

1                   **RECREATIONAL THERAPY MEDICAID COVERAGE**

2                                   **AMENDMENTS**

3   2023 GENERAL SESSION

4   STATE OF UTAH

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

6                                   Senate Sponsor: Curtis S. Bramble

---

---

8   **LONG TITLE**

9   **General Description:**

10           This bill enacts provisions relating to recreational therapy coverage under Medicaid.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines terms; and
- 14           ▶ requires the Department of Health and Human Services to apply for a Medicaid

15 waiver or state plan amendment to expand coverage for recreational therapy  
16 services.

17 **Money Appropriated in this Bill:**

18           None

19 **Other Special Clauses:**

20           None

21 **Utah Code Sections Affected:**

22 ENACTS:

23           **26-18-430**, Utah Code Annotated 1953

---

---

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

26           Section 1. Section **26-18-430** is enacted to read:

27           **26-18-430. Recreational therapy -- Reimbursement.**

28           (1) As used in this section:

29           (a) "Assisted living facility" means the same as that term is defined in Section 26-21-2.

30           (b) "Behavioral health program" means a behavioral health program described in Title  
31 62A, Chapter 15, Substance Abuse and Mental Health Act.

32           (c) "General acute hospital" means the same as that term is defined in Section 26-21-2.

33           (d) "Intermediate care facility" means the same as that term is defined in Section  
34 58-15-101.

35           (e) "Mental health therapist" means the same as that term is defined in Section  
36 58-60-102.

37           (f) "Qualified enrollee" means an individual who:

38           (i) is enrolled in the Medicaid program; and

39           (ii) has been referred for recreational therapy services by a mental health therapist.

40           (g) "Recreational therapy services" means the same as that term is defined in Section  
41 58-40-102.

42           (h) "Skilled nursing facility" means the same as that term is defined in Section  
43 58-15-101.

44           (i) "Youth residential treatment facility" means a facility that provides a 24-hour group  
45 living environment for four or more individuals who are under 18 years old and who are  
46 unrelated to the owner or provider of the facility.

47           (2) Before January 1, 2024, the department shall apply for a Medicaid waiver or a state  
48 plan with CMS to allow for reimbursement for recreational therapy services provided:

49           (a) to a qualified enrollee;

50           (b) by an individual authorized to engage in the practice of recreational therapy under  
51 Title 58, Chapter 40, Recreational Therapy Practice Act; and

52           (c) at a:

53           (i) general acute hospital;

54           (ii) youth residential treatment facility;

55           (iii) behavioral health program;

- 56           (iv) intermediate care facility;
- 57           (v) assisted living facility;
- 58           (vi) skilled nursing facility;
- 59           (vii) psychiatric hospital; or
- 60           (viii) mental health agency.
- 61           (3) If the waiver or state plan amendment described in Subsection (2) is approved, the
- 62 Medicaid program shall provide coverage to a qualified enrollee for recreational therapy
- 63 services.