

**Representative Edward H. Redd** proposes the following substitute bill:

**MEDICALLY COMPLEX CHILDREN WITH DISABILITIES**

**WAIVER PROGRAM**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Edward H. Redd**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill requires the Department of Health to establish, through a Medicaid waiver, an ongoing program for children with disabilities and complex medical conditions.

**Highlighted Provisions:**

This bill:

► requires the Department of Health to establish, through a Medicaid waiver, an ongoing program for children with disabilities and complex medical conditions.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-18-410**, as enacted by Laws of Utah 2015, Chapter 209

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

Section 1. Section **26-18-410** is amended to read:



26           **26-18-410. Medicaid waiver for children with disabilities and complex medical**  
27 **needs.**

28           (1) As used in this section:

29           (a) "Additional eligibility criteria" means the additional eligibility criteria set by the  
30 department under Subsection (4)(e).

31           ~~[(a)]~~ (b) "Complex medical condition" means a physical condition of an individual  
32 that:

33           (i) results in severe functional limitations for the individual; and

34           (ii) is likely to:

35           (A) last at least 12 months; or

36           (B) result in death.

37           ~~[(b)]~~ (c) "Program" means the program for children with complex medical conditions  
38 created in Subsection (3).

39           ~~[(c)]~~ (d) "Qualified child" means a child who:

40           (i) is less than 19 years old;

41           (ii) is diagnosed with a complex medical condition;

42           (iii) has a condition that meets the definition of disability in 42 U.S.C. Sec. 12102; and

43           (iv) meets the additional eligibility criteria ~~[determined by the department under~~  
44 ~~Subsection (4)].~~

45           (2) The department shall apply~~[-, no later than June 30, 2015,]~~ for a Medicaid home and  
46 community-based waiver with the Centers for Medicare and Medicaid Services within the  
47 United States Department of Health and Human Services to implement, within the state  
48 Medicaid program, the program described in Subsection (3).

49           (3) If the waiver described in Subsection (2) is approved, the department shall offer a  
50 program that:

51           (a) as funding permits, provides treatment for qualified children; ~~[and]~~

52           (b) accepts applications for the program during periods of open enrollment~~[-]; and~~

53           (c) if approved by the Centers for Medicare and Medicaid Services:

54           (i) requires periodic reevaluations of an enrolled child's eligibility based on the  
55 additional eligibility criteria; and

56           (ii) at the time of reevaluation, allows the department to disenroll a child who does not

57 meet the additional eligibility criteria.

58 (4) The department shall:

59 (a) seek to prioritize, in the waiver described in Subsection (2), entrance into the  
60 program based on the:

61 (i) complexity of a qualified child's medical condition; and

62 (ii) financial needs of a qualified child and the qualified child's family;

63 (b) convene a public process to determine:

64 (i) the benefits and services to offer a qualified child under the program; and

65 (ii) additional eligibility criteria for a qualified child; [~~and~~]

66 (c) evaluate, on an ongoing basis, the cost and effectiveness of the program[.];

66a ~~§~~ → [~~and~~] ← ~~§~~

67 (d) if funding for the program is reduced, develop an evaluation process to reduce the  
68 number of children served based on the criteria in Subsection (4)(a); and

69 (e) establish, by rule made in accordance with Title 63G, Chapter 3, Utah

70 Administrative Rulemaking Act, additional eligibility criteria based on the factors described in  
71 Subsections (4)(a)(i) and (ii).

72 (5) The department shall annually report[~~, beginning in 2016,~~] to the Legislature's  
73 Health and Human Services Interim Committee before November 30 while the waiver is in  
74 effect regarding:

75 (a) the number of qualified children served under the program;

76 (b) the cost of the program; and

77 (c) the effectiveness of the program.