" means:

83 ~~[(a)]~~ (i) basic and general health care services given when a person seeks assistance to
84 screen for or to prevent illness and disease, or for simple and common illnesses and injuries;
85 and

86 ~~[(b)]~~ (ii) care given for the management of chronic diseases.

87 ~~[(7)]~~ (b) "Primary health care" ~~[services" include]~~ includes:

88 ~~[(a)]~~ (i) services of physicians, nurses, physician's assistants, and dentists licensed to
89 practice in this state under Title 58, Occupations and Professions;

90 ~~[(b)]~~ (ii) diagnostic and radiologic services;
 91 ~~[(e)]~~ (iii) preventive health services including perinatal services, well-child services,
 92 and other services that seek to prevent disease or its consequences;
 93 ~~[(d)]~~ (iv) emergency medical services;
 94 ~~[(e)]~~ (v) preventive dental services; and
 95 ~~[(f)]~~ (vi) pharmaceutical services.

96 (10) "Program" means the primary care grant program created under this chapter.

97 Section 3. Section **26-10b-102** is amended to read:

98 **26-10b-102. Department to award grants -- Applications.**

99 (1) ~~[(a)]~~ Within appropriations specified by the Legislature for this purpose, the
 100 department may ~~[make grants to public and nonprofit entities for the cost of operation of~~
 101 ~~providing], in accordance with the recommendation of the committee, award a grant to a public~~
 102 ~~or nonprofit entity to provide primary health care [services] to a medically underserved~~
 103 ~~[populations] population.~~

104 ~~[(b) The department may, as funding permits, contract with community based~~
 105 ~~organizations for the purpose of developing culturally and linguistically appropriate programs~~
 106 ~~and services for low income and medically underserved populations through a pilot program to~~
 107 ~~accomplish one or more of the following:]~~

108 ~~[(i) to educate individuals:]~~

109 ~~[(A) to use private and public health care coverage programs, products, services, and~~
 110 ~~resources in a timely, effective, and responsible manner;]~~

111 ~~[(B) to make prudent use of private and public health care resources;]~~

112 ~~[(C) to pursue preventive health care, health screenings, and disease management; and]~~

113 ~~[(D) to locate health care programs and services;]~~

114 ~~[(ii) to assist individuals to develop:]~~

115 ~~[(A) personal health management;]~~

116 ~~[(B) self-sufficiency in daily care; and]~~

117 ~~[(C) life and disease management skills;]~~

118 ~~[(iii) to support translation of health materials and information;]~~

119 ~~[(iv) to facilitate an individual's access to primary care services and providers;~~

120 ~~including mental health services; and]~~

121 ~~[(v) to measure and report empirical results of the pilot project.]~~
 122 ~~[(2)(a) Grants by the department shall be awarded based on:]~~
 123 (2) When awarding a grant under Subsection (1), the department shall, in accordance
 124 with the committee's recommendation, consider:
 125 ~~[(i) applications]~~ (a) the content of a grant application submitted to the department;
 126 (b) whether an application is submitted in the manner and form prescribed by the
 127 department; and
 128 ~~[(ii) (c)]~~ (c) the criteria established in Section 26-10b-103.
 129 ~~[(b)] (3)~~ The application for a grant under Subsection (2)(a) shall contain:
 130 ~~[(i) (a)]~~ (a) a requested award amount;
 131 ~~[(ii) (b)]~~ (b) a budget; and
 132 ~~[(iii) (c)]~~ (c) a narrative plan of the manner in which the applicant intends to provide the
 133 primary health care [services] described in Subsection [26-10b-101(7)] (1).
 134 ~~[(c) A contract bid for a service under Subsection (1)(b):]~~
 135 ~~[(i) shall be awarded in accordance with Title 63G, Chapter 6a, Utah Procurement~~
 136 ~~Code;]~~
 137 ~~[(ii) shall include the information described in Section 26-10b-103; and]~~
 138 ~~[(iii) is subject to Subsection (3):]~~
 139 ~~[(3)(a) An applicant under this chapter shall demonstrate to the department that the~~
 140 ~~applicant will not deny services to a person because of the person's inability to pay for the~~
 141 ~~services:]~~
 142 ~~[(b) Subsection (3)(a) does not preclude an applicant from seeking payment from the~~
 143 ~~person receiving services, a third party, or a government agency if:]~~
 144 ~~[(i) the applicant is authorized to charge for the services; and]~~
 145 ~~[(ii) the person, third party, or government agency is under legal obligation to pay the~~
 146 ~~charges:]~~
 147 ~~[(4) The department shall maximize the use of federal matching funds received for~~
 148 ~~services under Subsection (1)(b) to fund additional contracts under Subsection (1)(b):]~~
 149 Section 4. Section **26-10b-103** is amended to read:
 150 **26-10b-103. Content of grant applications.**
 151 ~~[Applications for grants]~~ An applicant for a grant under this chapter shall include, in an

152 application:

153 (1) a statement of specific, measurable objectives, and the methods ~~[to be used]~~ the
154 applicant will use to assess the achievement of those objectives;

155 (2) the precise boundaries of the area ~~[to be served by the entity making the~~
156 ~~application]~~ the applicant will serve, including a description of the medically underserved
157 population ~~[to be served by]~~ the applicant will serve using the grant;

158 (3) the results of ~~[an assessment of need demonstrating]~~ a need assessment that
159 demonstrates that the population ~~[to be served]~~ the applicant will serve has a need for the
160 services provided by the applicant;

161 (4) a description of the personnel responsible for carrying out the activities of the grant
162 along with a statement justifying the use of any grant funds for the personnel;

163 ~~[(5) letters and other forms of evidence showing that efforts have been made to secure~~
164 ~~financial and professional assistance and support for the services to be provided under the~~
165 ~~grant;]~~

166 (5) evidence that demonstrates the applicant's existing financial and professional
167 assistance and any attempts by the applicant to obtain financial and professional assistance;

168 (6) a list of services ~~[to be provided by]~~ the applicant will provide;

169 (7) the schedule of fees ~~[to be charged by]~~, if any, the applicant will charge;

170 (8) the estimated number of ~~[medically underserved persons to be served]~~ individuals
171 the applicant will serve with the grant award; and

172 (9) ~~[other provisions as determined]~~ any other information required by the department
173 in consultation with the committee.

174 Section 5. Section **26-10b-104** is amended to read:

175 **26-10b-104. Process and criteria for awarding primary care grants.**

176 (1) The department shall review and rank applications based on the criteria in this
177 section and transmit the applications to the committee for review.

178 (2) The committee shall, after reviewing the applications transferred to the committee
179 under Subsection (1), make recommendations to the executive director.

180 (3) The executive director shall, in accordance with the committee's recommendations,
181 decide which applications to award grants under Subsection 26-10b-102(1).

182 ~~[(4)]~~ (4) The department shall establish rules in accordance with Title 63G, Chapter 3,

183 Utah Administrative Rulemaking Act, governing the application form, the process, and the
184 criteria [it] the department will use in [awarding] reviewing, ranking, and awarding grants and
185 contracts under this chapter.

186 ~~[(2)]~~ (5) When reviewing, ranking, and awarding a primary care grant under Subsection
187 26-10b-102(1)[(a)], the department shall consider the extent to which ~~[the]~~ an applicant:

188 (a) demonstrates that the area or a population group ~~[to be served]~~ the applicant will
189 serve under the application has a shortage of primary health care and that the ~~[services]~~ primary
190 health care will be located so that [they will provide] it provides assistance to the greatest
191 number of ~~[persons residing in the area or included]~~ individuals in the population group;

192 (b) utilizes other sources of funding, including private funding, to provide primary
193 health care;

194 (c) demonstrates the ability and expertise to serve ~~[traditionally]~~ a medically
195 underserved [populations] population; [including persons of limited English-speaking ability,
196 single heads of households, the elderly, persons with low incomes, and persons with chronic
197 diseases;]

198 ~~[(d) demonstrates that it will assume financial risk for a specified number of medically~~
199 ~~underserved persons within its catchment area for a predetermined level of care on a prepaid~~
200 ~~capitation basis; and]~~

201 (d) agrees to submit a report to the committee annually; and

202 (e) meets other criteria determined by the department in consultation with the
203 committee.

204 ~~[(3) When awarding a contract for community based services under Subsection~~
205 ~~26-10b-102(1)(b), the department shall:]~~

206 ~~[(a) consider the extent to which the applicant:]~~

207 ~~[(i) demonstrates that the area or a population group to be served under the application~~
208 ~~is a medically underserved area or population and that the services will be located so that they~~
209 ~~will provide assistance to the greatest number of persons residing in the area or included in the~~
210 ~~population group;]~~

211 ~~[(ii) utilizes other sources of funding, including private funding, to provide the services~~
212 ~~described in Subsection 26-10b-102(1)(b);]~~

213 ~~[(iii) demonstrates the ability and expertise to serve traditionally medically underserved~~

214 ~~populations including persons of limited English-speaking ability, single heads of households,~~
215 ~~the elderly, persons with low incomes, and persons with chronic diseases;]~~

216 ~~[(iv) meets other criteria determined by the department; and]~~

217 ~~[(v) demonstrates the ability to empirically measure and report the results of all~~
218 ~~contract supported activities;]~~

219 ~~[(b) consider the extent to which the contract increases the applicant's institutional~~
220 ~~capacity;]~~

221 ~~[(c) consult with the state's:]~~

222 ~~[(i) Medicaid program;]~~

223 ~~[(ii) Children's Health Insurance Program; and]~~

224 ~~[(iii) other assistance programs within the Department of Workforce Services and the~~
225 ~~Department of Human Services; and]~~

226 ~~[(d) as funding permits, implement the community-based service contract as a pilot~~
227 ~~program for which the department shall enter into contracts for services as follows:]~~

228 ~~[(i) two contracts in the amount of \$50,000 each to be awarded to experienced and~~
229 ~~established applicants; and]~~

230 ~~[(ii) three contracts in the amount of \$30,000 each to be awarded to applicants that:]~~

231 ~~[(A) are not as established or experienced as the applicants under Subsection (3)(d)(i);~~
232 ~~or]~~

233 ~~[(B) represent smaller community based approaches than the applicants described in~~
234 ~~Subsection (3)(d)(i).]~~

235 ~~[(4) Once a contract has been awarded under Subsection (3), the department shall~~
236 ~~provide technical assistance to the contractee to familiarize the contractee with public and~~
237 ~~private resources available to support wellness, health promotion, and disease management.]~~

238 (6) The department may use up to 5% of the funds appropriated by the Legislature to
239 the primary care grant program under this chapter to pay the costs of administering the
240 program.

241 Section 6. Section **26-10b-106** is enacted to read:

242 **26-10b-106. Primary Care Grant Committee.**

243 (1) The Primary Care Grant Committee created in Section 26-1-7 shall:

244 (a) review grant applications forwarded to the committee by the department under

245 Subsection 26-10b-104(1);

246 (b) recommend, to the ~~State~~ executive ~~State~~ director, grant applications to award under

246a Subsection

247 26-10b-102(1);

248 (c) evaluate:

249 (i) the need for primary health care in different areas of the state;

250 (ii) how the program is addressing those needs; and

251 (iii) the overall effectiveness and efficiency of the program;

252 (d) review annual reports from primary care grant recipients;

253 (e) meet as necessary to carry out its duties, or upon a call by the committee chair or by

254 a majority of committee members; and

255 (f) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative

256 Rulemaking Act, that govern the committee, including the committee's grant selection criteria.

257 (2) The committee shall consist of:

258 (a) as chair, the ~~State~~ executive ~~State~~ director or an individual designated by the ~~State~~
 258a executive ~~State~~ director; and

259 (b) six members appointed by the governor to serve up to two consecutive, two-year
 260 terms of office, including:

261 (i) four licensed health care professionals; and

262 (ii) two community advocates who are familiar with a medically underserved

263 population and with health care systems, where at least one is familiar with a rural medically
 264 underserved population.

265 (3) The ~~State~~ executive ~~State~~ director may remove a committee member:

266 (a) if the member is unable or unwilling to carry out the member's assigned
 267 responsibilities; or

268 (b) for a rational reason.

269 (4) A committee member may not be compensated for the member's service, except a
 270 committee member may be reimbursed for reasonable travel expenses related to the member's
 271 committee responsibilities.

272 Section 7. Section **26-10b-107** is enacted to read:

273 **26-10b-107. Community education and outreach contracts.**

274 (1) The department may, as funding permits, contract with community based

275 organizations for the purpose of developing culturally and linguistically appropriate programs

276 and services for low income and medically underserved populations to accomplish one or more
277 of the following:

278 (a) to educate individuals:

279 (i) to use private and public health care coverage programs, products, services, and
280 resources in a timely, effective, and responsible manner;

281 (ii) to pursue preventive health care, health screenings, and disease management; and

282 (iii) to locate health care programs and services;

283 (b) to assist individuals to develop:

284 (i) personal health management;

285 (ii) self-sufficiency in daily care; and

286 (iii) life and disease management skills;

287 (c) to support translation of health materials and information;

288 (d) to facilitate an individual's access to primary care and providers, including mental
289 health services; and

290 (e) to measure and report empirical results of the pilot project.

291 (2) When awarding a contract for community based services under Subsection (1), the
292 department shall consider the extent to which the applicant:

293 (a) demonstrates that the area or a population group to be served under the application
294 is a medically underserved population and that the services will be located to provide
295 assistance to the greatest number of individuals residing in the area or included in the
296 population group;

297 (b) utilizes other sources of funding, including private funding, to provide the services
298 described in Subsection (1);

299 (c) demonstrates the ability and expertise to serve medically underserved populations,
300 including individuals with limited English-speaking ability, single heads of households, the
301 elderly, individuals with low income, and individuals with a chronic disease;

302 (d) meets other criteria determined by the department; and

303 (e) demonstrates the ability to empirically measure and report the results of all contract
304 supported activities.

305 (3) The department may only award a contract under Subsection (1):

306 (a) in accordance with Title 63G, Chapter 6a, Utah Procurement Code;

307 (b) that contains the information described in Section 26-10b-103, relating to grants;
308 and

309 (c) that complies with Subsections (4) and (5).

310 (4) An applicant under this chapter shall demonstrate to the department that the
311 applicant will not deny services to a person because of the person's inability to pay for the
312 services.

313 (5) Subsection (4) does not preclude an applicant from seeking payment from the
314 person receiving services, a third party, or a government agency if:

315 (a) the applicant is authorized to charge for the services; and

316 (b) the person, third party, or government agency is under legal obligation to pay for
317 the services.

318 (6) The department shall maximize the use of federal matching funds received for
319 services under Subsection (1) to fund additional contracts under Subsection (1).

320 Section 8. Section **63J-1-602.1** is amended to read:

321 **63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title**
322 **1 through Title 30.**

323 (1) Appropriations made to the Legislature and its committees.

324 (2) The Percent-for-Art Program created in Section 9-6-404.

325 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
326 Section 9-18-102.

327 (4) The LeRay McAllister Critical Land Conservation Program created in Section
328 11-38-301.

329 (5) An appropriation made to the Division of Wildlife Resources for the appraisal and
330 purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

331 (6) Award money under the State Asset Forfeiture Grant Program, as provided under
332 Section 24-4-117.

333 (7) Funds collected from the emergency medical services grant program, as provided in
334 Section 26-8a-207.

335 (8) The Prostate Cancer Support Restricted Account created in Section 26-21a-303.

336 (9) State funds appropriated for matching federal funds in the Children's Health
337 Insurance Program as provided in Section 26-40-108.

338 (10) The Utah Health Care Workforce Financial Assistance Program created in Section
339 [26-46-102](#).

340 (11) The primary care grant program created in Section [26-10b-102](#).

341 Section 9. **Appropriation.**

342 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
343 the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money
344 are appropriated from resources not otherwise appropriated, or reduced from amounts
345 previously appropriated, out of the funds or accounts indicated. These sums of money are in
346 addition to any amounts previously appropriated for fiscal year 2015.

347 To Department of Health - Primary Care Grants

348 From General Fund H→ , One-time ←H \$2,000,000

349 Schedule of Programs:

350 Primary Care Grants \$2,000,000

Legislative Review Note
as of 2-21-14 5:46 PM

Office of Legislative Research and General Counsel