

CHILDREN'S HEALTH COVERAGE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill creates alternative eligibility requirements for the Children's Health Insurance Program.

Highlighted Provisions:

This bill:

- ▶ modifies definitions;
- ▶ creates alternative eligibility requirements for the Children's Health Insurance Program;
- ▶ allows the department to create a waiting list for applicants eligible under the alternative eligibility requirements;
- ▶ specifies what benefits a child may receive if eligible under the alternative eligibility requirements;
- ▶ limits enrollment for children who are eligible under the alternative eligibility requirements;
- ▶ creates the Alternative Eligibility Expendable Revenue Fund; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2024:

- ▶ to the Department of Health and Human Services -- Alternative Eligibility Expendable Revenue Fund as an ongoing appropriation:
 - from General Fund, \$4,500,000.

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 This bill provides a coordination clause.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **26-40-102**, as last amended by Laws of Utah 2019, Chapter 393

35 **26-40-105**, as last amended by Laws of Utah 2019, Chapter 393

36 **63I-1-226**, as last amended by Laws of Utah 2022, Chapters 194, 206, 224, 253, 255,
37 347, and 451

38 ENACTS:

39 **26-40-117**, Utah Code Annotated 1953

40 **Utah Code Sections Affected by Coordination Clause:**

41 **63I-1-226**, as last amended by Laws of Utah 2022, Chapters 194, 206, 224, 253, 255,
42 347, and 451



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

45 Section 1. Section **26-40-102** is amended to read:

46 **26-40-102. Definitions.**

47 As used in this chapter:

48 (1) "Child" means a person who is under 19 years ~~[of age]~~ old.

49 ~~[(2) "Eligible child" means a child who qualifies for enrollment in the program as~~
50 ~~provided in Section 26-40-105.]~~

51 ~~[(3)]~~ (2) "Member" means a child enrolled in the program.

52 ~~[(4)]~~ (3) "Plan" means the department's plan submitted to the United States Department
53 of Health and Human Services pursuant to 42 U.S.C. Sec. 1397ff.

54 ~~[(5)]~~ (4) "Program" means the Utah Children's Health Insurance Program created by
55 this chapter.

56 (5) "Traditionally eligible child" means, subject to limitations created by the federal
57 government, a child who is:

58 (a) a citizen of the United States;

59 (b) a qualified non-citizen;

60 (c) a Supplemental Security Income recipient living in the United States on August 22,
61 1996, that meets the federal government's criteria for one of the grand-fathered Supplemental
62 Security Income recipient non-citizen groups; or

63 (d) a lawfully present child.

64 Section 2. Section **26-40-105** is amended to read:

65 **26-40-105. Eligibility.**

66 (1) [~~A child is eligible to~~] A traditionally eligible child may enroll in the program if the
67 child:

68 (a) is a bona fide Utah resident;

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

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

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

73 [~~(e)~~] (c) is ineligible for Medicaid benefits;

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

76 [~~(g)~~] (e) is not an inmate of a public institution or a patient in an institution for mental
77 diseases.

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

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

82 (b) If the department cannot reach a decision because the applicant fails to take a

83 required action, or because there is an administrative or other emergency beyond the
84 department's control, the department shall:

- 85 (i) document the reason for the delay in the applicant's case record; and
- 86 (ii) inform the applicant of the status of the application and time frame for completion.

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

89 (5) The program shall:

90 (a) apply for grants to make technology system improvements necessary to implement
91 a simplified enrollment and renewal process in accordance with Subsection (5)(b); and

92 (b) if funding is available, implement a simplified enrollment and renewal process.

93 Section 3. Section **26-40-117** is enacted to read:

94 **26-40-117. Alternative eligibility -- Report -- Alternative Eligibility Expendable**
95 **Revenue Fund.**

96 (1) A child who is not a traditionally eligible child may enroll in the program if:

97 (a) the child:

98 (i) has been living in the state for at least 180 days before the day on which the child
99 applies for the program; and

100 (ii) meets the requirements described in Subsections [26-40-105\(1\)\(a\)](#) through (e); and

101 (b) the child's parent has unsubsidized employment.

102 (2) (a) Enrollment under Subsection (1) is subject to funds in the Alternative Eligibility
103 Expendable Revenue Fund.

104 (b) The department may create a waiting list for enrollment under Subsection (2)(a) if
105 eligible applicants exceed funds in the Alternative Eligibility Expendable Revenue Fund.

106 (3) Notwithstanding Section [26-40-106](#), the program benefits, coverage, and cost
107 sharing for a child enrolled under this section shall be equal to the benefits, coverage, and cost
108 sharing provided to a child who:

109 (a) is eligible under Subsection [26-40-105\(1\)](#); and

110 (b) resides in a household that has a gross family income equal to 200% of the federal
111 poverty level.

112 (4) Notwithstanding Section 26-40-108, program services provided to a child enrolled
113 under this section shall be funded by the Alternative Eligibility Expendable Revenue Fund.

114 (5) Each year the department enrolls a child in the program under this section, the
115 department shall submit a report to the Health and Human Services Interim Committee before
116 November 30 detailing:

117 (a) the number of individuals served under the program;

118 (b) average duration of coverage for individuals served under the program;

119 (c) the cost of the program; and

120 (d) any benefits of the program, including data showing:

121 (i) percentage of enrolled individuals who had well-child visits with a primary care
122 practitioner at recommended ages;

123 (ii) percentage of enrolled individuals who received a comprehensive or periodic oral
124 evaluation;

125 (iii) percentage of enrolled individuals who received recommended immunizations at
126 recommended ages;

127 (iv) rate of emergency department visits per 1,000 member months;

128 (v) rate of medication adherence to treat chronic conditions; and

129 (vi) a comparison of utilization patterns before and after enrollment.

130 (6) (a) There is created an expendable special revenue fund known as the "Alternative
131 Eligibility Expendable Revenue Fund."

132 (b) The Alternative Eligibility Expendable Revenue Fund shall consist of:

133 (i) appropriations by the Legislature;

134 (ii) any other funds received as donations for the fund; and

135 (iii) interest earned on the account.

136 (c) If the balance of the Alternative Eligibility Expendable Revenue Fund exceeds

137 \$4,500,000, state funds shall be transferred from the Alternative Eligibility Expendable
138 Revenue Fund to the General Fund in an amount equal to the amount needed to reduce the
139 balance of the Alternative Eligibility Expendable Revenue Fund to \$4,500,000.

140 (d) Money in the Alternative Eligibility Expendable Revenue Fund shall be used to
141 provide benefits to a child enrolled in the program under this section.

142 Section 4. Section **63I-1-226** is amended to read:

143 **63I-1-226. Repeal dates: Title 26 through 26B.**

144 (1) Section **26-1-7.5**, which creates the Utah Health Advisory Council, is repealed July
145 1, 2025.

146 (2) Section **26-1-40** is repealed July 1, 2022.

147 (3) Section **26-1-41** is repealed July 1, 2026.

148 (4) Section **26-1-43** is repealed December 31, 2025.

149 (5) Section **26-7-10** is repealed July 1, 2025.

150 (6) Subsection **26-7-11(5)**, regarding reports to the Legislature, is repealed July 1,
151 2028.

152 (7) Section **26-7-14** is repealed December 31, 2027.

153 (8) Section **26-8a-603** is repealed July 1, 2027.

154 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
155 1, 2025.

156 (10) Subsection **26-10-6(5)**, which creates the Newborn Hearing Screening Committee,
157 is repealed July 1, 2026.

158 (11) Section **26-10b-106**, which creates the Primary Care Grant Committee, is repealed
159 July 1, 2025.

160 (12) Subsection **26-15c-104(3)**, relating to a limitation on the number of
161 microenterprise home kitchen permits that may be issued, is repealed July 1, 2022.

162 (13) Subsection **26-18-2.6(9)**, which addresses reimbursement for dental hygienists, is
163 repealed July 1, 2028.

- 164 (14) Section [26-18-27](#) is repealed July 1, 2025.
- 165 (15) Section [26-18-28](#) is repealed June 30, 2027.
- 166 (16) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,
167 2027.
- 168 (17) Subsection [26-18-418\(2\)](#), the language that states "and the Behavioral Health
169 Crisis Response Commission created in Section [63C-18-202](#)" is repealed July 1, 2023.
- 170 (18) Section [26-33a-117](#) is repealed December 31, 2023.
- 171 (19) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 172 (20) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,
173 2024.
- 174 (21) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed
175 July 1, 2024.
- 176 (22) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.
- 177 (23) Section [26-39-201](#), which creates the Residential Child Care Licensing Advisory
178 Committee, is repealed July 1, 2024.
- 179 (24) Section [26-39-405](#), Drinking water quality in child care centers, is repealed July 1,
180 2027.
- 181 (25) Section [26-40-104](#), which creates the Utah Children's Health Insurance Program
182 Advisory Council, is repealed July 1, 2025.
- 183 (26) Section [26-40-117](#), regarding alternative eligibility, is repealed July 1, 2028.
- 184 [~~26~~] (27) Section [26-50-202](#), which creates the Traumatic Brain Injury Advisory
185 Committee, is repealed July 1, 2025.
- 186 [~~27~~] (28) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
187 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.
- 188 [~~28~~] (29) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed
189 July 1, 2026.
- 190 [~~29~~] (30) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July

191 1, 2024.

192 [~~(30)~~] (31) Section 26-69-406 is repealed July 1, 2025.

193 [~~(31)~~] (32) Subsection 26B-1-204(2)(i), related to the Residential Child Care Licensing
194 Advisory Committee, is repealed July 1, 2024.

195 [~~(32)~~] (33) Subsection 26B-1-204(2)(k), related to the Primary Care Grant Committee,
196 is repealed July 1, 2025.

197 Section 5. **Appropriation.**

198 The following sums of money are appropriated for the fiscal year beginning July 1,
199 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
200 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
201 Act, the Legislature appropriates the following sums of money from the funds or accounts
202 indicated for the use and support of the government of the state of Utah.

203 ITEM 1

204 To Department of Health and Human Services - Alternative Eligibility Expendable Revenue
205 Fund

206 From General Fund 4,500,000

207 Schedule of Programs:

208 Alternative Eligibility Expendable Revenue Fund 4,500,000

209 Section 6. **Effective date.**

210 This bill takes effect on January 1, 2024.

211 Section 7. **Coordinating S.B. 217 with S.B. 208 -- Substantive and technical**
212 **amendments.**

213 If this S.B. 217 and S.B. 208, Health and Human Services Recodification - Cross
214 References, Titles 58-63J, both pass and become law, the Legislature intends that the Office of
215 Legislative Research and General Counsel prepare the Utah Code database for publication on
216 January 1, 2024, as follows:

217 (1) the amendments to Section 63I-1-226 in S.B. 208 supersede the amendments to

218 Section 63I-1-226 in this bill; and
219 (2) add the language "Section 26-40-117, regarding alternative eligibility, is repealed
220 July 1, 2028." as a subsection to Section 63I-1-226 in this bill, numerically according to title
221 placement after Section 26-40-117 has been technically renumbered to Title 26B, in
222 accordance with the revisor instructions in S.B. 208.