

Senator Wayne A. Harper proposes the following substitute bill:

CAREGIVER COMPENSATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Jennifer Dailey-Provost

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ directs the Department of Health and Human Services to:
 - apply for an amendment to an existing waiver to the state Medicaid plan to implement a program to reimburse a parent or guardian who provides extraordinary personal care services to a waiver enrollee; and
 - make administrative rules defining personal care services that are extraordinary;
- and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2023:

- ▶ to the Department of Health and Human Services -- Long-term Services & Support -- Community Supports Waiver Services:
 - from Closing Nonlapsing, (\$1,734,500).

This bill appropriates in fiscal year 2024:



- 26 ▶ to the Department of Health and Human Services -- Long-term Services & Support
- 27 -- Community Supports Waiver Services:
- 28 • from Beginning Nonlapsing \$1,734,500.

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **26-18-426**, as enacted by Laws of Utah 2021, Chapter 212



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

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

37 **26-18-426. Medicaid waiver expansion for extraordinary care reimbursement.**

38 (1) As used in this section:

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

- 41 (i) with an acquired brain injury;
- 42 (ii) with an intellectual or physical disability; or
- 43 (iii) who is 65 years old or older.

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

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

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

48 (i) is furnished to an individual who is not an inpatient nor a resident of a hospital,
49 nursing facility, intermediate care facility, or institution for mental diseases;

50 (ii) is authorized for an individual described in Subsection [~~(1)(b)(i)~~] (1)(d)(i) in
51 accordance with a plan of treatment;

52 (iii) is provided by an individual who is qualified to provide the services; and

53 (iv) is furnished in a home or another community-based setting.

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

56 (2) Before July 1, 2021, the department shall apply with CMS for an amendment to an

57 existing home and community-based services waiver to implement a program to offer
58 reimbursement to an individual who provides personal care services that constitute
59 extraordinary care to a waiver enrollee who is the individual's spouse.

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

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

64 (5) Before July 1, 2023, the department shall apply with CMS for an amendment to an
65 existing home and community-based services waiver to implement a program to offer
66 reimbursement to an individual who provides personal care services that constitute
67 extraordinary care to a waiver enrollee to whom the individual is a parent or guardian.

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

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

72 Section 2. **Appropriation.**

73 The following sums of money are appropriated for the fiscal year beginning July 1,
74 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
75 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
76 Act, the Legislature appropriates the following sums of money from the funds or accounts
77 indicated for the use and support of the government of the state of Utah.

78 To Department of Health and Human Services -- Long-term Services & Support

79 From Closing Nonlapsing (1,734,500)

80 Schedule of Programs:

81 Community Supports Waiver Services (1,734,500)

82 Section 3. **Appropriation.**

83 The following sums of money are appropriated for the fiscal year beginning July 1,
84 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
85 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
86 Act, the Legislature appropriates the following sums of money from the funds or accounts
87 indicated for the use and support of the government of the state of Utah.

88 To Department of Health and Human Services -- Long-term Services & Support
89 From Beginning Nonlapsing 1,734,500
90 Schedule of Programs:
91 Community Supports Waiver Services 1,734,500
92 The Legislature intends that the Department of Health and Human Services use up to
93 \$1,734,500 beginning nonlapsing balance from the Long-term Services & Support line item in
94 FY 2024 to help fund the state costs of S.B. 106 Caregiver Compensation Amendments.