

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

6    Cosponsor:

7    Karen Kwan

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9    **LONG TITLE**

10   **General Description:**

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

12   **Highlighted Provisions:**

13           This bill:

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

16   **Money Appropriated in this Bill:**

17           None

18   **Other Special Clauses:**

19           None

20   **Utah Code Sections Affected:**

21    AMENDS:

22           **26-40-106**, as last amended by Laws of Utah 2020, Chapter 225

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

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

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

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

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

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

33 (ii) comply with the Mental Health Parity and Addiction Equity Act, Pub. L. No.  
34 110-343; 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  
38 largest insured, commercial, non-Medicaid enrollment of covered lives that is offered in the  
39 state, except that the utilization review mechanism for orthodontia shall be based on medical  
40 necessity.

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

43 (3) The program benefits:

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

46 (b) shall include treatment for autism spectrum disorder as defined in Section  
47 31A-22-642, which:

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

49 (ii) if the benchmark described in Subsection (1)(a) does not include the coverage  
50 described in this Subsection (3)(b), the department shall exclude from the benchmark described  
51 in Subsection (1)(a) for any purpose other than providing benefits under the program.