

59 **26-40-105. Eligibility.**

60 (1) ~~(a) [A child is eligible to]~~ A traditionally eligible child may enroll in the program if
61 the child:

62 ~~[(a)]~~ (i) is a bona fide Utah resident;

63 ~~[(b)]~~ is a citizen or legal resident of the United States;

64 ~~[(c)]~~ is under 19 years of age;

65 ~~[(d)]~~ (ii) does not have access to or coverage under other health insurance, including
66 any coverage available through a parent or legal guardian's employer;

67 ~~[(e)]~~ (iii) is ineligible for Medicaid benefits;

68 ~~[(f)]~~ (iv) resides in a household whose gross family income, as defined by rule, is at or
69 below 200% of the federal poverty level; and

70 ~~[(g)]~~ (v) is not an inmate of a public institution or a patient in an institution for mental
71 diseases.

72 **(b) Subject to Subsection (4)(b), a child who is not a traditionally eligible child may**
73 **enroll in the program if:**

74 **(i) the child:**

75 **(A) has been living in the state for at least ~~H~~→ [90] 180 ←~~H~~ days before the day on which**
76a **the child**

76 **applies for the program; ~~H~~→ [and] ←~~H~~**

77 **(B) meets the requirements described in ~~H~~→ [Subsection (1)(a)] Subsections (1)(a)(i)**
77a **through (iii) and (v) ←~~H~~ ; and**

77b **~~H~~→ (C) resides in a household whose gross family income, as defined by rule, is at or above**
77c **100% of the federal poverty level and does not exceed 200% of the federal poverty level;**
77d **and ←~~H~~**

78 **(ii) the child's parent has unsubsidized employment.**

79 (2) A child who qualifies for enrollment in the program under Subsection (1) may not
80 be denied enrollment due to a diagnosis or pre-existing condition.

81 (3) (a) The department shall determine eligibility and send notification of the eligibility
82 decision within 30 days after receiving the application for coverage.

83 (b) If the department cannot reach a decision because the applicant fails to take a
84 required action, or because there is an administrative or other emergency beyond the
85 department's control, the department shall:

86 (i) document the reason for the delay in the applicant's case record; and

87 (ii) inform the applicant of the status of the application and time frame for completion.

88 (4) ~~(a)~~ The department may not close enrollment in the program for a child who is
89 eligible to enroll in the program under the provisions of Subsection (1)~~(a)~~.