

Representative James A. Dunnigan proposes the following substitute bill:

RECREATIONAL THERAPY MEDICAID COVERAGE

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ requires the Department of Health and Human Services to apply for a Medicaid waiver or state plan amendment to expand coverage for recreational therapy services.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-18-430, Utah Code Annotated 1953

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 recreation 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.