

**State of Utah**  
**Administrative Rule Analysis**  
 Revised May 2020

NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
	<b>Title No. - Rule No. - Section No.</b>	
<b>Utah Admin. Code Ref (R no.):</b>	R414-303-13	<b>Filing No. (Office Use Only)</b>
<b>Changed to Admin. Code Ref. (R no.):</b>		

**Agency Information**

<b>1. Department:</b>	Department of Health	
<b>Agency:</b>	Division of Medicaid and Health Financing	
<b>Room no.:</b>		
<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 North 1460 West	
<b>City, state:</b>		
<b>Mailing address:</b>	PO Box 143102	
<b>City, state, zip:</b>	Salt Lake City, UT, 84114-3102	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	(801) 538-6641	cdevashrayee@utah.gov

Please address questions regarding information on this notice to the agency.

**General Information**

<b>2. Rule or section catchline:</b>
Coronavirus (COVID-19) Testing Coverage
<b>3. Purpose of the new rule or reason for the change</b> (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
The purpose of this change is to implement provisions for testing coverage during the Coronavirus (COVID-19) public health emergency period.
<b>4. Summary of the new rule or change:</b>
This amendment adds a section to the rule to provide COVID-19 testing for a new optional eligibility group that meets the definition of "uninsured individual" under federal law. These services are limited to in-vitro diagnostic testing and COVID-19 testing-related services.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is a cost of about \$10,600,000 in federal funds to help uninsured individuals receive COVID-19 testing during the public health emergency period.
<b>B) Local governments:</b>
There is no impact on local governments because they neither fund Medicaid eligibility groups nor make eligibility determinations.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as this rule simply assists uninsured individuals to receive COVID-19 testing during the public health emergency period. It neither increases business revenue nor costs.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There is no impact on non-small businesses as this rule simply assists uninsured individuals to receive COVID-19 testing during the public health emergency period. It neither increases business revenue nor costs.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

More than 1,000 uninsured individuals are expected to sign up for COVID-19 testing coverage. These individuals may collectively see out-of-pocket savings up to \$10,600,000 during the COVID-19 public health emergency period.

**F) Compliance costs for affected persons:**

There are no compliance costs to a single Medicaid provider or to a Medicaid member as this rule simply assists uninsured individuals to receive COVID-19 testing during the public health emergency period.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$10,600,000	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$10,600,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$10,600,000	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$10,600,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The Executive Director of the Department of Health, Joseph K. Miner, M.D., has reviewed and approved this fiscal analysis.

**6. A) Comments by the department head on the fiscal impact this rule may have on businesses:**

Businesses will see neither revenue nor costs as this rule simply assists uninsured individuals to receive COVID-19 testing during the public health emergency period.

**B) Name and title of department head commenting on the fiscal impacts:**

Joseph K. Miner, M.D., Executive Director

**Citation Information**

**7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):**

Section 26-1-5	Section 26-18-3	Pub. L. No. 116-127
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**Incorporations by Reference Information**

(If this rule incorporates more than two items by reference, please include additional tables.)

**8. A) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	<b>First Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	

<b>Date Issued</b>	
<b>Issue, or version</b>	

**B) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

<b>Second Incorporation</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

**A) Comments will be accepted until** (mm/dd/yyyy): 08/31/2020

**B) A public hearing (optional) will be held:**

<b>On</b> (mm/dd/yyyy):	<b>At</b> (hh:mm AM/PM):	<b>At</b> (place):

**10. This rule change MAY become effective on** (mm/dd/yyyy): 09/07/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

**To the agency:** Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

<b>Agency head or designee, and title:</b>	Joseph K. Miner, M.D., Executive Director	<b>Date</b> (mm/dd/yyyy):	07/12/2020
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**R414. Health, Health Care Financing, Coverage and Reimbursement Policy.**

**R414-303. Coverage Groups.**

**R414-303-13. Coronavirus (COVID-19) Testing Coverage.**

(1) The Department provides coverage to individuals described in Subsection 6004(a)(3) of the Families First Coronavirus Response Act (FFCRA), Pub. L. No. 116 127. This coverage shall be referred to as COVID-19 Testing Coverage.

(2) This coverage may be effective no earlier than March 18, 2020, and extends through the end of the public health emergency period and any extensions as defined in Subsection 1135(g)(1)(B) of the Social Security Act.

(3) An individual must meet citizenship or alien status criteria as defined in Section R414-302-3.

(4) An individual must meet residency requirements as defined in Section R414-302-4.

(5) An individual must meet the definition of an uninsured individual as defined in Subsection 1902(ss)

of the Social Security Act, and added through Section 6004 of FFCRA, Pub. L. No. 116 127.

(6) An individual receives a limited package of services related to COVID-19 as defined in Subsection 6004(a)(3)(A)(ii) under FFCRA, Pub. L. No. 116 127.

**KEY: MAGI-based, coverage groups, former foster care youth, presumptive eligibility**

**Date of Enactment or Last Substantive Amendment: January 1, 2020**

**Notice of Continuation: January 8, 2018**

**Authorizing, and Implemented or Interpreted Law: 26-18-3; 26-1-5**