

CAREGIVER COMPENSATION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Jennifer Dailey-Provost

LONG TITLE

General Description:

This bill addresses reimbursement for certain personal care services under Medicaid.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ directs the Department of Health to:
 - apply for an amendment to an existing waiver to the state Medicaid plan to implement a program to reimburse a spouse who provides extraordinary personal care services to a waiver enrollee; and
 - make administrative rules defining personal care services that are extraordinary.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-18-424, Utah Code Annotated 1953

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

Section 1. Section **26-18-424** is enacted to read:

26-18-424. Medicaid waiver expansion for extraordinary care reimbursement.

(1) As used in this section:

30 (a) "Existing home and community-based services waiver" means an existing home
31 and community-based services waiver in the state that serves an individual:

- 32 (i) with an acquired brain injury;
- 33 (ii) with an intellectual or physical disability; or
- 34 (iii) who is 65 years old or older.

35 (b) "Personal care services" means a service that:

- 36 (i) is furnished to an individual who is not an inpatient nor a resident of a hospital,
37 nursing facility, intermediate care facility, or institution for mental diseases;
- 38 (ii) is authorized for an individual described in Subsection (1)(b)(i) in accordance with
39 a plan of treatment;
- 40 (iii) is provided by an individual who is qualified to provide the services; and
- 41 (iv) is furnished in a home or another community-based setting.

42 (c) "Waiver enrollee" means an individual who is enrolled in an existing home and
43 community-based services waiver.

44 (2) Before July 1, 2021, the department shall apply with CMS for an amendment to an
45 existing home and community-based services waiver to implement a program to offer
46 reimbursement to an individual who provides personal care services that constitute
47 extraordinary care to a waiver enrollee who is the individual's spouse.

48 (3) If CMS approves the amendment described in Subsection (2), the department shall
49 implement the program described in Subsection (2).

50 (4) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah
51 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection (2).