

**Representative Steve Eliason** proposes the following substitute bill:

**PRIMARY CARE NETWORK AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Brian Zehnder

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**LONG TITLE**

**General Description:**

This bill creates a new waiver program to provide enhanced benefits for certain individuals in the Medicaid program, and provides funding for the enhancement waiver program through an existing hospital assessment and a portion of the growth in alcohol and tobacco tax revenues.

**Highlighted Provisions:**

This bill:

- directs the Department of Health to apply for a new waiver or an amendment to an existing waiver to implement the Primary Care Network enhancement waiver program described in this bill; ~~§→~~ and ~~←§~~

- amends the Inpatient Hospital Assessment Act to pay for the cost of the enhancement waiver program ~~§→~~ [~~and~~] ~~←§~~

~~§→~~ [~~→~~ ~~dedicates a portion of the growth in the state's revenue from alcohol and tobacco taxes to pay for the cost of the enhancement waiver program.~~] ~~←§~~

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.



26 This bill provides coordination clauses.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 26-18-411, as enacted by Laws of Utah 2016, Chapter 279

30 26-36b-102, as enacted by Laws of Utah 2016, Chapter 279

31 26-36b-103, as enacted by Laws of Utah 2016, Chapter 279

32 26-36b-201, as enacted by Laws of Utah 2016, Chapter 279

33 26-36b-202, as enacted by Laws of Utah 2016, Chapter 279

34 26-36b-203, as enacted by Laws of Utah 2016, Chapter 279

35 26-36b-204, as enacted by Laws of Utah 2016, Chapter 279

36 26-36b-205, as enacted by Laws of Utah 2016, Chapter 279

37 26-36b-206, as enacted by Laws of Utah 2016, Chapter 279

38 26-36b-207, as enacted by Laws of Utah 2016, Chapter 279

39 26-36b-208, as enacted by Laws of Utah 2016, Chapter 279

40 26-36b-209, as enacted by Laws of Utah 2016, Chapter 279

41 26-36b-210, as enacted by Laws of Utah 2016, Chapter 279

42 26-36b-211, as enacted by Laws of Utah 2016, Chapter 279

43 ~~§→ [ 32B-2-301, as last amended by Laws of Utah 2017, Chapter 159~~

44 ~~59-14-204, as last amended by Laws of Utah 2016, Chapter 168] ←§~~

45 63I-1-226, as last amended by Laws of Utah 2017, Chapters 177 and 443

46 ENACTS:

47 26-18-415, Utah Code Annotated 1953

48 **Utah Code Sections Affected by Coordination Clause:**

49 26-18-415, Utah Code Annotated 1953

50 26-36b-103, as enacted by Laws of Utah 2016, Chapter 279

51 26-36b-201, as enacted by Laws of Utah 2016, Chapter 279

52 26-36b-204, as enacted by Laws of Utah 2016, Chapter 279

53 26-36b-206, as enacted by Laws of Utah 2016, Chapter 279

54 26-36b-208, as enacted by Laws of Utah 2016, Chapter 279

55 26-36b-209, as enacted by Laws of Utah 2016, Chapter 279

56 26-36b-211, as enacted by Laws of Utah 2016, Chapter 279

398 [~~Medicaid waiver under Section 26-18-411; (ii)~~], including Medicaid coverage for individuals  
 399 with dependent children up to the federal poverty level designated under Section 26-18-411;

400 [~~and~~]

401 [~~(iii) the UPL gap, as that term is defined in Section 26-36b-210;~~]

402 (b) 45% of the state's net cost of the enhancement waiver program; and

403 (c) 45% of the state's net cost of the upper payment limit gap.

404 [~~(b) for the hospital share of the additional coverage under Section 26-18-411;~~]

405 (2) (a) The hospital share is capped at no more than \$13,600,000 annually, consisting

406 of:

407 (i) an \$11,900,000 cap [~~on the hospital's share~~] for the programs specified in

408 Subsections (1)(a)[~~(i) and (ii)~~] and (b); and

409 (ii) a \$1,700,000 cap for the program specified in Subsection [~~(1)(a)(iii)~~]; (1)(c).

410 [~~(c) for the cap specified in Subsection (1)(b), shall be prorated]~~

411 (b) The department shall prorate the cap described in Subsection (2)(a) in any year in

412 which the programs specified in ~~§~~ → **[Subsection] Subsections** ← ~~§~~ (1)(a) and (c) are not in effect  
 412a for the full fiscal

413 year[~~, and~~].

414 [~~(d)~~] (c) [if] If the Medicaid program expands in a manner that is greater than the

415 expansion described in Section 26-18-411[~~;~~] and the enhancement described in Section

416 26-18-415, the hospital share is capped at 33% of the state's share of the cost of the expansion

417 or enhancement that is in addition to the [~~program~~] programs described in Section 26-18-411 or

418 26-18-415.

419 [~~(2) The assessment for the private hospital share under Subsection (1) shall be:~~]

420 (3) Private hospitals shall be assessed under this chapter for:

421 (a) 69% of the portion of the hospital share specified in Subsections (1)(a)[~~(i) and (ii)~~]

422 and (b); and

423 (b) 100% of the portion of the hospital share specified in Subsection (1)[~~(a)(iii)~~](c).

424 [~~(3)~~] (4) (a) The department shall, on or before October 15, 2017, and on or before

425 October 15 of each subsequent year [~~thereafter~~], produce a report that calculates the state's net

426 cost of the programs described in Subsections (1)(a)[~~(i) and (ii)~~] and (b) that are in effect for

427 that year.

428 (b) If the assessment collected in the previous fiscal year is above or below the [~~private~~

553 ~~[(A)]~~ (i) any unpaid quarterly assessment or intergovernmental transfer; and

554 ~~[(B)]~~ (ii) any unpaid penalty assessment.

555 ~~[(c)]~~ (3) Upon making a record of the division's actions, and upon reasonable cause  
556 shown, the division may waive, reduce, or compromise any of the penalties imposed under this  
557 chapter.

558 Section 12. Section **26-36b-208** is amended to read:

559 **26-36b-208. Medicaid Expansion Fund.**

560 (1) There is created an expendable special revenue fund known as the Medicaid  
561 Expansion Fund.

562 (2) The fund consists of:

563 (a) assessments collected under this chapter;

564 (b) intergovernmental transfers under Section [26-36b-206](#);

565 (c) savings attributable to the health coverage improvement program ~~[under Section~~  
566 [26-18-411](#)] as determined by the department;

567 ~~(d) savings attributable to the enhancement waiver program as determined by the~~  
568 ~~department;~~

569 ~~[(d)]~~ (e) savings attributable to the inclusion of psychotropic drugs on the preferred  
570 drug list under Subsection [26-18-2.4\(3\)](#) as determined by the department;

571 ~~[(e)]~~ (f) savings attributable to the services provided by the Public Employees' Health  
572 Plan under Subsection [49-20-401\(1\)\(u\)](#);

573 ~~[(g)]~~ ~~the amount transferred under Subsection [32B-2-301\(7\)](#);~~

574 ~~[(h)]~~ ~~the amount transferred under Subsection [59-14-204\(6\)](#);~~ ~~←~~ ~~→~~

575 ~~[(f)]~~ ~~→~~ ~~[(f)]~~ (g) ~~←~~ ~~→~~ gifts, grants, donations, or any other conveyance of money that may be  
575a made to

576 the fund from private sources; ~~[and]~~

577 ~~→~~ ~~[(f)]~~ (h) ~~←~~ ~~→~~ interest earned on money in the fund; and

578 ~~[(g)]~~ ~~→~~ ~~[(k)]~~ (i) ~~←~~ ~~→~~ additional amounts as appropriated by the Legislature.

579 (3) (a) The fund shall earn interest.

580 (b) All interest earned on fund money shall be deposited into the fund.

581 (4) (a) A state agency administering the provisions of this chapter may use money from  
582 the fund to pay the costs ~~[of]~~, not otherwise paid for with federal funds or other revenue  
583 sources, of:

646 ~~[(i) disqualifying]~~ (A) disqualifies the assessment from counting toward state  
 647 Medicaid funds available to be used to determine federal financial participation for Medicaid  
 648 matching funds; or

649 ~~[(ii) creating]~~ (B) creates for any reason a failure of the state to use the assessments for  
 650 at least one of the Medicaid [program as] programs described in this chapter; or

651 ~~[(c) the effective date of]~~

652 (iii) a change is in effect that reduces the aggregate hospital inpatient and outpatient  
 653 payment rate below the aggregate hospital inpatient and outpatient payment rate for July 1,  
 654 2015; ~~[and] or~~

655 ~~[(d) the sunset of]~~ (b) this chapter is repealed in accordance with Section 631-1-226.

656 ~~[(2) If the assessment is repealed under Subsection (1), money in the fund that was  
 657 derived from assessments imposed by this chapter, before the determination made under  
 658 Subsection (1), shall be disbursed under Section 26-36b-207 to the extent federal matching is  
 659 not reduced due to the impermissibility of the assessments. Any funds remaining in the special  
 660 revenue fund shall be refunded to the hospitals in proportion to the amount paid by each  
 661 hospital.]~~

662 (2) If the assessment is repealed under Subsection (1):

663 (a) the division may not collect any assessment or intergovernmental transfer under this  
 664 chapter;

665 (b) the department shall disburse money in the special Medicaid Expansion Fund in  
 666 accordance with the requirements in Subsection 26-36b-208(4), to the extent federal matching  
 667 is not reduced by CMS due to the repeal of the assessment;

668 (c) any money remaining in the Medicaid Expansion Fund after the disbursement  
 669 described in Subsection (2)(b) that was derived from assessments imposed by this chapter shall  
 670 be refunded to the hospitals in proportion to the amount paid by each hospital for the last three  
 671 fiscal years; and

672 (d) any money remaining in the Medicaid Expansion Fund after the disbursements  
 673 described in ~~§~~ → [Subsection] Subsections ← ~~§~~ (2)(b) and (c) shall be deposited into the General  
 673a Fund by the end of  
 674 the fiscal year that the assessment is suspended.

675 ~~§~~ → [Section 16. Section 32B-2-301 is amended to read:

676 ~~32B-2-301. State property -- Liquor Control Fund -- Markup Holding Fund.☺~~

- 677 ~~ⓐ~~ (1) The following are property of the state:
- 678 ~~—— (a) the money received in the administration of this title, except as otherwise provided;~~
- 679 ~~and~~
- 680 ~~—— (b) property acquired, administered, possessed, or received by the department.~~
- 681 ~~—— (2) (a) There is created an enterprise fund known as the "Liquor Control Fund."~~
- 682 ~~—— (b) Except as provided in Sections 32B-3-205 and 32B-2-304, money received in the~~
- 683 ~~administration of this title shall be transferred to the Liquor Control Fund.~~
- 684 ~~—— (3) (a) There is created an enterprise fund known as the "Markup Holding Fund."~~
- 685 ~~—— (b) In accordance with Section 32B-2-304, the State Tax Commission shall deposit~~
- 686 ~~revenue remitted to the State Tax Commission from the markup imposed under Section~~
- 687 ~~32B-2-304 into the Markup Holding Fund.~~
- 688 ~~—— (c) Money deposited into the Markup Holding Fund may be expended:~~
- 689 ~~—— (i) to the extent appropriated by the Legislature; and~~
- 690 ~~—— (ii) to fund the deposits required by Subsection 32B-2-304(4) and Subsection~~
- 691 ~~32B-2-305(4).~~
- 692 ~~—— (4) The department may draw from the Liquor Control Fund only to the extent~~
- 693 ~~appropriated by the Legislature or provided for by statute, except that the department may draw~~
- 694 ~~by warrant without an appropriation from the Liquor Control Fund for an expenditure that is~~
- 695 ~~directly incurred by the department:~~
- 696 ~~—— (a) to purchase an alcoholic product;~~
- 697 ~~—— (b) to transport an alcoholic product from the supplier to a warehouse of the~~
- 698 ~~department; and~~
- 699 ~~—— (c) for variances related to an alcoholic product.~~
- 700 ~~—— (5) (a) As used in this Subsection (5), "base budget" means the same as that term is~~
- 701 ~~defined in legislative rule.~~
- 702 ~~—— (b) The department's base budget shall include as an appropriation from the Liquor~~
- 703 ~~Control Fund:~~
- 704 ~~—— (i) credit card related fees paid by the department;~~
- 705 ~~—— (ii) package agency compensation; and~~
- 706 ~~—— (iii) the department's costs of shipping and warehousing alcoholic products.~~
- 707 ~~—— (6) Before the transfer required by Subsection (7), the department may retain each~~ⓐ

708 ~~ⓐ~~ fiscal year from the Liquor Control Fund \$1,000,000 that the department may use for:

709 ——— (a) capital equipment purchases;

710 ——— (b) salary increases for department employees;

711 ——— (c) performance awards for department employees; or

712 ——— (d) information technology enhancements because of changes or trends in technology.

713 ~~(7) [The] (a) Except as provided in Subsection (7)(b), the department shall transfer~~

714 ~~annually from the Liquor Control Fund and the State Tax Commission shall transfer annually~~

715 ~~from the Markup Holding Fund to the General Fund a sum equal to the amount of net profit~~

716 ~~earned from the sale of liquor since the preceding transfer of money under this Subsection (7).~~

717 ~~The transfers shall be calculated by no later than September 1 and made by no later than~~

718 ~~September 30 after a fiscal year. The Division of Finance may make year-end closing entries in~~

719 ~~the Liquor Control Fund and the Markup Holding Fund in order to comply with Subsection~~

720 ~~51-5-6(2).~~

721 ~~——— (b) Subject to Subsection (7)(c), and in accordance with Subsection 26-36b-208(2)(f),~~

722 ~~for each fiscal year beginning in fiscal year 2019, the department and the Division of Finance~~

723 ~~shall transfer to the Medicaid Expansion Fund, created in Section 26-36b-208, any amount~~

724 ~~described in Subsection (7)(a) in excess of the amount transferred by the department or the~~

725 ~~Division of Finance in fiscal year 2018.~~

726 ~~——— (c) The annual transfer to the Medicaid Expansion Fund, described in Subsection~~

727 ~~(7)(b), shall be capped at:~~

728 ~~——— (i) for fiscal year 2019, \$1,150,000; and~~

729 ~~——— (ii) for a fiscal year beginning after fiscal year 2019, \$2,400,000.~~

730 ~~——— (8) (a) By the end of each day, the department shall:~~

731 ~~——— (i) make a deposit to a qualified depository, as defined in Section 51-7-3; and~~

732 ~~——— (ii) report the deposit to the state treasurer.~~

733 ~~——— (b) A commissioner or department employee is not personally liable for a loss caused~~

734 ~~by the default or failure of a qualified depository.~~

735 ~~——— (c) Money deposited in a qualified depository is entitled to the same priority of~~

736 ~~payment as other public funds of the state.~~

737 ~~——— (9) If the cash balance of the Liquor Control Fund is not adequate to cover a warrant~~

738 ~~drawn against the Liquor Control Fund by the department, the cash resources of the General~~ ~~ⓐ~~

739 ~~☉Fund may be used to the extent necessary. At no time may the fund equity of the Liquor~~  
 740 ~~Control Fund fall below zero.~~

741 ~~———— Section 17. Section 59-14-204 is amended to read:~~  
 742 ~~———— 59-14-204. Tax basis -- Rate -- Future increase -- Cigarette Tax Restricted~~  
 743 ~~Account -- Appropriation and expenditure of revenues.~~

744 ~~———— (1) Except for cigarettes described under Subsection 59-14-210(3), there is levied a tax~~  
 745 ~~upon the sale, use, storage, or distribution of cigarettes in the state.~~

746 ~~———— (2) The rates of the tax levied under Subsection (1) are, beginning on July 1, 2010:~~  
 747 ~~———— (a) 8.5 cents on each cigarette, for all cigarettes weighing not more than three pounds~~  
 748 ~~per thousand cigarettes; and~~  
 749 ~~———— (b) 9.963 cents on each cigarette, for all cigarettes weighing in excess of three pounds~~  
 750 ~~per thousand cigarettes.~~

751 ~~———— (3) Except as otherwise provided under this chapter, the tax levied under Subsection~~  
 752 ~~(1) shall be paid by any person who is the manufacturer, jobber, importer, distributor,~~  
 753 ~~wholesaler, retailer, user, or consumer.~~

754 ~~———— (4) The tax rates specified in this section shall be increased by the commission by the~~  
 755 ~~same amount as any future reduction in the federal excise tax on cigarettes.~~

756 ~~———— (5) (a) There is created within the General Fund a restricted account known as the~~  
 757 ~~"Cigarette Tax Restricted Account."~~

758 ~~———— (b) The Cigarette Tax Restricted Account consists of:~~  
 759 ~~———— (i) the first \$7,950,000 of the revenues collected from a tax under this section; and~~  
 760 ~~———— (ii) any other appropriations the Legislature makes to the Cigarette Tax Restricted~~  
 761 ~~Account.~~

762 ~~———— (c) For each fiscal year beginning with fiscal year 2011-12 and subject to appropriation~~  
 763 ~~by the Legislature, the Division of Finance shall distribute money from the Cigarette Tax~~  
 764 ~~Restricted Account as follows:~~  
 765 ~~———— (i) \$250,000 to the Department of Health to be expended for a tobacco prevention and~~  
 766 ~~control media campaign targeted towards children;~~  
 767 ~~———— (ii) \$2,900,000 to the Department of Health to be expended for tobacco prevention,~~  
 768 ~~reduction, cessation, and control programs;~~  
 769 ~~———— (iii) \$2,000,000 to the University of Utah Health Sciences Center for the Huntsman☉~~



770 ~~☉Cancer Institute to be expended for cancer research; and~~

771 ~~—— (iv) \$2,800,000 to the University of Utah Health Sciences Center to be expended for~~  
 772 ~~medical education at the University of Utah School of Medicine.~~

773 ~~—— (d) In determining how to appropriate revenue deposited into the Cigarette Tax~~  
 774 ~~Restricted Account that is not otherwise appropriated under Subsection (5)(c), the Legislature~~  
 775 ~~shall give particular consideration to enhancing Medicaid provider reimbursement rates and~~  
 776 ~~medical coverage for the uninsured.~~

777 ~~—— (6) (a) For each fiscal year beginning with fiscal year 2019, the State Tax Commission~~  
 778 ~~shall distribute to the Medicaid Expansion Fund, created in Section [26-36b-208](#), any revenues~~  
 779 ~~collected from a tax under this section in excess of the revenues collected from a tax under this~~  
 780 ~~section in fiscal year 2018.~~

781 ~~—— (b) The distribution in Subsection (6)(a) shall occur after the distributions described in~~  
 782 ~~Subsections (5)(b)(i) and (5)(c).] ←§~~

783 Section ~~§~~→ [18] 16 ←~~§~~ . Section [63I-1-226](#) is amended to read:

784 **63I-1-226. Repeal dates, Title 26.**

785 (1) Section [26-1-40](#) is repealed July 1, 2019.

786 (2) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July  
 787 1, 2025.

788 (3) Section [26-10-11](#) is repealed July 1, 2020.

789 (4) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

790 (5) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2019.

791 (6) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2021.

792 [~~(7) Section [26-38-2.5](#) is repealed July 1, 2017.~~]

793 [~~(8) Section [26-38-2.6](#) is repealed July 1, 2017.~~]

794 [~~(9)~~] (7) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed July 1, 2021.

795 Section ~~§~~→ [19] 17 ←~~§~~ . **Effective date.**

796 If approved by two-thirds of all the members elected to each house, this bill takes effect  
 797 upon approval by the governor, or the day following the constitutional time limit of Utah  
 798 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
 799 the date of veto override.

800 Section ~~§~~→ [20] 18 ←~~§~~ . **Coordinating H.B. 325 with H.B. 14 -- Superseding**  
 800a **substantive and**

801 **technical amendments.**

802 If this H.B. 325 and H.B. 14, Substance Abuse Treatment Facility Patient Brokering,  
 803 both pass and become law, it is the intent of the Legislature that the amendments to Section  
 804 26-36b-103 in this bill supersede the amendments to Section 26-36b-103 in H.B. 14, when the  
 805 Office of Legislative Research and General Counsel prepares the Utah Code database for  
 806 publication.

807 Section ~~§~~ **→ [21] 19 ← § . Coordinating H.B. 325 with H.B. 472 -- Substantive and**  
 807a **technical**

808 **amendments.**

809 If this H.B. 325 and H.B. 472, Medicaid Expansion Revisions, both pass and become  
 810 law, it is the intent of the Legislature that the Office of Legislative Research and General  
 811 Counsel shall prepare the Utah Code database for publication by making the following  
 812 changes:

813 (1) modifying Subsection 26-18-415(3) to read:

814 "(3) (a) The division shall apply for a Medicaid waiver or a state plan amendment with  
 815 CMS to implement, within the state Medicaid program, the enhancement waiver program  
 816 described in this section within six months after the day on which:

817 (i) the division receives a notice from CMS that the waiver for the Medicaid waiver  
 818 expansion submitted under Section 26-18-415, Medicaid waiver expansion, will not be  
 819 approved; or

820 (ii) the division withdraws the waiver for the Medicaid waiver expansion submitted  
 821 under Section 26-18-415, Medicaid waiver expansion.

822 (b) The division may not apply for a waiver under Subsection (3)(a) while a waiver  
 823 request under Section 26-18-415, Medicaid waiver expansion, is pending with CMS.";

824 (2) modifying Subsection 26-36b-201(3) to read:

825 "(3) The first quarterly payment ~~[shall not be]~~ is not due until at least three months  
 826 after ~~the earlier of~~ the effective ~~[date]~~ dates of the coverage provided through:

827 (a) the health coverage improvement program ~~[waiver under Section 26-18-411.];~~

828 (b) the enhancement waiver program; or

829 (c) the Medicaid waiver expansion.";

830 (3) modifying Section 26-36b-204 to read:

831 "26-36b-204. Hospital financing of health coverage improvement program

832 **Medicaid waiver -- Hospital share.**833 ~~[(1) For purposes of this section, "hospital share":(a) means]~~834 (1) The hospital share is:835 (a) 45% of the state's net cost of~~[(t)]~~ the health coverage improvement program836 ~~[Medicaid waiver under Section 26-18-411;(ii)], including Medicaid coverage for individuals~~  
837 ~~with dependent children up to the federal poverty level designated under Section 26-18-411;~~838 ~~[and]~~839 ~~[(iii) the UPL gap, as that term is defined in Section 26-36b-210;]~~840 (b) 45% of the state's net cost of the enhancement waiver program;841 (c) if the waiver for the Medicaid waiver expansion is approved, \$11,900,000; and842 (d) 45% of the state's net cost of the upper payment limit gap.843 ~~[(b) for the hospital share of the additional coverage under Section 26-18-411;]~~844 (2) (a) The hospital share is capped at no more than \$13,600,000 annually, consisting

845 of:

846 (i) an \$11,900,000 cap ~~[on the hospital's share]~~ for the programs specified in847 Subsections (1)(a)~~[(t) and (ii)]~~ through (c); and848 (ii) a \$1,700,000 cap for the program specified in Subsection ~~[(t)(a)(iii);]~~ (1)(d).849 ~~[(c) for the cap specified in Subsection (1)(b), shall be prorated]~~850 (b) The department shall prorate the cap described in Subsection (2)(a) in any year in851 which the programs specified in ~~§→~~ [Subsection] Subsections ~~←§~~ (1)(a) and ~~§→~~ [(c)] (d) ~~←§~~ are851a not in effect for the full fiscal852 year~~[-and].~~853 ~~[(d) if the Medicaid program expands in a manner that is greater than the expansion~~854 ~~described in Section 26-18-411, is capped at 33% of the state's share of the cost of the~~855 ~~expansion that is in addition to the program described in Section 26-18-411.]~~856 ~~[(2) The assessment for the private hospital share under Subsection (1) shall be:]~~857 (3) Private hospitals shall be assessed under this chapter for:858 (a) 69% of the portion of the hospital share for the programs specified in Subsections859 (1)(a)~~[(t) and (ii)]~~ through (c); and860 (b) 100% of the portion of the hospital share specified in Subsection ~~[(t)(a)(iii)]~~ (1)(d).861 ~~[(3)]~~ (4) (a) The department shall, on or before October 15, 2017, and on or before862 October 15 of each subsequent year ~~[thereafter]~~, produce a report that calculates the state's net

894 (a) the state teaching hospital is responsible for:

895 (i) 30% of the portion of the hospital share specified in Subsections

896 ~~26-36b-204(1)(a)[(i) and (ii)]~~ through (c); and

897 (ii) 0% of the hospital share specified in Subsection ~~26-36b-204(1)[(a)(iii)]~~(d); and

898 (b) non-state government hospitals are responsible for:

899 (i) 1% of the portion of the hospital share specified in Subsections ~~26-36b-204(1)(a)[(i)~~

900 ~~and (ii)]~~ through (c); and

901 (ii) 0% of the hospital share specified in Subsection ~~26-36b-204(1)[(a)(iii)]~~(d).";

902 (5) modifying Section ~~26-36b-208~~ to read:

903 **26-36b-208. Medicaid Expansion Fund.**

904 (1) There is created an expendable special revenue fund known as the Medicaid  
905 Expansion Fund.

906 (2) The fund consists of:

907 (a) assessments collected under this chapter;

908 (b) intergovernmental transfers under Section ~~26-36b-206~~;

909 (c) savings attributable to the health coverage improvement program [~~under Section~~  
910 ~~26-18-411~~] as determined by the department;

911 (d) savings attributable to the enhancement waiver program as determined by the  
912 department;

913 (e) savings attributable to the Medicaid waiver expansion as determined by the  
914 department;

915 ~~[(f)]~~ (f) savings attributable to the inclusion of psychotropic drugs on the preferred  
916 drug list under Subsection ~~26-18-2.4(3)~~ as determined by the department;

917 ~~[(g)]~~ (g) savings attributable to the services provided by the Public Employees' Health  
918 Plan under Subsection ~~49-20-401(1)(u)~~;

919 ~~↳~~ ~~[(h) the amount transferred under Subsection ~~32B-2-301(7)~~;~~

920 ~~↳~~ ~~[(i) the amount transferred under Subsection ~~59-14-204(6)~~];~~ ~~↳~~

921 ~~[(f)]~~ ~~↳~~ ~~[(j)]~~ (h) ~~↳~~ gifts, grants, donations, or any other conveyance of money that may be  
921a made to

922 the fund from private sources; [~~and~~]

923 ~~↳~~ ~~[(k)]~~ (i) ~~↳~~ interest earned on money in the fund; and

924 ~~[(g)]~~ ~~↳~~ ~~[(l)]~~ (j) ~~↳~~ additional amounts as appropriated by the Legislature.

956 paying a rate that exceeds the Medicaid fee-for-service ~~[rates]~~ rate." ~~§→~~ ; ~~←§~~ and  
957 (7) Section 26-36b-211 in this H.B. 325 supersedes Section 26-36b-211 in H.B. 472.  
958 Section ~~§→~~ [22] 20 ~~←§~~ . Coordinating H.B. 325 with S.B. 125 -- Superseding

958a **substantive and**

959 **technical amendments.**

960 If this H.B. 325 and S.B. 125, Child Welfare Amendments, both pass and become law,  
961 it is the intent of the Legislature that the amendments to Section 26-36b-103 in this bill  
962 supersede the amendments to Section 26-36b-103 in S.B.125, when the Office of Legislative  
963 Research and General Counsel prepares the Utah Code database for publication.