

1                   **CHILDREN'S HEALTH INSURANCE PLAN AMENDMENTS**

2                                   2021 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: James A. Dunnigan**

5                                   Senate Sponsor: Todd D. Weiler

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7   **LONG TITLE**

8   **General Description:**

9           This bill amends the Utah Children's Health Insurance Act.

10 **Highlighted Provisions:**

11       This bill:

12           ▶ adds treatment for autism spectrum disorder to the program benefits within the Utah  
13 Children's Health Insurance Program.

14 **Money Appropriated in this Bill:**

15       None

16 **Other Special Clauses:**

17       None

18 **Utah Code Sections Affected:**

19 AMENDS:

20           **26-40-106**, as last amended by Laws of Utah 2020, Chapter 225

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

23       Section 1. Section **26-40-106** is amended to read:

24       **26-40-106. Program benefits.**

25       (1) Except as provided in Subsection (3), medical and dental program benefits shall be  
26 benchmarked, in accordance with 42 U.S.C. Sec. 1397cc, as follows:

27       (a) medical program benefits, including behavioral health care benefits, shall be  
28 benchmarked effective July 1, 2019, and on July 1 every third year thereafter, to:



29 (i) be substantially equal to a health benefit plan with the largest insured commercial  
 30 enrollment offered by a health maintenance organization in the state; ~~and~~ ~~and~~

31 (ii) comply with the Mental Health Parity and Addiction Equity Act, Pub. L. No.  
 32 110-343; and

33 ~~and~~ ~~[(iii) provide treatment for autism spectrum disorder as defined in Section 31A-22-642;~~  
 34 ~~including coverage for applied behavioral analysis; and]~~ ~~and~~

35 (b) dental program benefits shall be benchmarked effective July 1, 2019, and on July 1  
 36 every third year thereafter in accordance with the Children's Health Insurance Program  
 37 Reauthorization Act of 2009, to be substantially equal to a dental benefit plan that has the largest  
 38 insured, commercial, non-Medicaid enrollment of covered lives that is offered in the state,  
 39 except that the utilization review mechanism for orthodontia shall be based on medical necessity.

40 (2) On or before July 1 of each year, the department shall publish the benchmark for  
 41 dental program benefits established under Subsection (1)(b).

42 (3) The program benefits ~~and~~ :

42a (a) ~~and~~ for enrollees who are at or below 100% of the federal poverty  
 43 level are exempt from the benchmark requirements of Subsections (1) and (2) ~~and~~ ~~and~~

43a (b) shall include treatment for autism spectrum disorder as defined in Section  
 43b 31A-22-642, which:

43c (i) shall include coverage for applied behavioral analysis; and

43d (ii) if the benchmark described in Subsection (1)(a) does not include the coverage  
 43e described in this Subsection (3)(b), the department shall exclude from the benchmark  
 43f described in Subsection (1)(a) for any purpose other than providing benefits under the  
 43g program. ~~and~~