

1 **SUBSTANCE USE AND HEALTH CARE AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brad M. Daw**

5 Senate Sponsor: Allen M. Christensen

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies and enacts provisions relating to substance use treatment and health
10 care provided in a correctional facility.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ directs the Department of Health to apply for a waiver under the state Medicaid plan
15 to offer a program to provide Medicaid coverage to certain inmates for up to 30
16 days before release from a correctional facility;
- 17 ▶ requires a county to provide matching funds to the state for Medicaid coverage, and
18 costs relating to the Medicaid coverage, that is provided to certain inmates for up to
19 30 days before release from a correctional facility; and
- 20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 ENACTS:

27 **26-18-420**, Utah Code Annotated 1953

28

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

30 Section 1. Section **26-18-420** is enacted to read:

31 **26-18-420. Medicaid waiver for coverage of qualified inmates leaving prison or**
32 **jail.**

33 (1) As used in this section:

34 (a) "Correctional facility" means:

35 (i) a county jail;

36 (ii) the Department of Corrections, created in Section [64-13-2](#); or

37 (iii) a prison, penitentiary, or other institution operated by or under contract with the
38 Department of Corrections for the confinement of an offender, as defined in Section [64-13-1](#).

39 (b) "Qualified inmate" means an individual who:

40 (i) is incarcerated in a correctional facility; and

41 (ii) has:

42 (A) a chronic physical or behavioral health condition;

43 (B) a mental illness, as defined in Section [62A-15-602](#); or

44 (C) an opioid use disorder.

45 (2) Before July 1, 2020, the division shall apply for a Medicaid waiver or a state plan
46 amendment with CMS to offer a program to provide Medicaid coverage to a qualified inmate
47 for up to 30 days immediately before the day on which the qualified inmate is released from a
48 correctional facility.

49 (3) If the waiver or state plan amendment described in Subsection (2) is approved, the
50 department shall report to the Health and Human Services Interim Committee each year before
51 November 30 while the waiver or state plan amendment is in effect regarding:

52 (a) the number of qualified inmates served under the program;

53 (b) the cost of the program; and

54 (c) the effectiveness of the program, including:

55 (i) any reduction in the number of emergency room visits or hospitalizations by

56 inmates after release from a correctional facility;
57 (ii) any reduction in the number of inmates undergoing inpatient treatment after release
58 from a correctional facility;
59 (iii) any reduction in overdose rates and deaths of inmates after release from a
60 correctional facility; and
61 (iv) any other costs or benefits as a result of the program.
62 (4) If the waiver or state plan amendment described in Subsection (2) is approved, a
63 county that is responsible for the cost of a qualified inmate's medical care shall provide the
64 required matching funds to the state for:
65 (a) any costs to enroll the qualified inmate for the Medicaid coverage described in
66 Subsection (2);
67 (b) any administrative fees for the Medicaid coverage described in Subsection (2); and
68 (c) the Medicaid coverage that is provided to the qualified inmate under Subsection
69 (2).