

## HB0446S03 compared with HB0446

~~deleted text~~ shows text that was in HB0446 but was deleted in HB0446S03.

inserted text shows text that was not in HB0446 but was inserted into HB0446S03.

**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 Edward H. Redd proposes the following substitute bill:

### **EXTENSION OF PRIMARY CARE NETWORK AND MEDICAID BENEFITS UNDER EXISTING 70/30 FEDERAL/STATE COST SHARING AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor: \_\_\_\_\_

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#### **LONG TITLE**

#### **General Description:**

This bill authorizes the extension of primary care network benefits to adults under 100% of the federal poverty level and extension of traditional Medicaid benefits to certain adults without a dependent child and certain adults with a dependent child.

#### **Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ instructs the Department of Health to apply for a waiver from federal statutory and regulatory law to:

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- extend coverage under the primary care network to adults below 100% of the federal poverty level;
  - allow psychiatrists, psychiatric advance practice registered nurses, and other mental health providers with prescribing authority to provide primary care in the primary care network;
  - extend traditional Medicaid benefits to certain adults without a dependent child;
  - extend traditional Medicaid benefits to certain adults with a dependent child; and
  - provide financial sustainability for the waiver by permitting the state to adjust the percentage of poverty level covered, either up or down, based on program costs and the state budget; and
- ▶ instructs the Department of Health to continue negotiations with the federal government to obtain greater flexibility for any future Medicaid expansion.

### Money Appropriated in this Bill:

This bill appropriates:

- ▶ for fiscal years 2014-2015 and 2015-2016, ongoing:
- funding for the primary care network expansion and the coverage for certain adults in the traditional Medicaid program, including estimated woodwork effect.

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**26-18-18**, as enacted by Laws of Utah 2013, Chapter 477

**63J-1-602.1**, as last amended by Laws of Utah 2014, Chapter 384

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

Section 1. Section **26-18-18** is amended to read:

**26-18-18. Optional Medicaid expansion.**

(1) For purposes of this section:

(a) "Adult expansion population" means individuals who:

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(i) are described in 42 U.S.C. Sec. 1396a(10)(A)(i)(VIII); and

(ii) are not otherwise eligible for Medicaid as mandatory categorically needy individuals.

(b) "PPACA" [is as] means the same as that term is defined in Section 31A-1-301.

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

~~[(a) the Health 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 populations under PPACA; and]~~

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

~~[(c) the governor or the governor's designee has reported the intention to expand the state Medicaid program under PPACA to the Legislature in compliance with the legislative review process in Sections 63M-1-2505.5 and 26-18-3; and]~~

(a) the department implements a program for the adult expansion population in accordance with Subsections (3) and (4); or

~~[(d)]~~ (b) notwithstanding Subsection 63J-5-103(2), the governor submits the request for expansion of the Medicaid program for ~~[optional]~~ the adult expansion populations to the Legislature under the high impact federal funds request process required by Section 63J-5-204, Legislative review and approval of certain federal funds request.

(3) The department shall amend the state Medicaid plan and obtain from the Centers for Medicare and Medicaid Services within the United States Department of Health and Human Services waivers from federal statutory and regulatory law necessary to implement a plan to extend Medicaid services to an individual in the adult expansion population, within appropriations from the Legislature:

(a) if the individual is:

(i) ~~fa childless adult;~~ an adult without a dependent child who is at or below a percentage of the federal poverty level:

(A) that is designated by the department;

(B) which may not exceed 33% of the federal poverty level; and

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(C) that is specifically funded for this program in the fiscal year; or

(ii) an adult who has a dependent child and ~~who~~ is at or below a percentage of the federal poverty level:

(A) that is designated by the department;

(B) which may not exceed 64% of the federal poverty level; and

(C) that is specifically funded for this program in the fiscal year; and

(b) if the Medicaid program is permitted to adjust the percentage of the federal poverty level designated under Subsection (3)(a)(i) or (ii), either up or down, as necessary to respond to the adult expansion population program costs and the state budget.

(4) (a) The department shall request a waiver from the Centers for Medicare and Medicaid Services within the United States Department of Health and Human Services from federal statutory and regulatory law necessary to amend the state Medicaid plan to continue the state's primary care network for adults who:

~~(a)i~~ are not covered under Subsection (3)(a);

~~(b)ii~~ are below ~~100%~~ 95% of the federal poverty level ~~after applying the mandatory 5% disregard~~; and

~~(c)iii~~ can be covered in the primary care network within appropriations from the Legislature.

(b) The department shall seek waivers if necessary, and shall include the following in the primary care network:

(i) coverage for certain anti-psychotics, injectable anti-psychotics, and mood stabilizers; and

(ii) use of psychiatrists, psychiatric advance practice registered nurses, and other mental health providers who have prescriptive authority for primary care services covered by the program.

(5) (a) If the department obtains waivers under Subsection (3), the department shall amend the state Medicaid plan and implement the Medicaid program in accordance with the waivers under Subsection (3).

(b) If the department obtains waivers under Subsections (3) and (4), the department shall amend the state Medicaid plan and implement the Medicaid program in accordance with the waivers under Subsections (3) and (4).

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~~{ (c) The department may not implement a waiver under Subsection (4) without also implementing a waiver under Subsection (3):~~

† (6) The department shall:

(a) continue to negotiate with the Centers for Medicare and Medicaid Services for additional waivers from federal statutory and regulatory law necessary to implement a plan with additional state flexibility and increased federal match rates;

(b) comply with the reporting and the legislative approval process required by Subsection (2)(b) before expanding Medicaid to any portion of the adult expansion population that differs from the provisions of Subsections (3) and (4); and

(c) annually report to the Legislature's Health Reform Task Force, on or before November interim day, regarding the enrollment in the Medicaid program, the primary care network program and costs to the state for each of the programs.

Section 2. Section 63J-1-602.1 is amended to read:

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

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

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

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

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

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

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

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

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

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

(10) The Utah Health Care Workforce Financial Assistance Program created in Section

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26-46-102.

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

(12) All appropriations associated with the adult expansion population in the Medicaid program created in Section 26-18-18.

Section ~~{2}~~3. **Appropriation.**

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

To Department of Health - Medicaid and Health Financing

From General Fund, One-time ~~(\$93)~~\$143,000

From Federal Funds ~~(\$128)~~\$578,000

Schedule of Programs:

Director's Office ~~(\$221)~~\$721,000

~~{~~ To Department of Health - Medicaid Mandatory Services

From General Fund, One-time \$50,000

From Federal Funds \$450,000

~~\_\_\_\_\_~~ Schedule of Programs:

~~\_\_\_\_\_~~ Medicaid Management Information

~~\_\_\_\_\_~~ System Replacement \$500,000

~~}~~ Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2015 and ending June 30, 2016, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or accounts indicated. These are additions to any amounts previously appropriated for fiscal year 2016.

To Department of Human Services - Substance Abuse and Mental Health

From General Fund (\$2,000,000)

Schedule of Programs:

Mental Health Centers (\$78,600)

Local Substance Abuse Services (\$1,921,400)

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### To Department of Health - Medicaid and Health Financing

<u>From General Fund</u>	<u>\$323,000</u>
<u>From Federal Funds</u>	<u>\$480,500</u>
<u>Schedule of Programs:</u>	
<u>Director's Office</u>	<u>\$803,500</u>

### To Department of Health - Medicaid Optional Services

<u>From General Fund</u>	<u>\$23,000,000</u>
<u>From Federal Funds</u>	<u>\$53,000,000</u>
<u>Schedule of Programs:</u>	
<u>Other Optional Services</u>	<u>\$76,000,000</u>

### To Utah Department of Corrections - Department of Medical Services

<u>From General Fund</u>	<u>(\$1,000,000)</u>
<u>Schedule of Programs:</u>	
<u>Medical Services</u>	<u>(\$1,000,000)</u>

### To Department of Workforce Services - Operations and Policy

<u>From General Fund</u>	<u>\$1,633,200</u>
<u>From General Fund, One-time</u>	<u>\$15,200</u>
<u>From Federal Funds</u>	<u>\$1,770,300</u>
<u>Schedule of Programs:</u>	
<u>Eligibility Services</u>	<u>\$3,266,400</u>
<u>Information Technology</u>	<u>\$152,300</u>

### To Department of Health - Mandatory Services

<u>From General Fund</u>	<u>\$10,000,000</u>
<u>From General Fund, One-time</u>	<u>\$100,000</u>
<u>From Federal Funds</u>	<u>\$27,900,000</u>
<u>Schedule of Programs:</u>	
<u>Other Mandatory Services</u>	<u>\$37,000,000</u>
<u>Medicaid Management Information</u>	
<u>Systems Replacement</u>	<u>\$1,000,000</u>

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**Legislative Review Note**

~~\_\_\_\_\_ as of 3-3-15 8:56 AM~~

~~\_\_\_\_\_ Office of Legislative Research and General Counsel}~~