

HEALTH SYSTEM AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the state's strategic plan for health system reform to respond to federal reform efforts.

Highlighted Provisions:

This bill:

- ▶ makes legislative findings;
- ▶ prohibits a state agency or department from implementing any provision of the federal health care reform without first reporting to the Legislature:

- whether the federal act compels the state to adopt the particular federal provision;

- consequences to the state if the state refuses to adopt the particular federal provision; and

- impact to the citizens of the state if reform efforts are implemented or not implemented; and

- ▶ requires the state to opt out of federal reform when the state determines that opting out is in the best interest of the citizens of the state.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 ENACTS:

30 **63M-1-2505.5**, Utah Code Annotated 1953



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

33 Section 1. Section **63M-1-2505.5** is enacted to read:

34 **63M-1-2505.5. Freedom from federal health reform efforts -- Preservation of state**
35 **reform efforts.**

36 (1) The Legislature finds that:

37 (a) the state has embarked on a rigorous process of implementing a strategic plan for
38 health system reform pursuant to Section 63M-1-2505;

39 (b) the health system reform efforts for the state were developed to address the unique
40 circumstances within Utah and to provide solutions that work for Utah;

41 (c) Utah is a leader in the nation for health system reform which includes:

42 (i) developing and using health data to control costs and quality; and

43 (ii) creating a defined contribution insurance market to increase options for employers
44 and employees; and

45 (d) the federal government proposals for health system reform:

46 (i) infringe on state powers;

47 (ii) impose a uniform solution to a problem that requires different responses in
48 different states;

49 (iii) threaten the progress Utah has made towards health system reform; and

50 (iv) infringe on the rights of citizens of this state to provide for their own health care

51 by:

52 (A) requiring a person to enroll in a third party payment system;

53 (B) imposing fines on a person who chooses to pay directly for health care rather than
54 use a third party payer;

55 (C) imposing fines on an employer that does not meet federal standards for providing
56 health care benefits for employees; and

57 (D) threatening private health care systems with competing government supported
58 health care systems.

59 (2) (a) The departments required to assist the state under Section 63M-1-2503 with
60 implementing the state's strategic plan for health system reform may not implement any part of
61 federal health care reform as described in Subsection (1)(d)(iv) until the department reports to
62 the Legislature's Health Reform Task Force and the Legislative Executive Appropriations
63 Committee in accordance with Subsection (2)(b).

64 (b) The report required under Subsection (2)(a) shall include:

65 (i) the specific federal statute or regulation that requires the state to implement a
66 federal reform provision;

67 (ii) whether the reform provision has any state waiver or options;

68 (iii) exactly what the reform provision requires the state to do, and how it would be
69 implemented;

70 (iv) who in the state will be impacted by adopting the federal reform provision, or not
71 adopting the federal reform provision;

72 (v) what is the cost to the state or citizens of the state to implement the federal reform
73 provision; and

74 (vi) the consequences to the state if the state does not comply with the federal reform
75 provision.

76 (3) (a) The state may opt out of complying with a provision of the federal reform
77 efforts after the report required by Subsection (2):

78 (i) through statute; or

79 (ii) by administrative rule adopted in accordance with Title 63G, Chapter 3, Utah
80 Administrative Rulemaking Act.

81 (b) Subsection (3)(a) does not create rulemaking authority for a department.

Legislative Review Note
as of 11-5-09 4:24 PM

Office of Legislative Research and General Counsel

H.B. 67 - Health System Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
