

1 **TEMPORARY MEDICAID CERTIFICATION OF**
2 **NURSING HOME BEDS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Gene Davis**

6 House Sponsor: Merlynn T. Newbold

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Long-Term Care Facility Medicaid Certification chapter of the
11 Health Code.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides for temporary certification of a long-term care facility program if the state
15 is at risk of losing federal funds for a recipient being served by a particular nursing
16 care facility program.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill provides an immediate effective date.

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **26-18-504**, as enacted by Chapter 215, Laws of Utah 2004

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

26 Section 1. Section **26-18-504** is amended to read:

27 **26-18-504. Appeals of division decision -- Rulemaking authority -- Application of**
28 **act.**

29 (1) A decision by the director under this part to deny Medicaid certification for a

30 nursing care facility program or to deny additional bed capacity for an existing certified
31 program is subject to review under the procedures and requirements of Title 63, Chapter 46b,
32 Administrative Procedures Act.

33 (2) The department shall make rules to administer and enforce this part in accordance
34 with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

35 (3) A nursing care facility may receive Medicaid certification under the rules in effect
36 prior to July 1, 2004 if the nursing care facility, prior to May 4, 2004:

37 (a) paid applicable fees to the department; and

38 (b) submits construction plans to the department; or

39 (c) is in a current phase of construction approved by the department.

40 (4) In the event the department is at risk for a federal disallowance with regard to a
41 Medicaid recipient being served in a nursing care facility program that is not Medicaid
42 certified, the department may grant temporary Medicaid certification to that facility for up to 24
43 months. The department may place conditions on the certification, such as not allowing
44 additional admissions of Medicaid recipients to the program.

45 Section 2. **Effective date.**

46 If approved by two-thirds of all the members elected to each house, this bill takes effect
47 upon approval by the governor, or the day following the constitutional time limit of Utah
48 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
49 the date of veto override.