

SB0106S01 compared with SB0106

~~text~~ shows text that was in SB0106 but was deleted in SB0106S01.

text shows text that was not in SB0106 but was inserted into SB0106S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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~~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.

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Money Appropriated in this Bill:

~~{None}~~ 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:

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

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

(ii) is authorized for an individual described in Subsection ~~[(1)(b)(i)]~~ (1)(d)(i) in

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accordance with a plan of treatment;

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

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

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

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

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

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

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

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

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

Section 2. Appropriation.

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

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

From Closing Nonlapsing (1,734,500)

Schedule of Programs:

Community Supports Waiver Services (1,734,500)

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Section 3. Appropriation.

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

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

From Beginning Nonlapsing 1,734,500

Schedule of Programs:

Community Supports Waiver Services 1,734,500

The Legislature intends that the Department of Health and Human Services use up to \$1,734,500 beginning nonlapsing balance from the Long-term Services & Support line item in FY 2024 to help fund the state costs of S.B. 106 Caregiver Compensation Amendments.