

**PORTABILITY OF FUNDING FOR HEALTH  
AND HUMAN SERVICES**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: David L. Hogue**

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

This act affects uncodified material as follows:

AMENDS:

**Uncodified Section 1, Chapter 297, Laws of Utah 1998**

**Uncodified Section 2, Chapter 297, Laws of Utah 1998**

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

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

Section 1. **General Portability Report.**

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

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

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

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

(3) [The] No later than the November 1999 meeting of the Health and Human Services Interim Committee, the Department of Human Services and the Division of Health Care Financing shall provide to the committee [prior to the 2000 Annual General Session of the Legislature] a

more detailed report with recommendations for increasing portability.

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

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

(1) As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

59 (A) intermediate care facilities for the mentally retarded or nursing facilities; and  
60 (B) home and community-based services; and  
61 (ii) estimate the total cost to the state and facilities if individuals move to the facilities or  
62 services of their choice; and  
63 (iii) control the total cost estimate for service type and level of service intensity.  
64 (3) In the conduct of their study, the divisions shall solicit information and  
65 recommendations from representatives of at least the following:  
66 (a) intermediate care facilities for the mentally retarded and nursing facilities;  
67 (b) home and community-based services;  
68 (c) persons in intermediate care facilities or receiving home and community-based services  
69 and their families and guardians; and  
70 (d) persons waiting to receive services through intermediate care facilities for the mentally  
71 retarded, nursing facilities, or home and community-based services and their families and  
72 guardians.  
73 (4) The divisions shall report on their study to the Health and Human Services Interim  
74 Committee as follows:  
75 (a) no later than the June 1998 meeting of the committee, the divisions shall provide a  
76 preliminary report to the committee;  
77 (b) no later than the ~~[October 1998]~~ August 1999 meeting of the committee, the divisions  
78 shall provide a final report of their study, including the following recommendations for increasing  
79 the portability of funds~~[- The recommendations to the committee shall include]:~~  
80 (i) methods for increasing portability within existing state funding levels; and  
81 (ii) methods for maximizing portability in an environment of additional state funding; and  
82 (c) the divisions may recommend how to increase state funding through the reallocation  
83 of existing resources or the identification of new revenue sources.  
84 (5) The divisions shall provide a copy of their final report to members of the Joint  
85 Appropriations Health and Human Services Subcommittee no later than ~~[November 1, 1998]~~  
86 September 1, 1999.

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**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**