

Effective 3/25/2016

26-35a-106 Restricted account -- Creation -- Deposits -- Uses.

- (1)
- (a) There is created a restricted account in the General Fund known as the "Nursing Care Facilities Account" consisting of:
 - (i) proceeds from the assessment imposed by Section 26-35a-104 which shall be deposited in the restricted account to be used for the purpose described in Subsection (1)(b);
 - (ii) fines paid by nursing care facilities for excessive Medicare inpatient revenue under Section 26-18-506;
 - (iii) money appropriated or otherwise made available by the Legislature; and
 - (iv) any interest earned on the account.
 - (b)
 - (i) Money in the account shall only be used:
 - (A) to the extent authorized by federal law, to obtain federal financial participation in the Medicaid program;
 - (B) to provide the increased level of hospice reimbursement resulting from the nursing care facilities assessment imposed under Section 26-35a-104;
 - (C) for the Medicaid program to make quality incentive payments to nursing care facilities , subject to approval of a Medicaid state plan amendment to do so by the Centers for Medicare and Medicaid Services within the United States Department of Health and Human Services ; and
 - (D) in the manner described in Subsection (1)(b)(ii).
 - (ii) The money appropriated from the restricted account to the department:
 - (A) shall be used only to increase the rates paid prior to July 1, 2004, to nursing care facilities for providing services pursuant to the Medicaid program and for administrative expenses as described in Subsection (1)(b)(ii)(C);
 - (B) may not be used to replace existing state expenditures paid to nursing care facilities for providing services pursuant to the Medicaid program, except for increased costs due to hospice reimbursement under Subsection (1)(b)(i)(B); and
 - (C) may be used for administrative expenses, if the administrative expenses for the fiscal year do not exceed 3% of the money deposited into the restricted account during the fiscal year.
- (2) Money shall be appropriated from the restricted account to the department for the purposes described in Subsection (1)(b) in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.

Amended by Chapter 276, 2016 General Session