

- 29 (c) "ACO" means a Medicaid accountable care organization that contracts with the
 30 state's Medicaid program for:
 31 (i) physical health services; or
 32 (ii) integrated physical and behavioral health services.
- 33 (d) "Base budget" means the same as that term is defined in legislative rule.
- 34 (e) "Behavioral health plan" means a managed care or fee-for-service delivery system
 35 that contracts with or is operated by the department to provide behavioral health
 36 services to Medicaid eligible individuals.
- 37 (f) "Behavioral health services" means mental health or substance use treatment or
 38 services.
- 39 (g) "General Fund growth factor" means the amount determined by dividing the next
 40 fiscal year ongoing General Fund revenue estimate by current fiscal year ongoing
 41 appropriations from the General Fund.
- 42 (h) "Next fiscal year ongoing General Fund revenue estimate" means the next fiscal year
 43 ongoing General Fund revenue estimate identified by the Executive Appropriations
 44 Committee, in accordance with legislative rule, for use by the Office of the
 45 Legislative Fiscal Analyst in preparing budget recommendations.
- 46 (i) "Member" means an enrollee.
- 47 (j) "PMPM" means per-member-per-month funding.
- 48 (2) If the General Fund growth factor is less than 100%, the next fiscal year base budget
 49 shall, subject to Subsection (5), include an appropriation to the department in an amount
 50 necessary to ensure that the next fiscal year PMPM for ACOs and behavioral health
 51 plans equals the current fiscal year PMPM for the ACOs and behavioral health plans
 52 multiplied by 100%.
- 53 (3) If the General Fund growth factor is greater than or equal to 100%, but less than 102%,
 54 the next fiscal year base budget shall, subject to Subsection (5), include an appropriation
 55 to the department in an amount necessary to ensure that the next fiscal year PMPM for
 56 ACOs and behavioral health plans equals the current fiscal year PMPM for the ACOs
 57 and behavioral health plans multiplied by the General Fund growth factor.
- 58 (4) If the General Fund growth factor is greater than or equal to 102%, the next fiscal year
 59 base budget shall, subject to Subsection (5):
 60 [~~(a) in fiscal years 2025 and 2026:~~
 61 [~~(i)~~] (a) include an appropriation to the department in an amount that would, prior to the
 62 application of Subsection [~~(4)(a)(ii)~~] (4)(b), allow the department to ensure that the

- 63 next fiscal year PMPMs for ACOs and behavioral health plans is greater than or
 64 equal to the current fiscal year PMPMs for the ACOs and behavioral health plans
 65 multiplied by 102%;
- 66 [(ii)] (b) subject to Subsection [(4)(a)(iii)] (4)(c), allocate the amount appropriated under
 67 Subsection [(4)(a)(i)] (4)(a) to provide substantially the same year-over-year
 68 percentage point increase to:
- 69 [(A)] (i) the PMPMs for ACOs and behavioral health plans; and
 70 [(B)] (ii) each ABA service reimbursement rate; and
- 71 [(iii)] (c) for the initial appropriation under Subsection [(4)(a)(i)] (4)(a), prior to providing
 72 the percentage point increases under Subsection [(4)(a)(ii)] (4)(b), allocate from the
 73 total amount appropriated under Subsection [(4)(a)(i)] (4)(a) an amount necessary to
 74 increase and substantially equalize each of the ABA service reimbursement rates with
 75 a corresponding reimbursement rate paid for providing the same or substantially
 76 similar service under an ACO or a behavioral health plan[; and] .
- 77 ~~[(b) beginning in fiscal year 2027, include an appropriation to the department in an
 78 amount necessary to ensure that the next fiscal year PMPMs for ACOs and
 79 behavioral health plans is greater than or equal to the current fiscal year PMPMs for
 80 the ACOs and the behavioral health plans multiplied by 102%, and less than or equal
 81 to the current fiscal year PMPMs for the ACOs and the behavioral health plans
 82 multiplied by the General Fund growth factor.]~~
- 83 (5) The appropriations provided to the department for behavioral health plans under this
 84 section shall be reduced by the amount contributed by counties in the current fiscal year
 85 for behavioral health plans in accordance with Subsections 17-77-201(5)(k) and
 86 17-77-301(5)(a)(x).
- 87 (6) In order for the department to estimate the impact of Subsections (2) through (4) before
 88 identification of the next fiscal year ongoing General Fund revenue estimate, the
 89 Governor's Office of Planning and Budget shall, in cooperation with the Office of the
 90 Legislative Fiscal Analyst, develop an estimate of ongoing General Fund revenue for the
 91 next fiscal year and provide the estimate to the department no later than November 1 of
 92 each year.
- 93 (7) The Office of the Legislative Fiscal Analyst shall include an estimate of the cost of
 94 behavioral health services in any state Medicaid funding or savings forecast that is
 95 completed in coordination with the department and the Governor's Office of Planning
 96 and Budget.

97 Section 2. **Effective Date.**
98 This bill takes effect on May 6, 2026.