

HB0290S01 compared with HB0290

~~{deleted text}~~ shows text that was in HB0290 but was deleted in HB0290S01.

inserted text shows text that was not in HB0290 but was inserted into HB0290S01.

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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

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:

~~{None}~~ This bill appropriates in fiscal year 2024:

- ▶ to the Department of Health and Human Services - Integrated Health Care

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

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

26-18-410. Medicaid waiver for children with disabilities and complex medical ~~{conditions}~~needs.

(1) As used in this section:

~~{(a)}~~(a) "Additional eligibility criteria" means the additional eligibility criteria set by the department under Subsection (4)(e).~~{(e)}~~

~~{(b)}~~~~{(a)}~~ (b) "Complex medical condition" means a physical condition of an individual that:

- (i) results in severe functional limitations for the individual; and
- (ii) is likely to:
 - (A) last at least 12 months; or
 - (B) result in death.

~~{(c)}~~~~{(b)}~~ (c) "Program" means the program for children with ~~{a disability and a }complex medical ~~{condition}~~condition created in Subsection (3).~~

~~{(d)}~~~~{(c)}~~ (d) "Qualified child" means a child who:

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- (i) is less than 19 years old;
- (ii) is diagnosed with a complex medical condition;
- (iii) has a condition that meets the definition of disability in 42 U.S.C. Sec. 12102; and
- (iv) meets ~~the~~ the additional eligibility criteria. ~~criteria established by department rule~~

~~made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, based on the following factors:~~

- ~~(A) the complexity of the child's medical condition; and~~
- ~~(B) the burden on the family to manage the medical condition.~~

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

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

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

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

~~(c) (b) accepts applications for the program on an ongoing basis;~~

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

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

(4) The department shall:

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

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

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

~~(b) (a) convene a public process to determine the benefits and services to offer a~~

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qualified child under the program; ~~and~~

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

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

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

Section 2. Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

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

From General Fund 901,100

Schedule of Programs:

Medicaid Home and Community Based Services 901,100

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

ITEM 2

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

From General Fund 94,200

Schedule of Programs:

Integrated Health Care Administration 94,200

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

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ITEM 3

To the Department of Workforce Services -- Operations and Policy

From General Fund

4,700

Schedule of Programs:

Eligibility Services

4,700

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

Section ~~2~~3. **Effective date.**

This bill takes effect on July 1, 2023.