



INTENT LANGUAGE AND NONLAPSING BALANCES FOLLOW-UP (HEALTH)

SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE
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ISSUE BRIEF

SUMMARY

The objective of this issue brief is to determine if the Department of Health complied with the 30 intent language statements adopted by the Legislature during the 2014 General Session and 25 intent language statements from the 2013 General Session that had impacts through June 30, 2014. This issue brief provides a follow up to each of the pieces of intent language passed. The Analyst has no concerns of non-compliance. Additionally, the purpose of this issue brief is to inform the Social Services Appropriations Subcommittee of \$4,402,000 in nonlapsing balances at the end of FY 2014 for the Department of Health. This brief is for informational purposes only and requires no Legislative action.

DISCUSSION AND ANALYSIS

Intent Language Overview

The Analyst has no concerns of non-compliance with any intent language issued last year; however, the Legislature may want to request additional information on how Health will spend its \$234,100 in its Emergency Medical Services program (#3 below). The following is a list of 30 legislative intent statements from the 2014 General Session with the Department of Health's response or comments by the Analyst. 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. Follow up to intent language related to ARRA (federal stimulus) funding can be found in the Issue Brief entitled "*ARRA Funds Approval*." The Subcommittee may want to direct the agency to take further action on the information presented in the reports requested by the Legislature.

Intent Language from the 2014 General Session

There are 30 intent language statements reviewed below. These 30 statements can be grouped into the following three categories:

1. Providing nonlapsing authority of more than \$4.4 million in FY 2015 from FY 2014 funds (13 intent language statements). The table below details the \$3.0 million of specific nonlapsing authority provided as well as the three areas with unlimited nonlapsing authority. The Department of Health has \$1,783,300 in nonlapsing from these intent language statements with specific maximums.
2. Providing specific direction (four intent language statements)
3. Requiring a report (thirteen intent language statements)
 - a. Eleven of these reports are for performance measures

Agency-initiated requests for nonlapsing authority for General Fund represented about 3% of General Fund appropriated in FY 2014 for those divisions with initiatives for nonlapsing authority. The second table below has a summary of this information. Some of the nonlapsing requests listed above were to retain funds other than General Fund or were not initiated by the Department of Health.

Nonlapsing Authority Via Intent Language		
Purpose	Authorized Total	Actual Nonlapsing
Medicaid Sanctions	all	\$982,900
Federally Mandated Projects (Medicaid)	\$475,000	\$475,000
Health Facility Licensure	\$245,000	\$245,000
Childcare and Health Care - Fines	all	\$240,600
Emergency Medical Services - Fees	\$250,000	\$234,100
Computer Equipment (Executive)	\$225,000	\$225,000
Laboratory Equipment and Medical Examiner	\$475,000	\$225,000
Drug Prevention Programs	\$500,000	\$188,000
Primary Care Grants	\$400,000	\$100,000
Facility Plan Review Activities	\$210,000	\$50,000
Laboratory Equipment (Epidemiology)	\$175,000	\$32,200
Bleeding Disorders Program	\$50,000	\$9,000
Emergency Medical Services - Fines	all	\$0
Total	\$ 3,005,000	\$ 3,006,800

Summary of Agency-initiated Requests			
Line Item	FY 2014 Appropriated General Fund	Nonlapsed General Fund	%
Medicaid and Health Financing	\$ 4,146,300	\$ 475,000	11%
Family Health and Preparedness	\$ 17,252,800	\$ 354,000	2%
Disease Control and Prevention	\$ 12,190,500	\$ 257,200	2%
Executive Director's Operations	\$ 5,901,200	\$ 225,000	4%
Medicaid Mandatory Services	\$ 275,333,300	\$ -	0%
Medicaid Optional Services	\$ 84,132,300	\$ -	0%
Children's Health Insurance Program	\$ 2,875,000	\$ -	0%
Local Health Departments	\$ 2,137,500	\$ -	0%
Total	\$ 403,968,900	\$ 1,311,200	0.3%

1. Nonlapsing Authority for Computer Equipment in the Executive Director's Office (S.B. 8, Item 1):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for the Department of Health's Executive Director's Office in Item 1 of Chapter 6, Laws of Utah 2013 shall not lapse at the close of Fiscal Year 2014. The use of any nonlapsing funds is limited to \$225,000 for computer equipment, information technology hosting and storage costs, software, and employee training. (The agency nonlapsed \$225,000).

Agency Response: "The division anticipates the entire \$225,000 and more will be expended to replace [information technology] equipment in the Executive Director's office and to implement the [Department of Technology Services]/[Department of Health] server consolidation project and to support implementation of the contract management and reporting system. The Utah Medicaid Examiners Database (UMED) and the Electronic Death Entry Network (EDEN) are also new critical systems being developed for Vital Records."

2. Nonlapsing Authority for Health Facility Licensure and Certification Activities (S.B. 8, Item 2):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$245,000 of Item 2 of Chapter 6, Laws of Utah 2013 for the Department of Health's Family Health and Preparedness not lapse at the close of Fiscal Year 2014. The use of any nonlapsing funds is limited to one-time health facility licensure and certification activities. (The agency nonlapsed \$245,000).

Agency Response: “This non lapsing authority allows for more [continuous] funding from an uneven funding source. The intent of the Division and Bureau is to use these funds for positions that are [solely] needed to comply with federal licensure and certification mandates.”

3. Nonlapsing Authority for Testing Supplies and Processes for Emergency Medical Services (S.B. 8, Item 2):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$250,000 of Item 2 of Chapter 6, Laws of Utah 2013 for the Department of Health's Emergency Medical Services shall not lapse at the close of Fiscal Year 2014. The use of any nonlapsing funds is limited to testing, certifications, background screenings, replacement testing equipment and testing supplies. (The agency nonlapsed \$234,100).

Agency Response: “This non lapsing authority allows for more [continuous] funding from an uneven funding source. Bureau intends to use these balances as [prescribed] in the [Emergency Medical Services] program to further the efforts of Emergency Medical Services.”

4. Nonlapsing Authority for Criminal Fine and Forfeiture Money for Emergency Medical Services (S.B. 8, Item 2):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that criminal fines and forfeiture money collected for the Department of Health's Emergency Medical Services in Item 2 of Chapter 6, Laws of Utah 2013 shall not lapse at the close of Fiscal Year 2014. The use of any nonlapsing funds is limited to purposes outlined in Section 26-8a-207(2). (The agency nonlapsed \$0).

Agency Response: “This non lapsing authority allows for more [continuous] funding from an uneven funding source. Bureau intends to use these balances as [prescribed] in the [Emergency Medical Services] program to further the efforts of Emergency Medical Services.”

5. Nonlapsing Authority for Civil Penalty Money from Childcare and Health Care Provider Violations (S.B. 8, Item 2):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that civil money penalties collected for the Department of Health's Child Care Licensing and Health Care Licensing in Item 2 of Chapter 6, Laws of Utah 2013 from childcare and health care provider violations shall not lapse at the close of Fiscal Year 2014. The use of any nonlapsing funds is limited to trainings for providers and staff, as well as upgrades to the Child Care Licensing database. (The agency nonlapsed \$240,600).

Agency Response: “All civil money penalty funds are to be [used] for training and updates and enhancements to the Child Care Licensing database.”

6. Nonlapsing Authority for Bureau of Health Facility Licensure, Certification and Resident Assessment for Plan Reviews (S.B. 8, Item 2):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$210,000 of Item 2 of Chapter 6, Laws of Utah 2013 from fees collected for the purpose of plan reviews by the Department of Health's Bureau of Health Facility Licensure, Certification and Resident

Assessment shall not lapse at the close of Fiscal Year 2014. The use of any nonlapsing funds is limited to plan review activities. (The agency nonlapsed \$50,000).

Agency Response: "This non lapsing authority allows for more continuous funding from an uneven funding source. The nonlapsing funds for Health Facility Licensing/Certification will be used for evaluating health care facility new construction and remodel projects to endure compliance with appropriate building and fire codes in accordance with [state] health facility construction rules. The funds will be used for salaries for architects and inspection staff to complete construction inspections this year."

7. Nonlapsing Authority for People with Bleeding Disorders (S.B. 8, Item 2):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$50,000 of Item 2 of Chapter 6, Laws of Utah 2013, funds appropriated for the Department of Health's Assistance for People with Bleeding Disorders Program shall not lapse at the close of Fiscal Year 2014. The use of any nonlapsing funds is limited to services to eligible clients. (The agency nonlapsed \$9,000).

Agency Response: "Funds have been incorporated in the distribution of funds for eligible bleeding disorder clients."

8. Nonlapsing Authority for Primary Care Grants Program (S.B. 8, Item 2):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$400,000 of Item 2 of Chapter 6, Laws of Utah 2013 for the Department of Health's Primary Care Grants program shall not lapse at the close of Fiscal Year 2014. The use of any nonlapsing funds is limited to final Fiscal Year 2014 contract payments or additional distributions to eligible primary care providers. (The agency nonlapsed \$100,000).

Agency Response: "All funds have been incorporated into the distribution of fund for eligible primary care providers."

9. Nonlapsing Authority for Equipment and Services for the Bureau of Epidemiology (S.B. 8, Item 3):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$175,000 of Item 3 of Chapter 6, Laws of Utah 2013 for the Department of Health's Disease Control and Prevention line item shall not lapse at the close of Fiscal Year 2014. The use of any nonlapsing funds is limited to maintenance or replacement of computer equipment, software, or other purchases or services that improve or expand the services provided by the Bureau of Epidemiology. (The agency nonlapsed \$32,200).

Agency Response: "During fiscal year 2015, the Bureau of Epidemiology will use nonlapsing funds to maintain or replace computer equipment, software, or other purchases or services to improve or expand services provided by the Bureau of Epidemiology."

10. Nonlapsing Authority for Laboratory Equipment (S.B. 8, Item 3):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$475,000 of Item 3 of Chapter 6, Laws of Utah 2013 for the Department of Health's Disease Control and Prevention line item shall not lapse at the close of Fiscal Year 2014. The use of any nonlapsing funds is limited to laboratory equipment, computer equipment, software, and building improvements. (The agency nonlapsed \$225,000).

Agency Response: "During fiscal year 2015, the Unified State Laboratory and the Office of the Medical Examiner will use nonlapsing funds to cover the replacement of aging computers, aging instrumentation, testing and autopsy equipment, and required upgrades to the laboratory's computer-based security and data communication infrastructure. This funding enabled the

laboratory to remain modern and efficient, and able to provide the testing capabilities needed by the citizens of Utah.”

11. Nonlapsing Authority for Drug Prevention Programs (S.B. 8, Item 3):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$500,000 of Item 3 of Chapter 6, Laws of Utah 2013, for the Department of Health's Disease Control and Prevention line item for alcohol, tobacco, and other drug prevention reduction, cessation, and control programs shall not lapse at the close of Fiscal Year 2014. The use of any nonlapsing funds is limited to alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs or for emergent disease control and prevention needs. (The agency nonlapsed \$188,000).

Agency Response: “During fiscal year 2015, the Drug Prevention Program will use nonlapsing to support the continuation of tobacco use reduction, cessation, and control programs conducted statewide and to ensure the continued availability of quit-line services. Funds will be used to enhance or expand activities of the existing program and provide more services.”

12. Nonlapsing Authority for Computer Equipment and to Comply With Federally-mandated Projects in Health Care Financing (S.B. 8, Item 4):

Under Section 63J-1-603 of the Utah Code, the Legislature intends up to \$475,000 provided for the Department of Health's Medicaid and Health Financing in Item 5 of Chapter 6, Laws of Utah 2013 shall not lapse at the close of Fiscal Year 2014. The use of nonlapsing funds is limited to compliance with federally mandated projects and the purchase of computer equipment and software. (The agency nonlapsed \$475,000).

Agency Response: “These funds support the implementation costs of several federally mandated projects in FY 2015. The \$475,000 is used for match on the ICD10 – project to update diagnosis codes, 5010 – HIPAA compliance project, HIT – Health Information Technology to convert provider medical records to an electronic health record, TMSIS – project to create federal reporting, and EFT/ERA – Electronic Funds Transfer and Electronic Remittance Advice processing project. The nonlapsing general funds were used for federal match to cover expenses such as personnel, current expense and data processing current expense of the various projects.”

13. Nonlapsing Authority for Medicaid Sanctions (S.B. 8, Item 5):

Under Section 63J-1-603 of the Utah Code, funds collected as a result of sanctions imposed under Section 1919 of Title XIX of the Federal Social Security Act and authorized in Section 26-18-3 of the Utah Code shall not lapse at the close of Fiscal Year 2014. The use of any nonlapsing funds is limited to the purposes outlined in Section 1919. (The agency nonlapsed \$982,900).

Agency Response: “The Denver Regional Office component of the Western Division of Survey & Certification (WDSC), as delegated by both CMS Central Office Leadership and the WDSC Associate Regional Administrator, must approve the Utah Department of Health, Bureau of Health Facility Licensing to utilize federal Civil Money Penalties (CMPs) for specific projects. No projects or plans are in place to use this funding at this time.”

14. Attorney for the Department of Health (H.B. 2, Item 67):

The Legislature intends that the Inspector General of Medicaid Services pay the full state cost of the one attorney FTE that it is using at the Department of Health.

Agency Response: “A new AG staff attorney has been hired in the Executive Director Line item. Funding from the Medicaid line item will be transferred to [Executive Director’s Office] to fund this new position.”

15. Conditional Savings for Replacing the Medicaid Management Information System (H.B. 2, Item 72):

The Legislature intends that the \$1,500,000 in Beginning Nonlapsing provided to the Department of Health is dependent upon up to \$1,500,000 of savings above \$3,030,000 from savings from higher federal match rate for certain Medicaid eligibility systems maintenance and operations in the Department of Workforce Services in FY 2014. The use of any nonlapsing funds is limited to replacing the Medicaid Management Information System in the Department of Health in FY 2015.

Agency Response: "The Department of Workforce Services' savings in FY 2014 were sufficient to fund the \$1.5 million authorization to the Medicaid Management Information System replacement project. These non-lapsing funds are used to address a portion of the system project costs in FY 2015."

16. (H.B. 2, Item 73 and H.B. 3, Item 95):

The Legislature intends that up to five percent of the \$1,559,600 provided by this item for dental provider rates may be used for contracted plan administration.

The Legislature intends that up to 5% be allowed for contracted plan administration.

Agency Response: "The funding has been incorporated into the dental provider rates and providers were notified that 5% is specifically addressing contracted plan administration costs."

17. Two Percent Increase for Medicaid Accountable Care Organizations (H.B. 3, Item 94):

The Legislature intends that the Medicaid Accountable Care Organizations receive a scheduled two percent increase effective January 1, 2015 consistent with the intent of S.B. 180, 2011 General Session.

Agency Response: "A two percent increase for the Accountable Care Organizations has been submitted to the actuaries and will be included in the rates effective January 1, 2015."

18. Report on Possible Consolidation of Background Check Systems (H.B. 2, Item 67):

The Legislature intends that the Departments of Workforce Services, Health, Human Services, Technology Services, and the Utah State Office of Rehabilitation provide a report regarding all current background checks of individuals and possible efficiencies for consolidation. The Legislature intends that agencies provide a report to the Office of the Legislative Fiscal Analyst by September 1, 2014. The report shall include the following regarding each background check program: (1) name and purpose of the program, (2) expenditures and staffing for the last three years, (3) types of problems the background check is looking for, (4) the databases searched, and (5) technology used. The report should provide recommendations where different background check systems might be combined.

Here is a link to the summary of the report - <http://le.utah.gov/interim/2014/pdf/00004458.pdf> as well as the full report - <http://le.utah.gov/interim/2014/pdf/00004218.pdf>.

19. Quarterly Status Reports on Replacement of Medicaid Management Information System (H.B. 2, Item 72):

The Legislature intends that the Department of Health report quarterly to the Office of the Legislative Fiscal Analyst on the status of replacing the Medicaid Management Information

System replacement beginning September 30, 2014. The reports should include, where applicable, the responses to any requests for proposals.

Agency Response: "Medicaid has reported on a quarterly basis to the Legislative Fiscal Analyst. The quarterly MMIS status reports are found at the following site:

[https://medicaid.utah.gov/Legislative-Reports.](https://medicaid.utah.gov/Legislative-Reports)"

20. CPR and AED Instruction Program Performance Measures (H.B. 2, Item 68):

The Legislature intends that the Utah State Office of Education and the Department of Health develop quantifiable performance measures associated with activities of the "CPR and AED Instruction" program, and report its findings to the Social Services Appropriations Subcommittee and Public Education Appropriations Subcommittee before the November 2015 Interim meeting.

Agency Response: "All funding for this program have been approved for distribution to local school districts and local law enforcement agencies on a reimbursement status."

21. Performance Measures for New Funding (S.B. 3, Item 67 and H.B. 2, Item 67):

The Legislature intends that the Department of Health prepare proposed performance measures for all new state funding or TANF federal funds for building blocks and give this information to the Office of the Legislative Fiscal Analyst by June 30, 2014. The Department of Health shall provide its first report on its performance measures to the Office of the Legislative Fiscal Analyst by October 31, 2014. The Office of the Legislative Fiscal Analyst shall give this information to the legislative staff of the Health and Human Services Interim Committee. If the new money will go to a pass through entity, the Department of Health shall work with each pass through entity to provide the same performance measure information.

Here are the links to the required reports:

(1) June 30, 2014 - <http://le.utah.gov/interim/2014/pdf/00004210.pdf>

(2) October 31, 2014:

- a. <http://le.utah.gov/interim/2014/pdf/00005426.pdf>**
- b. <http://le.utah.gov/interim/2014/pdf/00005405.pdf>**
- c. <http://le.utah.gov/interim/2014/pdf/00005424.pdf>**
- d. <http://le.utah.gov/interim/2014/pdf/00005422.pdf>**
- e. <http://le.utah.gov/interim/2014/pdf/00005419.pdf>**
- f. <http://le.utah.gov/interim/2014/pdf/00005414.pdf>**
- g. <http://le.utah.gov/interim/2014/pdf/00005412.pdf>**
- h. <http://le.utah.gov/interim/2014/pdf/00005407.pdf>**
- i. <http://le.utah.gov/interim/2014/pdf/00005409.pdf>**

22. Performance Measures for Executive Director's Operations Line Item (S.B. 8, Item 20):

The Legislature intends that the Department of Health report on the following performance measures for the Executive Director's Operations line item: (1) conduct risk assessments for each information system in operation (Target = 123 information systems), (2) 95% of births occurring in a hospital are entered accurately by hospital staff into the electronic birth registration system (Target = 10 calendar days or less), and (3) percentage of all deaths

registered using the electronic death registration system (Target = 75% or more) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: "A report of Agency performance measures and Executive Director measures including actual performance was provided to the Legislative Fiscal Analyst."

23. Performance Measures for Family Health and Preparedness Line Item (S.B. 8, Item 21):

The Legislature intends that the Department of Health report on the following performance measures for the Family Health and Preparedness line item: (1) The percent of children who demonstrated improvement in social-emotional skills, including social relationships (Goal = 70% or more), (2) The percent of children who demonstrated improvement in their rate of growth in acquisition and use of knowledge and skills, including early language/communication and early literacy (Goal = 75% or more), (3) The percent of children who demonstrated improvement in their rate of growth in the use of appropriate behaviors to meet their needs (Goal = 75% or more) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: "This report was given to legislative analyst as a performance measure from the Baby Watch Early Intervention program."

24. Performance Measures for Disease Control and Prevention Line Item (S.B. 8, Item 22):

The Legislature intends that the Department of Health report on the following performance measures for the Disease Control and Prevention line item: (1) Gonorrhea cases per 100,000 population (Target = 18.9 people or less), (2) Percentage of Adults Who Are Current Smokers (Target = 9%), and (3) Percentage of Toxicology Cases Completed within 14 day Goal (Target = 100%) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: "During fiscal year 2014, results for the performance measures for Disease Control and Prevention are as follows: (1) The rate of Gonorrhea cases per 100,000 population was 42.5. (2) The percentage of adults who are current smokers was 10.2%, and (3) The percentage of Toxicology cases completed within the 14 day period was 47%. This report was provided to the legislative fiscal analyst."

25. Performance Measures for Local Health Departments Line Item (S.B. 8, Item 23):

The Legislature intends that the Department of Health report on the following performance measures for the Local Health Departments line item: (1) Number of local health departments that maintain a board of health that annually adopts a budget, appoints a local health officer (LHO), conducts an annual performance review for the LHO, and reports to county commissioners on health issues (Target = 12 or 100%), (2) Number of local health departments that provide communicable disease epidemiology and control services including disease reporting, response to outbreaks, and measures to control tuberculosis (Target = 12 or 100%), and (3) Number of local health departments that maintain a program of environmental sanitation which provides oversight of restaurants food safety, swimming pools, and the indoor clean air act (Target = 12 or 100%) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: "During fiscal year 2014, the local health departments have reported the following results: (1) One-hundred percent of the local health departments have maintained a board of health that annually adopts a budget, appoints a local health officer, conducts an annual review of the local health officer, and reports to county commissioners on health issues. (2) One-hundred percent of the local health departments have provided communicable disease epidemiology and control services including disease reporting, response to outbreaks, and

measures to control tuberculosis, and (3) One-hundred percent of the local health departments maintained a program of environmental sanitation which provides oversight of restaurants food safety, swimming pools, and the indoor clean air act.”

26. Performance Measures for Medicaid and Health Financing Line Item (S.B. 8, Item 24):

The Legislature intends that the Department of Health report on the following performance measures for the Medicaid and Health Financing line item: (1) average decision time on pharmacy prior authorizations (Target = 24 hours or less), (2) percent of clean claims adjudicated within 30 days of submission (Target = 98%), and (3) total count of Medicaid and CHIP clients educated on proper benefit use and plan selection (Target = 90,000 or more) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “This report was provided to the Legislative Fiscal Analyst.”

27. Performance Measure for Medicaid Sanctions Line Item (S.B. 8, Item 25):

The Legislature intends that the Department of Health report on how expenditures from the Medicaid Sanctions line item met federal requirements which constrain its use by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “The Denver Regional Office component of the Western Division of Survey & Certification (WDSC), as delegated by both CMS Central Office Leadership and the WDSC Associate Regional Administrator, has approved the Utah Department of Health, Bureau of Health Facility Licensing to utilize federal Civil Money Penalties (CMPs) to offset the cost of the new FBI fingerprinting requirements for Background Criminal Information (BCI) checks. BCI checks are now required for all staff and volunteers that have access to patients in nursing homes. Previously only, staff with direct patient care duties were required to have a BCI check. \$350,000 of CMPs was used to subsidize \$15 of the \$51 licensing fee for each renewal application for nursing facilities. The subsidization only applied to renewal applications that require new FBI fingerprint information.”

28. Performance Measures for Children's Health Insurance Program Line Item (S.B. 8, Item 26):

The Legislature intends that the Department of Health report on the following performance measures for the Children's Health Insurance Program line item: (1) percentage of children (less than 15 months old) that received at least six or more well-child visits (Target = 52% or more), (2) percentage of members (12 - 21 years of age) who had at least one comprehensive well-care visit (Target = 39% or more), and (3) percentage of children 5-11 years of age with persistent asthma who were appropriately prescribed medication (Target = 94% or more) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “This report was provided to the Legislative Fiscal Analyst.”

29. Performance Measures for Medicaid Mandatory Services Line Item (S.B. 8, Item 27):

The Legislature intends that the Department of Health report on the following performance measures for the Medicaid Mandatory Services line item: (1) percent of adults age 45-64 with ambulatory or preventive care visits (Target = 88% or more), (2) percent of deliveries that had a post partum visit between 21 and 56 days after delivery (Target = 60% or more), and (3) percent of customers satisfied with their managed care plan (Target = 85% or more) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “This report was provided to the Legislative Fiscal Analyst.”

30. Performance Measures for Medicaid Optional Services Line Item (S.B. 8, Item 28):

The Legislature intends that the Department of Health report on the following performance measures for the Medicaid Optional Services line item: (1) annual state general funds saved through preferred drug list (Target = \$8.5 million general fund or more), (2) count of new choices waiver clients coming out of nursing homes into community based care (Target = 390 or more), and (3) emergency dental program savings (Target = \$250,000 General Fund savings or more) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: "This report was provided to the Legislative Fiscal Analyst."

Nonlapsing Balances

Under the Budgetary Procedures Act ([UCA 63J-1-602](#)), no revenue collection, appropriation from a fund or account, or appropriation to a program may be treated as nonlapsing unless:

1. It is expressly referenced in [UCA 63J-1-602](#)
2. It is designated in a condition of appropriation in the appropriations bill, or
3. Nonlapsing authority is granted under [UCA 63J-1-603](#).

[UCA 63J-1-602](#) also states that "each legislative appropriations subcommittee shall review the accounts and funds that have been granted nonlapsing authority under this section of Section 63J-1-603."

The table below details the \$1,395,200 in nonlapsing balances at the end of FY 2014 for the Department of Health that came from UCA 63J-1-602.1.

The Office of the Legislative Fiscal Analyst presented a statewide report entitled, "FY 2014 Preliminary Lapsing and Nonlapsing Balances Report," to the Executive Appropriations Committee in September of 2014. The report is available at <http://le.utah.gov/interim/2014/pdf/00004693.pdf>.

Division & Program	Nonlapsing Authority	Amount	Restrictions	Reason
Workforce Financial Assistance				
Workforce Loan Program	UCA 63J-1-602.1(10)	\$ 5,400	Statute provides for professional educational loan repayment and scholarship assistance to health care professionals who locate or continue to practice in medically underserved areas of Utah.	Funds are obligated but dispersed across state fiscal years. Contracts may range from 2 to 4 years in length for contractual service obligations for health care professionals providing primary health care services to Utah's medically underserved populations.
Children's Health Insurance Program (CHIP)				
CHIP	UCA 63J-1-602.1(9)	\$ 1,389,800	Use of all nonlapsing funds limited to caseload and utilization increases	State statute requires the CHIP program to serve all clients who qualify for services.

Intent Language from the 2013 General Session

The following 25 items of intent language were passed in the 2013 General Session. These items could not be fully reviewed until the close of FY 2014. Most of these items were partially reviewed in an Issue Brief from the 2014 General Session entitled "Intent Language and Nonlapsing Balances Follow-up" (<http://le.utah.gov/interim/2014/pdf/00000876.pdf>). These 25 statements can be grouped into the following three categories:

1. Providing nonlapsing authority of more than \$51.3 million in FY 2014 from FY 2013 funds (22 intent language statements). The table below details the \$12.8 million of specific nonlapsing authority provided as well as the seven areas with unlimited nonlapsing authority. The Department of Health has \$10,527,000 in nonlapsing from these intent language statements with specific maximums. For more information on the purposes and uses of these nonlapsing balances, please see the section below entitled "Nonlapsing Balances."

2. Providing specific direction (one intent language statement)
3. Requiring a report (two intent language statements)

Agency-initiated requests for nonlapsing authority for General Fund represented about 3% of General Fund spent in FY 2013 for those divisions with initiatives for nonlapsing authority. The second table below has a summary of this information. Some of the nonlapsing requests listed above were to retain funds other than General Fund or were not initiated by the Department of Health.

Nonlapsing Authority via Intent Language		
Purpose	Authorized Total	Actual Nonlapsing
Medicaid Management Information System Replacement	\$ 5,200,000	\$ 3,653,400
Autism Services (HB 272)	\$ 4,500,000	\$ 4,058,100
Federally-mandated Projects	\$ 425,000	\$ 425,000
Drug Prevention Programs	\$ 500,000	\$ 500,000
Primary Care Grants Program	\$ 400,000	\$ 242,800
Laboratory Equipment	\$ 300,000	\$ 300,000
Emergency Medical Services - Fees	\$ 250,000	\$ 220,000
Licensure and Certification Activities	\$ 245,000	\$ 245,000
Early Intervention Services	\$ 220,000	\$ 220,000
Facility Plan Review Activities	\$ 210,000	\$ 193,400
Equipment and Improvements (Medical Examiner)	\$ 175,000	\$ 175,000
Licensing Activities	\$ 130,000	\$ 95,000
Computer Equipment	\$ 90,000	\$ 90,000
Computer Equipment	\$ 50,000	\$ 50,000
Bleeding Disorders Program	\$ 50,000	\$ 17,400
Medicaid Mandatory Services	all	\$ 23,949,600
Medicaid Optional Services	all	\$ 9,995,200
Children's Health Insurance Program	all	\$ 1,403,300
Medicaid Sanctions	all	\$ 982,900
Civil Money Penalties	all	\$ 243,700
Emergency Medical Services - Fines	all	\$ 133,100
Provider Trainings (Child Care)	all	\$ 20,700
Total	\$12,745,000	\$47,213,600

Summary of Agency-initiated Requests			
Line Item	FY 2013 Actual General Fund	Nonlapsing General Fund	%
Executive Director's Operations	\$ 4,628,300	\$ 90,000	2%
Family Health and Preparedness	\$ 16,657,600	\$ 600,200	4%
Disease Control and Prevention	\$ 12,032,100	\$ 475,000	4%
Medicaid and Health Financing	\$ 4,374,100	\$ 50,000	1%
Total	\$ 37,692,100	\$ 1,215,200	3%

1. Nonlapsing Authority for Computer Equipment in the Executive Director's Office (H.B. 3, Item 69):

Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Executive Directors Office in Item 1 of Chapter 14 Laws of Utah 20112 not lapse at

the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to \$90,000 for computer equipment, software, and employee training. (The agency nonlapsed \$90,000).

Agency Response: "The division did expend the entire \$90,000 and more for [Data Processing] equipment and replacement in FY14." The Office of Fiscal operations also started development of a department contract management and reporting system."

2. Nonlapsing Authority for Health Facility Licensure and Certification Activities (H.B. 3, Item 71):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$245,000 of Item 2 of Chapter 14, Laws of Utah 2012 for Family Health and Preparedness not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to health facility licensure and certification activities. (The agency nonlapsed \$245,000).

Agency Response: "The nonlapsing funds were used to hire an additional survey team to ensure the Department is meeting CMS Certification requirements and standards, as well as state licensing requirements. The additional staff have allowed the Bureau to meet the state match for Medicaid funds to hire an additional survey team."

3. Nonlapsing Authority for Testing Supplies and Processes for Emergency Medical Services (H.B. 3, Item 71):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$250,000 of Item 2 of Chapter 14, Laws of Utah 2012 for Emergency Medical Services not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to testing, certifications, background screenings, replacement testing equipment, and testing supplies. (The agency nonlapsed \$220,000).

Agency Response: "The nonlapsing funds were used for practical and written testing for EMS certification. Training requirements include classroom hours, certain hours of clinical experience, and a competency exam. Quality assurance reviews were conducted by staff for courses, recertification practical testing and licensing."

4. Nonlapsing Authority for Criminal Fine and Forfeiture Money for Emergency Medical Services (H.B. 3, Item 71):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that criminal fines and forfeiture money collected for Emergency Medical Services in Item 2 of Chapter 14, Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to purposes outlined in Section 26-8a-207(2). (The agency nonlapsed \$133,100).

Agency Response: "The nonlapsing funds were used in accordance with statute, which includes [Emergency Medical Services] grants and administrative costs. These funds were distributed to all local [Emergency Medical Services] agencies and training centers to be used for the purchase of equipment, supplies, and [Emergency Medical Services] training to help deliver emergency medical services to the citizens of the state."

5. Nonlapsing Authority for Civil Penalty Money from Childcare Provider Violations (H.B. 3, Item 71):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that civil money penalties collected for Item 2 of Chapter 14, Laws of Utah 2012 from childcare care provider violations not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to trainings

for providers, staff and upgrades to the Child Care Licensing database. (The agency nonlapsed \$20,700).

Agency Response: “Nonlapsing Childcare funds were used to deliver ongoing training throughout the state to assist providers in complying with the rules. Nonlapsing funds were used for trainer salaries and for in-state travel costs and training materials. Funds collected in one year are used to pay for training in the next year.”

6. Nonlapsing Authority for Civil Penalty Money from Childcare and Health Care Provider Violations (H.B. 3, Item 71):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that civil money penalties collected for Item 2 of Chapter 14, Laws of Utah 2012 from health care provider violations not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to providing services to nursing home facility residents or as specifically directed by the Centers for Medicare and Medicaid Services. (The agency nonlapsed \$243,700).

Agency Response: “Nonlapsing funds were used to deliver ongoing training and a portion of a salary to provide patient safety initiative. Other uses of the Civil Money Penalties must be authorized by CMS. The Denver Regional Office component of the Western Division of Survey & Certification (WDSC), as delegated by both CMS Central Office Leadership and the WDSC Associate Regional Administrator, has approved the Utah Department of Health, Bureau of Health Facility Licensing to utilize federal Civil Money Penalties (CMPs) to offset the cost of the new FBI fingerprinting requirements for Background Criminal Information (BCI) checks. BCI checks are now required for all provider staff and volunteers that have access to patients in nursing homes. Previously, only staff with direct patient care duties were required to have a BCI check. It is intended to use up to CMPs during State Fiscal Year 2014 to subsidize \$15 of the \$51 licensing fee for each renewal application for nursing facilities. The subsidization was only applied to renewal applications that require new FBI fingerprint information.”

7. Nonlapsing Authority for Bureau of Health Facility Licensure, Certification and Resident Assessment for Plan Reviews (H.B. 3, Item 71):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$210,000 of Item 2 of Chapter 14, Laws of Utah 2012 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 2013. The use of any nonlapsing funds is limited to plan review activities. (The agency nonlapsed \$193,400).

Agency Response: “The nonlapsing funds for Health Facility Licensing/Certification were used for evaluating health care facility new construction and remodel projects to ensure compliance with appropriate building and fire codes in accordance with state health facility construction rules. The funds were used for salaries for architects and inspection staff to complete construction inspections this year.”

8. Nonlapsing Authority for People with Bleeding Disorders (H.B. 3, Item 71):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$50,000 of Item 2 of Chapter 14, Laws of Utah 2012 of unused funds appropriated for the Assistance for People with Bleeding Disorders Program not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to services to eligible clients. (The agency nonlapsed \$17,400).

Agency Response: “During FY 14, the nonlapsing funds for Bleeding Disorders were included in the contract with the Utah Hemophilia Foundation, who will distribute this funding to additional

eligible individuals for the cost of obtaining hemophilia services or the cost of insurance premium coverage of hemophilia services.”

9. Nonlapsing Authority for Primary Care Grants Program (H.B. 3, Item 71):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$400,000 of Item 2 of Chapter 14, Laws of Utah 2012 for Primary Care Grants Program not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to final Fiscal Year 2013 contract payments or additional distributions to eligible primary care providers (The agency nonlapsed \$242,800).

Agency Response: “The nonlapsing funds for Primary care were incorporated and distributed to grants for the FY14.”

10. Nonlapsing Authority for Early Intervention Services (H.B. 3, Item 71):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$220,000 of the appropriations provided for the Family Health and Preparedness line item not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to early intervention services in the baby watch program. (The agency nonlapsed \$220,000).

Agency Response: “The nonlapsing funds for the Baby Watch Early Intervention have been incorporated and distributed to program providers in during FY14 for services provided.”

11. Nonlapsing Authority for Health Facility and Licensing Activities (H.B. 3, Item 71):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$130,000 of the appropriations provided for the Family Health and Preparedness line item not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to health facility and licensing activities. (The agency nonlapsed \$95,000).

Agency Response: “The nonlapsing funds were used for hire additional staff for the Bureau to meet state licensing and certification requirements. The additional staff have allowed the surveys of health facilities throughout the state to be more current and timely.”

12. Nonlapsing Authority for Equipment and Improvements for the Medical Examiner (H.B. 3, Item 72):

Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Disease Control and Prevention in Item 3 of Chapter 14 Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to the following: \$175,000 for replacement computer equipment, software, laboratory equipment, and for facility improvements/expansion for the Office of the Medical Examiner (The agency nonlapsed \$175,000).

Agency Response: “The nonlapsing funds were used to replace obsolete computer equipment, upgrade the autopsy and specimen handling facilities, and equipment. Upgrading and replacement was necessary to maintain the required national medical examiner standards and proper documentation while handling an increasing workload of cases.”

13. Nonlapsing Authority for Laboratory Equipment (H.B. 3, Item 72):

Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Disease Control and Prevention in Item 3 of Chapter 14 Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to the

following: \$300,000 for laboratory equipment, computer equipment, software and building improvements for the Unified State Laboratory (The agency nonlapsed \$300,000).

Agency Response: “During fiscal year 2014, the Unified State Laboratory used nonlapsing funds to cover the continual replacement of aging computers, aging instrumentation and equipment, and required upgrades to the laboratory’s computer-based security and data communication infrastructure. This funding enables the laboratory to remain modern and efficient, and able to provide the testing capabilities needed by the citizens of Utah.”

14. Nonlapsing Authority for Drug Prevention Programs (H.B. 3, Item 72):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$500,000 of Item 3 of Chapter 14 Laws of Utah 2012 for the alcohol, tobacco, and other drug prevention reduction, cessation, and control programs not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs. (The agency nonlapsed \$500,000).

Agency Response: “Nonlapsing funds were used to support the continuation of tobacco use reduction, cessation, and control programs conducted statewide and to ensure the continued availability of quit-line services.”

15. Nonlapsing Authority for Computer Equipment in Health Care Financing (H.B. 3, Item 73):

Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Health Care Financing in Item 6 of Chapter 14, Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to \$50,000 for the purchase of computer equipment. (The agency nonlapsed \$50,000).

Agency Response: “The total non-lapsed funds from FY 2013 for computer equipment were expended for said equipment in FY 2014.”

16. Nonlapsing Authority to Comply With Federally-mandated Projects (H.B. 3, Item 73):

Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Health Care Financing in Item 6 of Chapter 14, Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to \$425,000 for compliance with federally-mandated projects. (The agency nonlapsed \$425,000).

Agency Response: “The non-lapsed funds of \$425,000 are used as State match for federally-mandated projects. The developmental IT projects that used the \$425,000 nonlapsing funds were: ICD-10, T-MSIS, POS, and 5010. The nonlapsing general funds were used for federal match to cover expenses such as personnel, current expense and data processing current expense of the various projects.”

17. Nonlapsing Authority for Medicaid Management Information System Replacement (H.B. 3, Item 74):

Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Medicaid Management Information System Replacement in Item 7 of Chapter 14, Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to \$5,200,000 for the redesign and replacement of the Medicaid Management Information System. (The agency nonlapsed \$3,653,400).

Agency Response: “The Division used the non-lapsing funds for project implementation. The non-lapsing general funds were used to match expenses such as personnel, travel, current expense and data processing current expense. Payments to CNSI, the main vendor on the MMIS Implementation project, were made according to contract and complied with the payment schedule for deliverables.

The payments to CNSI are significant and used the non-lapsed general funds to match the federal participation dollars. The MMIS Implementation replacement is a multi-year project and will continue past SFY 2014.”

18. Nonlapsing Authority for Medicaid Sanctions (H.B. 3, Item 75):

The Legislature intends that funds collected as a result of sanctions imposed under Section 1919 of Title XIX of the federal Social Security Act and authorized in UCA 26-18-3 shall not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to the purposes outlined in Section 1919. (The agency nonlapsed \$982,900).

Agency Response: “The Denver Regional Office component of the Western Division of Survey & Certification (WDSC), as delegated by both CMS Central Office Leadership and the WDSC Associate Regional Administrator, has approved the Utah Department of Health, Bureau of Health Facility Licensing to utilize federal Civil Money Penalties (CMPs) to offset the cost of the new FBI fingerprinting requirements for Background Criminal Information (BCI) checks. BCI checks are now required for all staff and volunteers that have access to patients in nursing homes. Previously only, staff with direct patient care duties were required to have a BCI check. \$350,000 of CMPs was used to subsidize \$15 of the \$51 licensing fee for each renewal application for nursing facilities. The subsidization only applied to renewal applications that require new FBI fingerprint information.”

19. Nonlapsing Authority for Children’s Health Insurance Program Caseload Increases (H.B. 3, Item 76):

Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for the Children’s Health Insurance Program in Item 88 of Chapter 416 Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to caseload and utilization increases. (The agency nonlapsed \$1,403,300).

Agency Response: “A portion of the fiscal year 2013 CHIP non-lapsing funds of \$1,403,300 were included as part of a negative FY 2014 supplemental to reimburse the General Fund. This decision was based on a consensus forecast developed by the Department of Health, the Office of the Legislative Fiscal Analyst, and Governor’s Office of Management and Budget.”

20. Nonlapsing Authority for Medicaid Mandatory Services (H.B. 3, Item 77):

Under Section 63J-1-603 of the Utah Code the Legislature intends that all appropriations provided for Medicaid Mandatory Services in Item 10 of Chapter 14, Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to the provision of Medicaid services. (The agency nonlapsed \$23,949,600).

Agency Response: “The fiscal year 2013 Medicaid Mandatory non-lapsing funds of \$23,949,600 were included as part of a negative FY 2014 supplemental to reimburse the General Fund. This decision was based on a consensus forecast developed by the Department of Health, the Office of the Legislative Fiscal Analyst, and Governor’s Office of Management and Budget.”

21. Nonlapsing Authority for Medicaid Optional Services (H.B. 3, Item 78):

Under Section 63J-1-603 of the Utah Code the Legislature intends that all appropriations provided for Medicaid Optional Services in Item 11 of Chapter 14, Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to the provision of Medicaid services. (The agency nonlapsed \$9,995,200).

Agency Response: “The fiscal year 2013 Medicaid Optional non-lapsing funds of \$9,995,200 were included as part of a negative FY 2014 supplemental to reimburse the General Fund. This decision

was based on a consensus forecast developed by the Department of Health, the Office of the Legislative Fiscal Analyst, and Governor's Office of Management and Budget."

22. Nonlapsing Authority for Autism Services (HB 272 from the 2012 General Session):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$4,500,000 of appropriations provided for the Department of Health - Medicaid Optional Services line item not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to the autism waiver program to provide services and treatment for children with autism spectrum disorder between the age of two to six years. (The agency nonlapsed \$4,058,100).

Agency Response: "The Department used the non-lapsed funds to continue to provide services for the treatment of children with autism spectrum disorder. The original \$4.5 million general fund appropriation was enough to fund an average caseload of 250 children. That average was able to be higher in FY 2014 due to lighter enrollment during the ramp up time of implementing the waiver. FY2014 average caseload was 310 children."

23. Align Supplemental Nutrition Assistance Program Regulations and Medicaid Regulations (H.B. 3, Item 73 & S.B. 2, Item 77):

The Legislature intends that to the extent possible with existing appropriations, the Department of Health shall align Supplemental Nutrition Assistance Program regulations and Medicaid regulations.

Agency Response: "While different federal agencies (The Department of Health & Human Services and The Department of Agriculture) control the individual requirements for SNAP and Medicaid, the Department of Health has continued to work with the Department of Workforce Services to align policies and make simplifications whenever possible. As with all new policies, the department tries to coordinate changes with other social service programs. Some examples include: creating and submitting a combined application for all programs to the Secretary of Health & Human Services, coordinating review policy time frames under the new health reform requirements, and making concessions or seeking options that most closely align eligibility policy whenever possible to do so. When regulations do not align, these departments still try to operationalize new rules in such a way as to reduce the impact to the eligibility workers and systems."

24. Quarterly Status Reports on Replacement of Medicaid Management Information System (S.B. 2, Item 78):

The Legislature intends that the Department of Health report quarterly to the Office of the Legislative Fiscal Analyst on the status of replacing the Medicaid Management Information System replacement beginning September 30, 2013. The reports should include, where applicable, the responses to any requests for proposals.

Agency Response: "The quarterly MMIS status reports were submitted to the Fiscal Analyst."

25. Performance Measures for New State Funding (H.B. 3, Item 69 & S.B. 2, Item 72):

The Legislature intends that the Department of Health prepare proposed performance measures for all new state funding for building blocks and give this information to the Office of the Legislative Fiscal Analyst by June 30, 2013. The Department of Health shall provide its first report on its performance measures to the Office of the Legislative Fiscal Analyst by October 31,

2013. The Office of the Legislative Fiscal Analyst shall give this information to the legislative staff of the Health and Human Services Interim Committee.

Agency Response: "The Department did comply with this intent language by submitting performance measures to the Legislative Fiscal Analyst on the required dates for all funding increases appropriated during the 2013 Session."