

1 **MEDICALLY COMPLEX CHILDREN WITH DISABILITIES**
2 **WAIVER PROGRAM**
3 2018 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: Edward H. Redd**
6 Senate Sponsor: Curtis S. Bramble

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 **AMENDS:**

22 **26-18-410**, as enacted by Laws of Utah 2015, Chapter 209

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

25 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) "Complex medical condition" means a physical condition of an individual that:

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

31 (ii) is likely to:

32 (A) last at least 12 months; or

33 (B) result in death.

34 (b) "Program" means the program for children with complex medical conditions
35 created in Subsection (3).

36 (c) "Qualified child" means a child who:

37 (i) is less than 19 years old;

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

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

40 (iv) meets the additional eligibility criteria determined by the department under
41 Subsection (4).

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

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

48 (a) as funding permits, provides treatment for qualified children; and

49 (b) accepts applications for the program during periods of open enrollment.

50 (4) The department shall:

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

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

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

55 (b) convene a public process to determine:

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

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

58 (c) evaluate, on an ongoing basis, the cost and effectiveness of the program~~[-];~~ and

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

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

- 64 (a) the number of qualified children served under the program;
- 65 (b) the cost of the program; and
- 66 (c) the effectiveness of the program.

Legislative Review Note
Office of Legislative Research and General Counsel