

State of Utah
Administrative Rule Analysis
Revised May 2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
		Title No. - Rule No. - Section No.
Utah Admin. Code Ref (R no.):	R414-308-11	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):		

Agency Information

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

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

General Information

2. Rule or section catchline:
Public Health Emergency Provisions
3. Purpose of the new rule or reason for the change (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 that comply with the Families First Coronavirus Response Act (FFCRA) during the Coronavirus (COVID-19) public health emergency period.
4. Summary of the new rule or change:
This amendment includes a section that assures continued coverage through the public health emergency period, assures coverage through a beneficiary's death, and assures compliance with presumptive eligibility decisions related to the uninsured testing group.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is an increase of about \$109,403,800 to the state budget to help Medicaid families receive coverage through the public health emergency period.
B) Local governments:
There is no impact on local governments because they neither fund Medicaid eligibility groups nor make eligibility determinations.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as this rule simply helps Medicaid families receive coverage through the public health emergency period.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no impact on non-small businesses as this rule simply helps Medicaid families receive coverage through the public health emergency period.

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**):

About 298,386 Medicaid families may collectively see out-of-pocket savings up to \$109,403,800 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 helps Medicaid families receive coverage through 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.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$109,403,800	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$109,403,800	\$0	\$0
Fiscal Benefits	\$0	\$0	\$0
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$109,403,800	\$0	\$0
Total Fiscal Benefits	\$109,403,800	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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 helps Medicaid families receive coverage through 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*):

	First Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	

Issue, or version	
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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*):

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

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

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

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

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

R414-308. Application, Eligibility Determinations, Improper Medical Assistance, and Suspension of Benefits.

R414-308-11. Public Health Emergency Provisions.

(1) In accordance with the public health emergency declared by the Secretary of Health and Human Services on January 27, 2020, the Department shall comply with the provisions of the Families First Coronavirus Response Act (FFCRA), Pub. L. No. 116 127, Subsection 6008(b).

(a) The Department shall assure continued coverage through the duration of the emergency period for individuals who are eligible and enrolled on March 18, 2020, the date of enactment of Pub. L. No. 116 127, or who subsequently become eligible and enrolled in medical assistance during the emergency period and any extensions.

(b) In addition to terminating benefits when a beneficiary stops being a Utah resident or upon request by the beneficiary, coverage may only continue through the date of the beneficiary's death.

(2) During the public health emergency period, and any extensions, a hospital provider contracted to complete presumptive eligibility for Medicaid shall complete decisions for the uninsured testing group as defined in Section R414-303-13.

KEY: public assistance programs, applications, eligibility, Medicaid
Date of Enactment or Last Substantive Amendment: January 1, 2020
Notice of Continuation: January 8, 2018
Authorizing, and Implemented or Interpreted Law: 26-18