

**Representative Rosemary T. Lesser** proposes the following substitute bill:

**POSTPARTUM MEDICAID COVERAGE AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rosemary T. Lesser**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses Medicaid coverage for postpartum women.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the Division of Medicaid and Health Financing to request from CMS a Medicaid waiver or state plan amendment, or both, to extend the duration of postpartum coverage; and
- ▶ specifies that the cost of this program will be paid from the Medicaid Expansion Fund.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-36b-208**, as last amended by Laws of Utah 2021, Chapter 367

ENACTS:



26 [26-18-427](#), Utah Code Annotated 1953



27  
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **26-18-427** is enacted to read:

30 **26-18-427. Medicaid waiver for certain pregnant and certain postpartum women.**

31 (1) As used in this section:

32 (a) "Initial postpartum period" means the period:

33 (i) beginning on the day on which a woman's pregnancy ends; and

34 (ii) ending on the last day of the month that is 60 days after the day described in

35 Subsection (1)(a)(i).

36 (b) "Extended postpartum period" means the period after a woman's pregnancy:

37 (i) beginning the day after the initial postpartum period; and

38 (ii) ending on the last day of the month that is 12 months after the day described in

39 Subsection (1)(a)(i).

40 (2) Before July 1, 2022, the division shall request from CMS a Medicaid waiver or  
41 state plan amendment, or both, to:

42 (a) provide Medicaid coverage during the woman's initial postpartum period and  
43 extended postpartum period if the woman is eligible for Medicaid during the woman's  
44 pregnancy; and

45 (b) maximize the number of individuals under Subsection (2)(a) for whom the state  
46 may obtain enhanced federal financial participation under 42 U.S.C. Sec. 1396d(y) for  
47 enrolling an individual in the Medicaid expansion.

48 (3) If the coverage described in Subsection (2) is implemented, the department may  
49 only pay the state portion of costs for the coverage under this section with appropriations from  
50 the Medicaid Expansion Fund, created in Section [26-36b-208](#).

51 Section 2. Section **26-36b-208** is amended to read:

52 **26-36b-208. Medicaid Expansion Fund.**

53 (1) There is created an expendable special revenue fund known as the Medicaid  
54 Expansion Fund.

55 (2) The fund consists of:

56 (a) assessments collected under this chapter;

- 57 (b) intergovernmental transfers under Section 26-36b-206;
- 58 (c) savings attributable to the health coverage improvement program as determined by  
59 the department;
- 60 (d) savings attributable to the enhancement waiver program as determined by the  
61 department;
- 62 (e) savings attributable to the Medicaid waiver expansion as determined by the  
63 department;
- 64 (f) savings attributable to the inclusion of psychotropic drugs on the preferred drug list  
65 under Subsection 26-18-2.4(3) as determined by the department;
- 66 (g) revenues collected from the sales tax described in Subsection 59-12-103(12);
- 67 (h) gifts, grants, donations, or any other conveyance of money that may be made to the  
68 fund from private sources;
- 69 (i) interest earned on money in the fund; and
- 70 (j) additional amounts as appropriated by the Legislature.
- 71 (3) (a) The fund shall earn interest.
- 72 (b) All interest earned on fund money shall be deposited into the fund.
- 73 (4) (a) A state agency administering the provisions of this chapter may use money from  
74 the fund to pay the costs, not otherwise paid for with federal funds or other revenue sources, of:
- 75 (i) the health coverage improvement program;
- 76 (ii) the enhancement waiver program;
- 77 (iii) a Medicaid waiver expansion; ~~and~~
- 78 (iv) the Medicaid waiver for certain postpartum women under Section 26-18-427; and
- 79 ~~[(iv)] (v) the outpatient upper payment limit supplemental payments under Section  
80 26-36b-210.~~
- 81 (b) A state agency administering the provisions of this chapter may not use:
- 82 (i) funds described in Subsection (2)(b) to pay the cost of private outpatient upper  
83 payment limit supplemental payments; or
- 84 (ii) money in the fund for any purpose not described in Subsection (4)(a).