

POR^TABILITY OF FUNDING FOR HEALTH AND HUMAN SERVICES

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Hogue

6 AN ACT RELATING TO HEALTH AND HUMAN SERVICES; MODIFYING THE
7 REPORTING DATES FOR TWO REPORTS ON THE PORTABILITY OF HEALTH AND
8 HUMAN SERVICES FUNDING.

9 This act affects uncodified material as follows:

10 AMENDS:

Uncodified Section 1, Chapter 297, Laws of Utah 1998

Uncodified Section 2, Chapter 297, Laws of Utah 1998

13 *Be it enacted by the Legislature of the state of Utah:*

14 Section 1. **Uncodified Section 1, Chapter 297, Laws of Utah 1998** is amended to read:

Section 1. General Portability Report.

16 (1) No later than the November 1998 meeting of the Health and Human Services Interim
17 Committee, the Department of Human Services and the Division of Health Care Financing within
18 the Department of Health shall report to the committee on the portability of state and federal
19 funding to persons wishing to move:

20 (a) from services provided by the Division of Health Care Financing to services provided
21 by the Department of Human Services; and

22 (b) from services provided by the Department of Human Services to services provided by
23 the Division of Health Care Financing.

24 (2) The report shall highlight regulatory, structural, and fiscal impediments to portability.

25 (3) [The] No later than the November 1999 meeting of the Health and Human Services

26 Interim Committee, the Department of Human Services and the Division of Health Care Financing
27 shall provide to the committee [prior to the 2000 Annual General Session of the Legislature] a

28 more detailed report with recommendations for increasing portability.

29 Section 2. **Uncodified Section 2, Chapter 297, Laws of Utah 1998** is amended to read:

30 **Section 2. Portability study for persons with a disability.**

31 (1) As used in this act:

32 (a) "Disability" has the same meaning as provided in Title 62A, Chapter 5, Services to
33 People With Disabilities.

34 (b) "Persons in intermediate care facilities" means:

35 (i) persons in intermediate care facilities for the mentally retarded; and

36 (ii) persons with a disability in nursing facilities who if they were to receive home and
37 community-based services would receive services under the Division of Services for People with
38 Disabilities within the Department of Human Services.

39 (2) Following the 1998 Annual General Session of the Legislature, the Division of
40 Services for People With Disabilities within the Department of Human Services, and the Division
41 of Health Care Financing within the Department of Health shall conduct a study to identify
42 alternatives for increasing the portability of state and federal funding for services to persons with
43 disabilities. The study shall:

44 (a) be limited to increasing the portability of funds to:

45 (i) persons in intermediate care facilities who wish to receive home and community-based
46 services; and

47 (ii) persons with a disability receiving home and community-based services under the
48 Division of Services for People with Disabilities who wish to move to intermediate care facilities
49 for the mentally retarded or nursing facilities;

50 (b) identify federal barriers to portability of funds, including federal Medicaid laws and
51 regulations;

52 (c) identify state barriers to portability of funds, including departmental structures and
53 processes and service provider delivery systems;

54 (d) (i) compare the total cost of providing services to persons in intermediate care facilities
55 to the total cost of providing services through home and community-based providers; and

56 (ii) control the total cost comparison for severity of disability classifications; and

57 (e) (i) estimate as accurately as possible the number of persons who would be interested
58 in moving between:

- (A) intermediate care facilities for the mentally retarded or nursing facilities; and
- (B) home and community-based services; and
- (ii) estimate the total cost to the state and facilities if individuals move to the facilities or
es of their choice; and

(iii) control the total cost estimate for service type and level of service intensity.

(3) In the conduct of their study, the divisions shall solicit information and

recommendations from representatives of at least the following:

(a) intermediate care facilities for the mentally retarded and nursing facilities;

(b) home and community-based services;

(c) persons in intermediate care facilities or receiving home and community-based services
their families and guardians; and

(d) persons waiting to receive services through intermediate care facilities for the mentally disabled, nursing facilities, or home and community-based services and their families and guardians.

(4) The divisions shall report on their study to the Health and Human Services Interim Committee as follows:

(a) no later than the June 1998 meeting of the committee, the divisions shall provide a
final report to the committee;

(b) no later than the [October 1998] August 1999 meeting of the committee, the divisions provide a final report of their study, including the following recommendations for increasing portability of funds[. The recommendations to the committee shall include]:

(i) methods for increasing portability within existing state funding levels; and

(ii) methods for maximizing portability in an environment of additional state funding; and

(c) the divisions may recommend how to increase state funding through the reallocation of resources or the identification of new revenue sources.

(5) The divisions shall provide a copy of their final report to members of the Joint

Appropriations Health and Human Services Subcommittee no later than [November 1, 1998]
September 1, 1999.

**Legislative Review Note
as of 12-8-98 9:47 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel