

**Senator Wayne A. Harper** proposes the following substitute bill:

**MODIFICATIONS TO POSTPARTUM MEDICAID COVERAGE**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Cheryl K. Acton

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**LONG TITLE**

**General Description:**

This bill addresses Medicaid for postpartum women.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the state Medicaid program to request a Medicaid waiver or state plan amendment from the Centers for Medicare and Medicaid Services to extend the duration of postpartum coverage for certain women;
- ▶ allows the coverage created in this bill to be funded through the Medicaid

Expansion Fund.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-36b-208**, as last amended by Laws of Utah 2021, Chapter 367

ENACTS:



26 **26B-3-201**, Utah Code Annotated 1953



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

29 Section 1. Section **26-36b-208** is amended to read:

30 **26-36b-208. Medicaid Expansion Fund.**

31 (1) There is created an expendable special revenue fund known as the Medicaid  
32 Expansion Fund.

33 (2) The fund consists of:

34 (a) assessments collected under this chapter;

35 (b) intergovernmental transfers under Section **26-36b-206**;

36 (c) savings attributable to the health coverage improvement program as determined by  
37 the department;

38 (d) savings attributable to the enhancement waiver program as determined by the  
39 department;

40 (e) savings attributable to the Medicaid waiver expansion as determined by the  
41 department;

42 (f) savings attributable to the inclusion of psychotropic drugs on the preferred drug list  
43 under Subsection **26-18-2.4(3)** as determined by the department;

44 (g) revenues collected from the sales tax described in Subsection **59-12-103(12)**;

45 (h) gifts, grants, donations, or any other conveyance of money that may be made to the  
46 fund from private sources;

47 (i) interest earned on money in the fund; and

48 (j) additional amounts as appropriated by the Legislature.

49 (3) (a) The fund shall earn interest.

50 (b) All interest earned on fund money shall be deposited into the fund.

51 (4) (a) A state agency administering the provisions of this chapter may use money from  
52 the fund to pay the costs, not otherwise paid for with federal funds or other revenue sources, of:

53 (i) the health coverage improvement program;

54 (ii) the enhancement waiver program;

55 (iii) a Medicaid waiver expansion; ~~and~~

56 (iv) the outpatient upper payment limit supplemental payments under Section

57 [26-36b-210](#)[~~-~~]; and

58 (v) the expanded coverage for postpartum women authorized in Section [26B-3-201](#).

59 (b) A state agency administering the provisions of this chapter may not use:

60 (i) funds described in Subsection (2)(b) to pay the cost of private outpatient upper

61 payment limit supplemental payments; or

62 (ii) money in the fund for any purpose not described in Subsection (4)(a).

63 Section 2. Section **26B-3-201** is enacted to read:

64 **26B-3-201. Medicaid coverage for certain postpartum women.**

65 (1) As used in this section:

66 (a) "Extended postpartum period" means the period after a woman's pregnancy ends:

67 (i) beginning the day after the initial postpartum period; and

68 (ii) ending on the last day of the month that is 12 months after the day on which the

69 woman's pregnancy ends.

70 (b) "Initial postpartum period" means the period:

71 (i) beginning on the day on which a woman's pregnancy ends; and

72 (ii) ending on the last day of the month that is 60 days after the day on which the

73 woman's pregnancy ends.

74 (c) "Miscarriage" means the spontaneous or accidental loss of a fetus, regardless of

75 gestational age or the duration of the pregnancy.

76 (2) Before July 1, 2023, the division shall request a waiver or state plan amendment to:

77 (a) in accordance with 42 U.S.C. Sec. 1396a(e)(16), provide continuous Medicaid

78 coverage during the woman's extended postpartum period if:

79 (i) the woman is eligible for Medicaid during the woman's pregnancy; and

80 (ii) the woman's pregnancy ended by way of:

81 (A) birth;

82 (B) miscarriage;

83 (C) stillbirth; or

84 (D) an abortion that is permitted under Section [76-7a-201](#); and

85 (b) maximize the number of individuals under Subsection (2)(a) for whom the state

86 may obtain enhanced federal financial participation under 42 U.S.C. Sec. 1396d(y) for

87 enrolling an individual in the Medicaid expansion.