Intent language may be adopted by the Legislature to explain or place conditions on the use of funds. Intent language is binding for one year and may not contradict or change statutory language.

**Objective**

The objective of this issue brief is to determine if the Department of Health complied with the intent language adopted by the Legislature during the 2009 General Session.

**Discussion and Analysis**

The following is a list of legislative intent from the 2009 General Session with the agency’s response. Follow up to intent language related to ARRA (federal stimulus) funding can be found in the Issue Brief entitled “ARRA Funds Approval.” The Analyst has no concerns of non-compliance with any intent language issued last year. The Subcommittee may want to direct the agency to take further action on the information presented in the three reports requested by the Legislature.

1. **S.B. 2, Report on how to Change Outpatient Hospital Reimbursement to a Fee-for-service System Within Medicaid:**

   The Legislature intends that the Department of Health shall provide a report to the Health and Human Services Appropriations Subcommittee by October 1, 2009 on how to change outpatient hospital reimbursement to a fee-for-service system within the Medicaid program and the estimated savings.

   **Agency Response:** The agency provided the report on-time via email and presented the report to the Health and Human Services Appropriations Subcommittee at its meeting on Thursday, January 28, 2010.

2. **S.B. 2, Report to Help Medicaid Clients Understand the Cost of Medical Care and Improving Health Literacy:**

   The Legislature intends that the Department of Health report to the Health and Human Services Appropriations Subcommittee detailing efforts and proposals to help Medicaid clients understand the cost of medical care and improving health literacy. The Department of Health shall report to the Health and Human Services Appropriations Subcommittee by October 1, 2009.

   **Agency Response:** The agency provided the report on-time via email and presented the report to the Health and Human Services Appropriations Subcommittee at its meeting on Thursday, January 28, 2010.

3. **S.B. 2, Report on how to Significantly Expand Consumer-driven Health Care in Medicaid:**

   The Legislature intends that the Department of Health make a report to the Health and Human Services Appropriations Subcommittee that recommends ways to significantly expand consumer-driven health care in Medicaid including any necessary waivers. The Department of Health shall report to the Health and Human Services Appropriations Subcommittee by October 1, 2009.

   **Agency Response:** The agency provided the report on-time via email and presented the report to the Health and Human Services Appropriations Subcommittee at its meeting on Thursday, January 28, 2010.
4. S.B.3, Non-lapsing Authority for Medicaid Management Information System:

Under Section 63J-1-402 of the Utah Code, the Legislature intends that up to $450,000 of Item 99 of Chapter 1, Laws of Utah 2007, Volume 1 for funding of the Medicaid Management Information System not lapse at the close of Fiscal Year 2009.

Agency Response: “A one time appropriation of $1 million was appropriated to The Division of Health Care Financing in FY08 for upgrade of the Medicaid Management Information System. The Division non-lapsed $750,000 of funding at the close of FY 2008. The legislature cut $250,000 of this funding in FY2009 and $50,000 was expended for the project in FY2009. The remaining $450,000 was carried forward to FY2010 for continued work of planning and documentation of the new system requirements.”

5. S.B.3, Non-lapsing Authority for Laboratory Equipment:

Under Section 63J-1-402 of the Utah Code, the Legislature intends that up to $250,000 of Item 104, Chapter 2, Laws of Utah 2008, Volume 1 not lapse at the close of Fiscal Year 2009. Expenditure of these funds is limited to laboratory equipment, computer equipment and/or software, and building improvements.

Agency Response: “The Lab carried forward 48,400 general funds from FY 2008, and purchased a flow injection analyzer with phosphate reagent and start-up kit ($39,300), TurboVap II workstation ($8,300), and partial payment for QuickChem 8500 Analyzer ($900). For FY 2009 the Lab carried forward $16,000 and intends to use the funds to help purchase a hydrogen peroxide generator for decontamination.”

6. S.B. 3, Non-lapsing Authority for Primary Care Grants Program:

Under Section 63J-1-402 of the Utah Code, the Legislature intends that up to $400,000 of Item 102, Chapter 2, Laws of Utah 2008, Volume 1 appropriated for Primary Care Grants Program not lapse at the close of Fiscal Year 2009.

Agency Response: “The Office of Primary Care and Rural Health carried forward $211,707 in non-lapsing general funds from FY 09 into FY 10. These funds were used with the new appropriations and Primary Care Grants Program funding was awarded to public and non-profit agencies that serve Utah medically underserved populations through a competitive application process.”

7. S.B. 3, Non-lapsing Authority for Bureau of Health Facility Licensure, Certification and Resident Assessment:

Under Section 63J-1-402 of the Utah Code, the Legislature intends that up to $210,000 of Item 102, Chapter 2, Laws of Utah 2008, Volume 1 from fees collected for the purpose of plan reviews by the Bureau of Health Facility Licensure, Certification and Resident Assessment not lapse at the close of Fiscal Year 2009.

Agency Response: “The Bureau of Health Facility Licensure carried forward $54,800 from FY 2008 to FY 2009 for the purpose for Plan reviews. No funding was carried forward from FY 2009.”
8. S.B. 3, Non-lapsing Authority for People with Bleeding Disorders:

Under Section 63J-1-402 of the Utah Code, the Legislature intends that up to $50,000 of Item 102, Chapter 2, Laws of Utah 2008, Volume 1 of unused funds appropriated for Health Systems Improvement assistance for people with bleeding disorders not lapse at the close of Fiscal Year 2009.

Agency Response: “The Office of Primary Care and Rural Health had an unexpended balance of Assistance for People with Bleeding Disorders Program funding of $86,330 during FY 09. Of this amount $50,000 was carried forward in non-lapsing general funds from FY 09 to FY 10. The $36,330 unexpended balance was returned to the Legislature at the end of FY 09 as lapsing state general funds.”

9. S.B. 3, Non-lapsing Authority for Civil Penalty Monies from Childcare and Health Care Provider Violations:

Under Section 63J-1-402 of the Utah Code, the Legislature intends that civil penalties money collected for Item 102, Chapter 2, Laws of Utah 2008, Volume 1 from childcare and health care provider violations not lapse at the close of Fiscal Year 2009.

Agency Response: “The Bureau of Child Care carried forward $72,454 from last year. These monies are used for training child care providers and the Bureau of Child Care Licensors in the licensing rules, in response to a Legislative Audit that determined the Bureau needs to be more consistent in its inspections of child care facilities. The Bureau has two Training Specialists who deliver provider training throughout the state and monthly Licensor trainings.”

10. S.B. 3, Non-lapsing Authority for Drug Prevention and Reduction Programs:

Under Section 63J-1-402 of the Utah Code, the Legislature intends that up to $500,000 of Item 105, Chapter 2, Laws of Utah 2008, Volume 1 for funding of the alcohol, tobacco, and other drug prevention reduction, cessation, and control programs not lapse at the close of Fiscal Year 2009.

Agency Response: “The Bureau of Health Promotion carried forward $167,800 of non lapsing funds from FY 2008 to FY 2009 to fund drug prevention. No funding was carried forward from FY 2009.”