

1                   **MEDICAID WAIVER FOR MEDICALLY COMPLEX**  
2                   **CHILDREN AMENDMENTS**

3                   2023 GENERAL SESSION

4                   STATE OF UTAH

5                   **Chief Sponsor: Steve Eliason**

6                   Senate Sponsor: Curtis S. Bramble

---

---

8 **LONG TITLE**

9 **General Description:**

10           This bill amends the Medicaid waiver program for children with disabilities and  
11 complex medical conditions.

12 **Highlighted Provisions:**

13           This bill:

14           ▶ amends the Medicaid waiver program for children with disabilities and complex  
15 medical conditions.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           This bill provides a special effective date.

20 **Utah Code Sections Affected:**

21 AMENDS:

22           **26-18-410**, as last amended by Laws of Utah 2022, Chapter 226

---

---

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

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

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



28 (1) As used in this section:

29 [~~(a) "Additional eligibility criteria" means the additional eligibility criteria set by the~~  
30 ~~department under Subsection (4)(c).]~~

31 [~~(b)~~] (a) "Complex medical condition" means a physical condition of an individual  
32 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)~~] (b) "Program" means the program for children with a disability and a complex  
38 medical [conditions] condition created in Subsection (3).

39 [~~(d)~~] (c) "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.~~] criteria established by department rule  
44 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, based on  
45 the following factors:

46 (A) the complexity of the child's medical condition; and

47 (B) the burden on the family to manage the medical condition.

48 (2) The department shall apply for a Medicaid home and community-based waiver with  
49 CMS to implement, within the state Medicaid program, the program described in Subsection  
50 (3).

51 (3) If the waiver described in Subsection (2) is approved, the department shall offer a  
52 program that[:] provides treatment to a qualified child.

53 [~~(a) as funding permits, provides treatment for qualified children;~~]

54 [~~(b) if approved by CMS and as funding permits, beginning in fiscal year 2023~~  
55 ~~provides on an ongoing basis treatment for 130 more qualified children than the program~~  
56 ~~provided treatment for during fiscal year 2022; and]~~

57 [~~(c) accepts applications for the program on an ongoing basis.]~~

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

59 or eligible children waiting for services in the program based on the additional eligibility  
60 criteria; and]

61 [~~(ii) at the time of reevaluation, allows the department to disenroll a child based on the~~  
62 ~~prioritization described in Subsection (4)(a) and additional eligibility criteria.]~~

63 (4) The department shall:

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

67 [~~(i) the complexity of a qualified child's medical condition; and]~~

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

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

71 [~~(c)~~] (b) evaluate, on an ongoing basis, the cost and effectiveness of the program[;].

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

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

78 Section 2. **Effective date.**

79 This bill takes effect on July 1, 2023.