

1 **MEDICAL ASSISTANCE ASSET TEST**

2 **AMENDMENTS**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Rebecca Chavez-Houck**

6 Senate Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions of the Medical Assistance Act and the Utah Children's
11 Health Insurance Act to prohibit use of an asset test in determining eligibility of a child
12 or an independent foster care adolescent for medical assistance, including state funded
13 health insurance.

14 **Highlighted Provisions:**

15 This bill:

16 ▶ requires the Department of Health to amend the state Medicaid plan to remove the
17 use of an asset test in determining Medicaid eligibility for a child or for an
18 independent foster care adolescent;

19 ▶ prohibits the Department of Health from applying an asset test in determining
20 eligibility for Medicaid or for the Utah Children's Health Insurance Program, of a
21 child or an independent foster care adolescent; and

22 ▶ makes technical changes.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 **26-18-3.1**, as enacted by Laws of Utah 1994, Chapter 314

30 ENACTS:

31 **26-18-3.3**, Utah Code Annotated 1953

32 **26-40-115**, Utah Code Annotated 1953



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

35 Section 1. Section **26-18-3.1** is amended to read:

36 **26-18-3.1. Medicaid expansion.**

37 (1) The purpose of this section is to expand the coverage of the Medicaid program to
38 persons who are in categories traditionally not served by that program.

39 (2) Within appropriations from the Legislature, the department may amend the state
40 plan for medical assistance to provide for eligibility for Medicaid:

41 (a) on or after July 1, 1994, for children 12 to 17 years old who live in households
42 below the federal poverty income guideline; and

43 (b) on or after July 1, 1995, for persons who have incomes below the federal poverty
44 income guideline and who are aged, blind, or disabled.

45 (3) (a) Within appropriations from the Legislature, on or after July 1, 1996, the
46 Medicaid program may provide for eligibility for persons who have incomes below the federal
47 poverty income guideline.

48 (b) In order to meet the provisions of this subsection, the department may seek
49 approval for a demonstration project under 42 U.S.C. Section 1315 from the secretary of the
50 United States Department of Health and Human Services. This demonstration project may also
51 provide for the voluntary participation of private firms that:

52 (i) are newly established or marginally profitable;

53 (ii) do not provide health insurance to their employees;

54 (iii) employ predominantly low wage workers; and

55 (iv) are unable to obtain adequate and affordable health care insurance in the private
56 market.

57 (4) Services available for persons described in this section shall include required
58 Medicaid services and may include one or more optional Medicaid services if those services

59 are funded by the Legislature. ~~[The]~~ Except as provided in Section 26-40-115, the department
60 may also require persons described in this section to meet an asset test.

61 Section 2. Section **26-18-3.3** is enacted to read:

62 **26-18-3.3. Asset test for children prohibited.**

63 (1) Before July 1, 2010, the department shall submit a State Medicaid Plan amendment
64 to the Center For Medicaid Services, to be effective on July 1, 2010, to remove the use of an
65 asset test in determining Medicaid eligibility for a child or for an independent foster care
66 adolescent, as defined in Section 26-18-403.

67 (2) The department may not apply an asset test in determining Medicaid eligibility for a
68 child or for an independent foster care adolescent, as defined in Section 26-18-403.

69 Section 3. Section **26-40-115** is enacted to read:

70 **26-40-115. Asset test for children and independent foster care adolescents**
71 **prohibited.**

72 Beginning on July 1, 2010, the department may not apply an asset test in determining
73 eligibility for coverage under the program to:

74 (1) a child; or

75 (2) an independent foster care adolescent, as defined in Section 26-18-403.

Legislative Review Note
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Office of Legislative Research and General Counsel