

Effective 5/10/2016

26-36a-208 Repeal of assessment.

- (1) The repeal of the assessment imposed by this chapter shall occur upon the certification by the executive director of the department that the sooner of the following has occurred:
- (a) the effective date of any action by Congress that would disqualify the assessment imposed by this chapter from counting towards state Medicaid funds available to be used to determine the federal financial participation;
 - (b) the effective date of any decision, enactment, or other determination by the Legislature or by any court, officer, department, or agency of the state, or of the federal government that has the effect of:
 - (i) disqualifying the assessment from counting towards state Medicaid funds available to be used to determine federal financial participation for Medicaid matching funds; or
 - (ii) creating for any reason a failure of the state to use the assessments for the Medicaid program as described in this chapter;
 - (c) the effective date of:
 - (i) an appropriation for any state fiscal year from the General Fund for hospital payments under the state Medicaid program that is less than the amount appropriated for state fiscal year 2012;
 - (ii) the annual revenues of the state General Fund budget return to the level that was appropriated for fiscal year 2008;
 - (iii) a division change in rules that reduces any of the following below July 1, 2011 payments:
 - (A) aggregate hospital inpatient payments;
 - (B) adjustment payment rates; or
 - (C) any cost settlement protocol; or
 - (iv) a division change in rules that reduces the aggregate outpatient payments below July 1, 2011 payments; and
 - (d) the sunset of this chapter in accordance with Section 63I-1-226.
- (2) If the assessment is repealed under Subsection (1), money in the fund that was derived from assessments imposed by this chapter, before the determination made under Subsection (1), shall be disbursed under Section 26-36a-205 to the extent federal matching is not reduced due to the impermissibility of the assessments. Any funds remaining in the special revenue fund shall be refunded to the hospitals in proportion to the amount paid by each hospital.

Amended by Chapter 327, 2016 General Session