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**DISABILITY COVERAGE AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill amends the Medical Assistance Act.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the Department of Health and Human Services (department) to apply for a Medicaid waiver or state plan amendment to provide wraparound services to qualified individuals with a disability;
- ▶ requires qualified individuals who receive services under the waiver or state plan amendment to make cost sharing payments according to a sliding scale established by the department;
- ▶ specifies certain percentages and maximum payment amounts for the sliding scale established by the department; and
- ▶ requires the department to make rules.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:



28 [26-18-430](#), Utah Code Annotated 1953



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

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

32 **26-18-430. Wraparound services for qualified individuals with a disability.**

33 (1) As used in this section:

34 (a) "Federal poverty level" means the same as that term is described in Section  
35 [26-18-411](#).

36 (b) "Minimum essential coverage" means the same as that term is defined in 26 U.S.C.  
37 Sec. 5000A.

38 (c) "Qualified individual" means an individual who:

39 (i) is a disabled individual as described in 42 U.S.C. Sec. 1382c;

40 (ii) within the past 12 months has been enrolled in the state Medicaid program;

41 (iii) is enrolled in minimum essential coverage other than the Medicaid program;

42 (iv) except as provided in Subsections (1)(c)(v) and (vi), does not meet the income or  
43 asset requirements for enrollment in the state Medicaid program;

44 (v) has a household income that is between 250% and 500% of the federal poverty  
45 level; and

46 (vi) has assets, excluding one home and one automobile, that are valued at less than  
47 \$150,000.

48 (d) "Wraparound services" means services and benefits that:

49 (i) are covered by the Medicaid program; and

50 (ii) are not covered by the minimum essential coverage described in Subsection  
51 (1)(c)(iii).

52 (2) Before July 1, 2023, the department shall apply for a Medicaid waiver with CMS to  
53 provide wraparound services to qualified individuals:

54 (a) as state funding permits; and

55 (b) in a manner that requires qualified individuals to make cost sharing payments  
56 according to the sliding scale described in Subsection (3).

57 (3) (a) The department shall establish a sliding scale for services received under this  
58 section that:

59           (i) is based on household income; and  
60           (ii) is used to determine the percentage of the cost of a wraparound service that a  
61 qualified individual is required to pay.  
62           (b) The percentage of the cost of a wraparound service that a qualified individual is  
63 required to pay:  
64           (i) may not be less than 100% for a qualified individual with a household income  
65 greater than \$125,000; and  
66           (ii) for a qualified individual with a household income less than or equal to \$125,000,  
67 shall be determined according to income categories established by the department as provided  
68 in Subsection (4).  
69           (c) Notwithstanding Subsection (3)(b), the amount paid by a qualified individual under  
70 Subsection (3)(b) may not exceed:  
71           (i) \$2,900 per month for a qualified individual with a household income greater than  
72 \$125,000; and  
73           (ii) for a qualified individual with a household income less than or equal to \$125,000,  
74 an amount determined according to income categories established by the department as  
75 provided in Subsection (4).  
76           (d) The department shall credit the amount of premium payments that a qualified  
77 individual makes for minimum essential coverage other than Medicaid toward the amount that  
78 a qualified individual is required to pay for wraparound services under this section.  
79           (4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
80 Administrative Rulemaking Act, to:  
81           (a) establish the income categories, percentages, and maximum payment amounts  
82 described in Subsection (3); and  
83           (b) provide continuous enrollment for 12 months for a qualified individual who  
84 receives wraparound services in accordance with this section.  
85           (5) If a waiver or state plan amendment described in Subsection (2) is approved, the  
86 department shall provide wraparound services in accordance with this section.