

# HB0153S01 compared with HB0153

~~{deleted text}~~ shows text that was in HB0153 but was deleted in HB0153S01.

inserted text shows text that was not in HB0153 but was inserted into HB0153S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Jacob L. Anderegg proposes the following substitute bill:

## MEDICAID AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca ~~{Chavez-Houck}~~Chavez-Houck**

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

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### LONG TITLE

#### General Description:

This bill amends the Utah Health Code related to the state Medicaid program.

#### Highlighted Provisions:

This bill:

- ▶ defines the Patient Protection and Affordable Care Act (PPACA); and
- ▶ ~~{requires the Department of Health to amend the state Medicaid plan to expand Medicaid eligibility}~~ prohibits the state from expanding Medicaid to the optional ~~{populations}~~ population under PPACA ~~;~~

—————▶ ~~requires the department and the Department of Workforce Services to apply for an enhanced federal match rate and other funding to pay for administrative and developmental costs for the eligibility and enrollment system; and~~

—————▶ ~~requires that General Fund savings associated with the expansion of Medicaid shall~~

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~~be deposited into the Medicaid Growth Reduction and Budget Stabilization Account to be used to fund the future costs of Medicaid expansion}.~~

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

~~{AMENDS:~~

~~—— 63J-1-315, as enacted by Laws of Utah 2011, Chapter 211~~

~~{ENACTS:~~

~~26-18-18, Utah Code Annotated 1953~~

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

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

**26-18-18. Medicaid eligibility expansion.**

(1) For purposes of this section, "PPACA" is as defined in Section 31A-1-301.

(2) The state shall ~~{, in accordance with this section and PPACA,}~~ **not** amend its state Medicaid plan to expand Medicaid eligibility ~~{on or after January 1, 2014,}~~ to the optional Medicaid expansion population under PPACA.

~~{ —— (3) The department and the Department of Workforce Services shall apply for enhanced federal match rates to cover the eligibility and enrollment system costs associated with increasing Medicaid eligibility under Subsection (2). The department and the Department of Workforce Services may apply for grants and other assistance to cover the costs to the state for developing and running the expanded Medicaid eligibility system.~~

~~—— (4) (a) The department shall assist the Department of Finance with identifying savings to the state General Fund associated with the expansion of Medicaid eligibility under this section.~~

~~—— (b) The Department of Finance shall deposit the savings identified under Subsection (4)(a) into the Medicaid Growth Reduction and Budget Stabilization Account in accordance with the requirements of Section 63J-1-315.~~

~~—— Section 2. Section **63J-1-315** is amended to read:~~

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### ~~63J-1-315. Medicaid Growth Reduction and Budget Stabilization Account --Transfers of Medicaid growth savings -- Base budget adjustments.~~

~~(1) As used in this section:~~

~~(a) "Department" means the Department of Health created in Section 26-1-4.~~

~~(b) "Division" means the Division of Health Care Financing created within the department under Section 26-18-2.1.~~

~~(c) "General Fund revenue surplus" means a situation where actual General Fund revenues collected in a completed fiscal year exceed the estimated revenues for the General Fund for that fiscal year that were adopted by the Executive Appropriations Committee of the Legislature.~~

~~(d) "Medicaid growth savings" means the Medicaid growth target minus Medicaid program expenditures, if Medicaid program expenditures are less than the Medicaid growth target.~~

~~(e) "Medicaid growth target" means Medicaid program expenditures for the previous year multiplied by 1.08.~~

~~(f) "Medicaid program" is as defined in Section 26-18-2.~~

~~(g) "Medicaid program expenditures" means total state revenue expended for the Medicaid program from the General Fund, including restricted accounts within the General Fund, during a fiscal year.~~

~~(h) "Medicaid program expenditures for the previous year" means total state revenue expended for the Medicaid program from the General Fund, including restricted accounts within the General Fund, during the fiscal year immediately preceding a fiscal year for which Medicaid program expenditures are calculated.~~

~~(i) "Operating deficit" means that, at the end of the fiscal year, the unassigned fund balance in the General Fund is less than zero.~~

~~(j) "State revenue" means revenue other than federal revenue.~~

~~(k) "State revenue expended for the Medicaid program" includes money transferred or appropriated to the Medicaid Growth Reduction and Budget Stabilization Account only to the extent the money is appropriated for the Medicaid program by the Legislature.~~

~~(2) There is created within the General Fund a restricted account to be known as the Medicaid Growth Reduction and Budget Stabilization Account.~~

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~~—— (3) (a) (i) Except as provided in Subsection (6), if, at the end of a fiscal year, there is a General Fund revenue surplus, the Division of Finance shall transfer an amount equal to Medicaid growth savings from the General Fund to the Medicaid Growth Reduction and Budget Stabilization Account.~~

~~—— (ii) If the amount transferred is reduced to prevent an operating deficit, as provided in Subsection (6), the Legislature shall include, to the extent revenue is available, an amount equal to the reduction as an appropriation from the General Fund to the account in the base budget for the second fiscal year following the fiscal year for which the reduction was made.~~

~~—— (b) If, at the end of a fiscal year, there is not a General Fund revenue surplus, the Legislature shall include, to the extent revenue is available, an amount equal to Medicaid growth savings as an appropriation from the General Fund to the account in the base budget for the second fiscal year following the fiscal year for which the reduction was made.~~

~~}{ —— (c) Subsections (3)(a) and (3)(b) apply only to the fiscal year in which the department implements:~~

~~—— (i) the proposal developed under Section 26-18-405 to reduce the long-term growth in state expenditures for the Medicaid program, and to each fiscal year after that year[.]; or~~

~~—— (ii) expansion of Medicaid eligibility under Section 16-18-18.~~

~~—— (4) The Division of Finance shall calculate the amount to be transferred under Subsection (3):~~

~~—— (a) before transferring revenue from the General Fund revenue surplus to:~~

~~—— (i) the General Fund Budget Reserve Account under Section 63J-1-312 and;~~

~~—— (ii) the State Disaster Recovery Restricted Account under Section 63J-1-314;~~

~~—— (b) before earmarking revenue from the General Fund revenue surplus to the Industrial Assistance Account under Section 63M-1-905; and~~

~~—— (c) before making any other year-end contingency appropriations, year-end set-asides, or other year-end transfers required by law.~~

~~—— (5) (a) If, at the close of any fiscal year, there appears to be insufficient money to pay additional debt service for any bonded debt authorized by the Legislature, the Division of Finance may hold back from any General Fund revenue surplus money sufficient to pay the additional debt service requirements resulting from issuance of bonded debt that was authorized by the Legislature.~~

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~~—— (b) The Division of Finance may not spend the hold back amount for debt service under Subsection (5)(a) unless and until it is appropriated by the Legislature.~~

~~—— (c) If, after calculating the amount for transfer under Subsection (3), the remaining General Fund revenue surplus is insufficient to cover the hold back for debt service required by Subsection (5)(a), the Division of Finance shall reduce the transfer to the Medicaid Growth Reduction and Budget Stabilization Account by the amount necessary to cover the debt service hold back.~~

~~—— (d) Notwithstanding Subsections (3) and (4), the Division of Finance shall hold back the General Fund balance for debt service authorized by this Subsection (5) before making any transfers to the Medicaid Growth Reduction and Budget Stabilization Account or any other designation or allocation of General Fund revenue surplus.~~

~~—— (6) Notwithstanding Subsections (3) and (4), if, at the end of a fiscal year, the Division of Finance determines that an operating deficit exists and that holding back earmarks to the Industrial Assistance Account under Section 63M-1-905, transfers to the State Disaster Recovery Restricted Account under Section 63J-1-314, transfers to the General Fund Budget Reserve Account under Section 63J-1-312, or earmarks and transfers to more than one of those accounts, in that order, does not eliminate the operating deficit, the Division of Finance may reduce the transfer to the Medicaid Growth Reduction and Budget Stabilization Account by the amount necessary to eliminate the operating deficit.~~

~~—— (7) The Legislature may appropriate money from the Medicaid Growth Reduction and Budget Stabilization Account only:~~

~~—— (a) (i) if Medicaid program expenditures for the fiscal year for which the appropriation is made are estimated to be 108% or more of Medicaid program expenditures for the previous year; and~~

~~—— [(b)] (ii) for the Medicaid program[.]; or~~

~~—— (b) to fund the Medicaid expansion under Section 26-18-18.~~

~~—— (8) The Division of Finance shall deposit interest or other earnings derived from investment of Medicaid Growth Reduction and Budget Stabilization Account money into the General Fund.~~

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~~Legislative Review Note~~

~~\_\_\_\_\_ as of 2-12-13 3:31 PM~~

~~\_\_\_\_\_ Office of Legislative Research and General Counsel}~~