

**Representative Steve Eliason** proposes the following substitute bill:

**MEDICAID WAIVER FOR MEDICALLY COMPLEX  
CHILDREN AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2024:

- ▶ to the Department of Health and Human Services - Integrated Health Care Services, Medicaid Home and Community Based Services, as an ongoing appropriation:
  - from the General Fund, \$901,100;
- ▶ to the Department of Health and Human Services - Health Care Administration, Integrated Health Care Administration, as an ongoing appropriation:
  - from the General Fund, \$94,200; and
- ▶ to the Department of Workforce Services - Operations and Policy, Eligibility



26 Services, as an ongoing appropriation:  
27                   •       from the General Fund, \$4,700.

28 **Other Special Clauses:**

29       This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32                   **26-18-410**, as last amended by Laws of Utah 2022, Chapter 226

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

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

36                   **26-18-410. Medicaid waiver for children with disabilities and complex medical**  
37 **needs.**

38       (1) As used in this section:

39                   (a) "Additional eligibility criteria" means the additional eligibility criteria set by the  
40 department under Subsection (4)(e).

41                   (b) "Complex medical condition" means a physical condition of an individual that:

42                   (i) results in severe functional limitations for the individual; and

43                   (ii) is likely to:

44                   (A) last at least 12 months; or

45                   (B) result in death.

46                   (c) "Program" means the program for children with complex medical conditions  
47 created in Subsection (3).

48                   (d) "Qualified child" means a child who:

49                   (i) is less than 19 years old;

50                   (ii) is diagnosed with a complex medical condition;

51                   (iii) has a condition that meets the definition of disability in 42 U.S.C. Sec. 12102; and

52                   (iv) meets the additional eligibility criteria.

53       (2) The department shall apply for a Medicaid home and community-based waiver with  
54 CMS to implement, within the state Medicaid program, the program described in Subsection  
55 (3).

56       (3) If the waiver described in Subsection (2) is approved, the department shall offer a

57 program that:

58 (a) as funding permits, provides treatment for qualified children;

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

62 ~~[(e)]~~ (b) accepts applications for the program on an ongoing basis[-];

63 ~~[(f)]~~ (c) requires periodic reevaluations of an enrolled child's eligibility and other  
64 applicants or eligible children waiting for services in the program based on the additional  
65 eligibility criteria; and

66 ~~[(g)]~~ (d) at the time of reevaluation, allows the department to disenroll a child ~~[based~~  
67 ~~on the prioritization described in Subsection (4)(a) and additional eligibility criteria]~~ if the  
68 child is no longer a qualified child.

69 (4) The department shall:

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

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

74 (ii) the financial needs of the qualified child and the qualified child's family;

75 (b) convene a public process to determine the benefits and services to offer a qualified  
76 child under the program;

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

78 (d) if funding for the program is reduced, develop an evaluation process to reduce the  
79 number of children served based on the participation criteria established under Subsection  
80 (4)(a); and

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

84 **Section 2. Appropriation.**

85 The following sums of money are appropriated for the fiscal year beginning July 1,  
86 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for  
87 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures

88 Act, the Legislature appropriates the following sums of money from the funds or accounts  
89 indicated for the use and support of the government of the state of Utah.

90 ITEM 1

91 To the Department of Health and Human Services -- Integrated Health Care Services

92 From General Fund 901,100

93 Schedule of Programs:

94 Medicaid Home and Community Based Services 901,100

95 The Legislature intends that the Department of Health and Human Services use the  
96 appropriation under this item to add children to the Medicaid wavier described in Section  
97 26-18-410.

98 ITEM 2

99 To the Department of Health and Human Services -- Health Care Administration

100 From General Fund 94,200

101 Schedule of Programs:

102 Integrated Health Care Administration 94,200

103 The Legislature intends that the Department of Health and Human Services use the  
104 appropriation under this item to add children to the Medicaid wavier described in Section  
105 26-18-410.

106 ITEM 3

107 To the Department of Workforce Services -- Operations and Policy

108 From General Fund 4,700

109 Schedule of Programs:

110 Eligibility Services 4,700

111 The Legislature intends that the Department of Workforce Services use the  
112 appropriation under this item to add children to the Medicaid wavier described in Section  
113 26-18-410.

114 Section 3. **Effective date.**

115 This bill takes effect on July 1, 2023.