

26-40-105 Eligibility.

- (1) A child is eligible to enroll in the program if the child:
 - (a) is a bona fide Utah resident;
 - (b) is a citizen or legal resident of the United States;
 - (c) is under 19 years of age;
 - (d) does not have access to or coverage under other health insurance, including any coverage available through a parent or legal guardian's employer;
 - (e) is ineligible for Medicaid benefits;
 - (f) resides in a household whose gross family income, as defined by rule, is at or below 200% of the federal poverty level; and
 - (g) is not an inmate of a public institution or a patient in an institution for mental diseases.
- (2) A child who qualifies for enrollment in the program under Subsection (1) may not be denied enrollment due to a diagnosis or pre-existing condition.
- (3)
 - (a) The department shall determine eligibility and send notification of the eligibility decision within 30 days after receiving the application for coverage.
 - (b) If the department cannot reach a decision because the applicant fails to take a required action, or because there is an administrative or other emergency beyond the department's control, the department shall:
 - (i) document the reason for the delay in the applicant's case record; and
 - (ii) inform the applicant of the status of the application and time frame for completion.
- (4) The department may not close enrollment in the program for a child who is eligible to enroll in the program under the provisions of Subsection (1).
- (5)
 - (a) The program shall:
 - (i) apply for grants to make technology system improvements necessary to implement a simplified enrollment and renewal process in accordance with this Subsection (5); and
 - (ii) if funding is available, implement the simplified enrollment and renewal process in accordance with this Subsection (5).
 - (b) The simplified enrollment and renewal process:
 - (i) shall, in accordance with Section 59-1-403, provide an eligibility worker a process in which the eligibility worker:
 - (A) verifies the applicant's identity;
 - (B) gets consent to obtain the applicant's adjusted gross income from the State Tax Commission from:
 - (I) the applicant, if the applicant filed a single tax return; or
 - (II) both parties to a joint return, if the applicant filed a joint tax return; and
 - (C) obtains from the Utah State Tax Commission, the adjusted gross income of the applicant; and
 - (ii) may not change the eligibility requirements for the program.

Amended by Chapter 344, 2011 General Session