

**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:*



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 more qualified children than the program 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

57 or eligible children waiting for services in the program based on the additional eligibility  
58 criteria; and

59 (ii) at the time of reevaluation, allows the department to disenroll a child [~~who does not~~  
60 ~~meet the~~] based on the prioritization described in Subsection (4)(a) and additional eligibility  
61 criteria.

62 (4) The department shall:

63 [~~(a) seek to prioritize, in the waiver described in Subsection (2), entrance into the~~  
64 ~~program based on the:~~]

65 (a) establish by rule made in accordance with Title 63G, Chapter 3, Utah  
66 Administrative Rulemaking Act, criteria to prioritize qualified children's participation in the  
67 program based on the following factors, in the following priority order:

68 (i) the complexity of a qualified child's medical condition; and

69 (ii) the financial needs of [~~a~~] the qualified child and the qualified child's family;

70 (b) convene a public process to determine[~~:(i)~~] the benefits and services to offer a  
71 qualified child under the program; [~~and~~]

72 [~~(ii) additional eligibility criteria for a qualified child;~~]

73 (c) evaluate, on an ongoing basis, the cost and effectiveness of the program;

74 (d) if funding for the program is reduced, develop an evaluation process to reduce the  
75 number of children served based on the participation criteria [~~in~~] established under Subsection  
76 (4)(a); and

77 (e) establish, by rule made in accordance with Title 63G, Chapter 3, Utah  
78 Administrative Rulemaking Act, additional eligibility criteria based on the factors described in  
79 Subsections (4)(a)(i) and (ii).