

**Representative Carol Spackman Moss** proposes the following substitute bill:

**HEALTH SYSTEM AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl Wimmer**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill prohibits a state agency or department from implementing federal health care reform passed by the United States Congress after March 1, 2010, unless the state reports to Legislative Executive Appropriations.

**Highlighted Provisions:**

This bill:

- ▶ makes legislative findings;
- ▶ prohibits a state agency or department from implementing any provision of the federal health care reform unless the state agency submits the following report to the Legislature:
  - whether the federal act compels the state to adopt the particular federal provision;
  - whether and to what extent the state has achieved any of the goals pursuant to state health reforms, including cost containment, quality improvement, and access to affordable health insurance coverage for currently uninsured Utah citizens;
  - consequences to the state if the state refuses to adopt the particular federal provision; and



26           • impact to the citizens of the state if reform efforts are implemented or not  
27 implemented.

28 **Monies Appropriated in this Bill:**

29           None

30 **Other Special Clauses:**

31           This bill provides an immediate effective date.

32 **Utah Code Sections Affected:**

33 ENACTS:

34           **63M-1-2505.5**, Utah Code Annotated 1953



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

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

38           **63M-1-2505.5. Freedom from federal health reform efforts -- Preservation of state**  
39 **reform efforts.**

40           (1) The Legislature finds that:

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

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

45           (c) Utah is poised to become a leader in the nation for health system reform which  
46 includes:

47           (i) developing and using health data to improve transparency around costs and quality;  
48 and

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

51           (d) the federal government proposals for health system reform, which have yet to be  
52 voted on:

53           (i) may or may not infringe on state powers;

54           (ii) may or may not impose a uniform solution to a problem that may or may not  
55 require different responses in different states;

56           (iii) threaten possible future progress that Utah may make towards health system

57 reform; and

58 (iv) by:

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

60 (B) possibly imposing fines on a person who chooses to pay directly for health care

61 while providing exemptions for hardship situations, rather than use a third party payer;

62 (C) possibly imposing fines on an employer that does not meet federal standards for

63 providing health care benefits for employees; and

64 (D) possibly threatening private health care systems with competing government

65 supported health care systems.

66 (2) (a) A department or agency of the state may not implement any part of federal

67 health care reform passed by the United States Congress after March 1, 2010, unless the

68 department or agency reports to the Legislature's Health Reform Task Force and the Legislative

69 Executive Appropriations Committee in accordance with Subsection (2)(b).

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

71 (i) the specific federal statute or regulation that requires the state to implement a

72 federal reform provision;

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

74 (iii) exactly what the reform provision requires the state to do, and how it would be

75 implemented;

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

77 adopting the federal reform provision;

78 (v) whether those persons and needs are better served by federal health reform

79 provisions;

80 (vi) what is the cost to the state or citizens of the state to implement the federal reform

81 provision; and

82 (vii) the consequences to the state if the state does not comply with the federal reform

83 provision, including the cost to the state, in terms of Medicaid funds and cost shifting.

84 **Section 2. Effective date.**

85 If approved by two-thirds of all the members elected to each house, this bill takes effect

86 upon approval by the governor, or the day following the constitutional time limit of Utah

87 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,

88 the date of veto override.