

## HB0100S01 compared with HB0100

~~text~~ shows text that was in HB0100 but was deleted in HB0100S01.

Inserted text shows text that was not in HB0100 but was inserted into HB0100S01.

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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: \_\_\_\_\_

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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:

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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:

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

(1) As used in this section:

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

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

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

(ii) is likely to:

(A) last at least 12 months; or

(B) result in death.

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

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

(i) is less than 19 years old;

(ii) is diagnosed with a complex medical condition;

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

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

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

(3) If the waiver described in Subsection (2) is approved, the department shall offer a

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program that:

- (a) as funding permits, provides treatment for qualified children; ~~[and]~~
- (b) accepts applications for the program during periods of open enrollment~~[-]; and~~
- (c) if approved by the Centers for Medicare and Medicaid Services:

(i) requires periodic reevaluations of an enrolled child's eligibility based on the additional eligibility criteria; and  
(ii) at the time of reevaluation, allows the department to disenroll a child who does not meet the additional eligibility criteria.

(4) The department shall:

- (a) seek to prioritize, in the waiver described in Subsection (2), entrance into the

program based on the:

- (i) complexity of a qualified child's medical condition; and
- (ii) financial needs of a qualified child and the qualified child's family;
- (b) convene a public process to determine:
  - (i) the benefits and services to offer a qualified child under the program; and
  - (ii) additional eligibility criteria for a qualified child; ~~[and]~~
- (c) evaluate, on an ongoing basis, the cost and effectiveness of the program~~[-]; and~~
- (d) if funding for the program is reduced, develop an evaluation process to reduce the

number of children served based on the criteria in Subsection (4)(a)~~f.;~~ and

(e) establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, additional eligibility criteria based on the factors described in Subsections (4)(a)(i) and (ii).

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

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

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~~Legislative Review Note~~

~~Office of Legislative Research and General Counsel~~