

1 **PORTABILITY OF MEDICAL ASSISTANCE**

2 **FUNDS**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ed Mayne**

6 House Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Medical Assistance Act to require portability of funds, if
11 necessary, to allow an eligible person to receive home or community-based services
12 instead of being placed in, or remaining in, a long-term care facility.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ defines terms;
- 16 ▶ requires the Department of Health to provide home or community-based services to
17 a person who qualifies to be placed in, or remain in, a long-term care facility if the
18 person desires to receive the services and the services can be provided at a cost to
19 the state that is equal to, or less than, the cost to the state of maintaining the person
20 in a long-term care facility;
- 21 ▶ provides for case management in determining the home or community-based
22 services necessary to care for a person outside of a long-term care facility;
- 23 ▶ provides that the Department of Health may contract with the Department of Human
24 Services or other agencies to make the determinations or provide the services
25 described in this bill; and
- 26 ▶ provides for the portability of funds, that would have been used to place or maintain
27 a person in a long-term care facility, to fund home or community-based services for



28 that person if the waiver funds designated for that purpose are inadequate.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 ENACTS:

35 **26-18-601**, Utah Code Annotated 1953

36 **26-18-602**, Utah Code Annotated 1953

37 **26-18-603**, Utah Code Annotated 1953

38 **26-18-604**, Utah Code Annotated 1953



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

41 Section 1. Section **26-18-601** is enacted to read:

42 **Part 6. Portability of Medical Assistance Funds**

43 **26-18-601. Title.**

44 This part is known as "Portability of Medical Assistance Funds."

45 Section 2. Section **26-18-602** is enacted to read:

46 **26-18-602. Definitions.**

47 As used in this part:

48 (1) "Medical assistance" means financial assistance or other services paid for under the
49 state plan for Medicaid under Title XIX of the Social Security Act.

50 (2) "Long-term care facility" is as defined in Section 62A-3-202.

51 Section 3. Section **26-18-603** is enacted to read:

52 **26-18-603. Requirement to provide home or community-based services --**

53 **Authority to contract.**

54 (1) The department shall provide home or community-based services to a person
55 instead of placing or maintaining the person in a long-term care facility if:

56 (a) the person:

57 (i) is a resident of this state;

58 (ii) qualifies for medical assistance to fund the person's placement in a long-term care

59 facility;

60 (iii) applies for:

61 (A) placement in a long-term care facility; or

62 (B) home or community-based services in order to avoid being placed in, or remaining

63 in, a long-term care facility;

64 (iv) desires to receive home or community-based services instead of being placed in, or

65 remaining in, a long-term care facility; and

66 (v) may be safely and adequately cared for outside of a long-term care facility; and

67 (b) the cost to the state of providing the home or community-based services described

68 in this Subsection (1) is less than, or equal to, the cost to the state of providing care to the

69 resident in a long-term care facility.

70 (2) If a person qualifies under Subsection (1) for, and chooses to receive, home or

71 community-based services, the department shall, on an ongoing basis:

72 (a) determine the extent of the resources already available to the person;

73 (b) determine the home and community-based services needed to safely and adequately

74 care for the person outside of a long-term care facility; and

75 (c) arrange for or provide the services described in Subsection (2)(b).

76 (3) The department may contract with the Department of Human Services or other

77 qualified agencies to make the determinations, or provide the services, described in this

78 section.

79 Section 4. Section **26-18-604** is enacted to read:

80 **26-18-604. Funding for home or community-based services.**

81 (1) Except as provided in Subsection (2), the costs of the home or community-based

82 services described in Section 26-18-603 shall be paid for with the applicable Medicaid waiver

83 funds designated for that purpose.

84 (2) If the funds described in Subsection (1) are not adequate to pay the costs of the

85 home and community-based services described in Section 26-18-603:

86 (a) the costs shall be paid from the funds that would have been used to pay the costs of

87 placing the person in a long-term care facility; and

88 (b) if the services are provided by, or through a contract with, the Department of

89 Human Services or another agency, the department shall execute a revenue transfer to the

90 Department of Human Services or the other agency in order to comply with Subsection (2)(a).
91 (3) A revenue transfer described in Subsection (2)(b) is exempt from the requirements
92 of Title 63, Chapter 38, Budgetary Procedures Act.

Legislative Review Note
as of 1-19-07 5:58 PM

Office of Legislative Research and General Counsel

S.B. 61 - Portability of Medical Assistance Funds

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will require an ongoing appropriation of \$12,127,700 General Fund, which will be matched with \$23,732,100 Federal Funds to the Departments of Health and Human Services.

Based on current federal and state statute and policy, the long-term fiscal impact of this legislation will be savings and cost avoidance for Utah's Medicaid and long-term care services.

	<u>FY 2007 Approp.</u>	<u>FY 2008 Approp.</u>	<u>FY 2009 Approp.</u>	<u>FY 2007 Revenue</u>	<u>FY 2008 Revenue</u>	<u>FY 2009 Revenue</u>
General Fund	\$0	\$12,127,700	\$12,497,100	\$0	\$0	\$0
Federal Funds	\$0	\$23,732,100	\$24,508,000	\$0	\$23,732,100	\$24,508,000
Total	\$0	\$35,859,800	\$37,005,100	\$0	\$23,732,100	\$24,508,000

Individual, Business and/or Local Impact

Enactment of this bill will provide financial assistance to qualified Medicaid clients to receive selected services. There could be both increased costs and federal revenue to local governments and local providers that supply community and home based services.