

CAREGIVER COMPENSATION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Brad M. Daw

LONG TITLE

General Description:

This bill addresses reimbursement for certain personal care services under Medicaid.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ directs the Department of Health to apply for an amendment to an existing waiver to the state Medicaid plan to implement a program to reimburse a spouse who provides extraordinary personal care services to a waiver enrollee.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-18-420, Utah Code Annotated 1953

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

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

26-18-420. Medicaid waiver expansion for extraordinary care reimbursement.

(1) As used in this section:



- 28 (a) "Personal care services" means services that are:
29 (i) furnished to an individual who is not an inpatient or resident of a hospital, nursing
30 facility, intermediate care facility, or institution for mental diseases;
31 (ii) authorized for the individual described in Subsection (1)(a)(i) in accordance with a
32 plan of treatment;
33 (iii) provided by an individual who is qualified to provide the services; and
34 (iv) furnished in a home or another community-based setting.
35 (b) "Waiver enrollee" means an individual enrolled in a home and community based
36 services waiver in the state that provides services to individuals:
37 (i) with an acquired brain injury;
38 (ii) with an intellectual disability;
39 (iii) with a physical disability; or
40 (iv) who are 65 years old or older.
41 (2) Before July 1, 2020, the department shall apply with CMS for an amendment to an
42 existing home and community based waiver that serves a waiver enrollee to implement a
43 program to offer reimbursement to an individual who provides personal care services that
44 constitute extraordinary care to a waiver enrollee who is the individual's spouse.
45 (3) If CMS approves the amendment described in Subsection (2), the department shall
46 implement the program described in Subsection (2).
47 (4) The department shall define personal care services that constitute extraordinary care
48 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.