

1 **CAREGIVER COMPENSATION AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: Jennifer Dailey-Provost

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses reimbursement for certain personal care services under Medicaid.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ defines terms;

13 ▶ directs the Department of Health and Human Services to:

14 • apply for an amendment to an existing waiver to the state Medicaid plan to
15 implement a program to reimburse a parent or guardian who provides

16 extraordinary personal care services to a waiver enrollee; and

17 • make administrative rules defining personal care services that are extraordinary;

18 and

19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **26-18-426**, as enacted by Laws of Utah 2021, Chapter 212



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

29 Section 1. Section **26-18-426** is amended to read:

30 **26-18-426. Medicaid waiver expansion for extraordinary care reimbursement.**

31 (1) As used in this section:

32 (a) "Existing home and community-based services waiver" means an existing home
33 and community-based services waiver in the state that serves an individual:

- 34 (i) with an acquired brain injury;
- 35 (ii) with an intellectual or physical disability; or
- 36 (iii) who is 65 years old or older.

37 (b) "Guardian" means a person appointed by a court to manage the affairs of a living
38 individual.

39 (c) "Parent" means a biological or adoptive parent of an individual.

40 (d) "Personal care services" means a service that:

- 41 (i) is furnished to an individual who is not an inpatient nor a resident of a hospital,
42 nursing facility, intermediate care facility, or institution for mental diseases;
- 43 (ii) is authorized for an individual described in Subsection [~~(1)(b)(i)~~] (1)(d)(i) in
44 accordance with a plan of treatment;
- 45 (iii) is provided by an individual who is qualified to provide the services; and
- 46 (iv) is furnished in a home or another community-based setting.

47 [~~(e)~~] (e) "Waiver enrollee" means an individual who is enrolled in an existing home
48 and community-based services waiver.

49 (2) Before July 1, 2021, the department shall apply with CMS for an amendment to an
50 existing home and community-based services waiver to implement a program to offer
51 reimbursement to an individual who provides personal care services that constitute
52 extraordinary care to a waiver enrollee who is the individual's spouse.

53 (3) If CMS approves the amendment described in Subsection (2), the department shall
54 implement the program described in Subsection (2).

55 (4) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah
56 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection (2).

57 (5) Before July 1, 2023, the department shall apply with CMS for an amendment to an
58 existing home and community-based services waiver to implement a program to offer

59 reimbursement to an individual who provides personal care services that constitute
60 extraordinary care to a waiver enrollee to whom the individual is a parent or guardian.

61 (6) If CMS approves the amendment described in Subsection (5), the department shall
62 implement the program described in Subsection (5).

63 (7) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah
64 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection (5).