

Representative Steve Eliason proposes the following substitute bill:

MEDICAID WAIVER FOR MEDICALLY COMPLEX

CHILDREN AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends the Medical Assistance Act.

Highlighted Provisions:

This bill:

▶ amends application, eligibility, treatment, and evaluation provisions for the Medicaid program for children with complex medical conditions ~~and~~ ~~includes a child's behavioral health needs as a factor for prioritizing entrance into the program.]~~

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-18-410, as last amended by Laws of Utah 2019, Chapter 393

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



1st Sub. H.B. 200

26 Section 1. Section 26-18-410 is amended to read:

27 **26-18-410. Medicaid waiver for children with disabilities and complex medical**
28 **needs.**

29 (1) As used in this section:

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

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

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

34 (ii) is likely to:

35 (A) last at least 12 months; or

36 (B) result in death.

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

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

40 (i) is less than 19 years old;

41 (ii) is diagnosed with a complex medical condition;

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

43 (iv) meets the additional eligibility criteria.

44 (2) The department shall apply for a Medicaid home and community-based waiver with
45 CMS to implement, within the state Medicaid program, the program described in Subsection
46 (3).

47 (3) If the waiver described in Subsection (2) is approved, the department shall offer a
48 program that:

49 (a) as funding permits, provides treatment for qualified children;

50 (b) if approved by CMS and as funding permits, beginning in fiscal year 2023 provides
51 on an ongoing basis treatment for ~~§~~ → [300] 130 ← ~~§~~ more qualified children than the program
51a provided

52 treatment for during fiscal year 2022; and

53 [~~(b)~~] (c) accepts applications for the program [~~during periods of open enrollment; and~~]
54 on an ongoing basis.

55 [~~(c) if approved by CMS:~~]

56 (i) requires periodic reevaluations of an enrolled child's eligibility and other applicants