

SB0217S02 compared with SB0217

~~text~~ shows text that was in SB0217 but was deleted in SB0217S02.

text shows text that was not in SB0217 but was inserted into SB0217S02.

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Representative James A. Dunnigan proposes the following substitute bill:

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;

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- ▶ 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 -- ~~{Integrated Health Care Services, Children's Health Insurance Program Services}~~ Alternative Eligibility Expendable Revenue Fund as an ongoing appropriation:
 - from ~~{the}~~ General Fund, \$4,500,000.

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

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

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

~~{26-40-106}~~ **63I-1-226**, as last amended by Laws of Utah ~~{2021, Chapter 175~~

~~26-40-108}~~ 2022, Chapters 194, 206, 224, 253, 255, 347, and 451

ENACTS:

26-40-117, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:

63I-1-226, as last amended by Laws of Utah ~~{2010}~~ 2022, ~~{Chapter 391}~~ Chapters 194, 206, 224, 253, 255, 347, and 451

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

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

26-40-102. Definitions.

As used in this chapter:

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

~~[(2) "Eligible child" means a child who qualifies for enrollment in the program as~~

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~~provided in Section 26-40-105.]~~

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

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

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

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

(a) a citizen of the United States;

(b) a qualified non-citizen;

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

(d) a lawfully present child.

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

26-40-105. Eligibility.

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

~~(i)~~ (a) ~~(i)~~ is a bona fide Utah resident;

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

~~(c)~~ (c) ~~is under 19 years of age;~~

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

~~(e)~~ (e) ~~(c)~~ is ineligible for Medicaid benefits;

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

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

~~(b) Subject to Subsection (4)(b), a child who is not a traditionally eligible child may enroll in the program if:~~

~~(i) the child:~~

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~~— (A) has been living in the state for at least 90 days before the day on which the child applies for the program; and~~

~~— (B) meets the requirements described in Subsection (1)(a); and~~

~~— (ii) the child's parent has unsubsidized employment.~~

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

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

(b) If the department cannot reach a decision because the applicant fails to take a required action, or because there is an administrative or other emergency beyond the department's control, the department shall:

(i) document the reason for the delay in the applicant's case record; and

(ii) inform the applicant of the status of the application and time frame for completion.

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

~~{ — (b) Enrollment under Subsection (1)(b) is subject to state appropriation.~~

~~— (c) The department may create a waiting list for enrollment under Subsection (1)(b) if eligible applicants exceed state appropriations.~~

‡ (5) The program shall:

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

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

Section 3. Section ~~{26-40-106}~~26-40-117 is ~~{amended}~~enacted to read:

26-40-106. Program benefits.

~~— (1) Except as provided in Subsection (3), medical and dental program benefits shall be benchmarked, in accordance with 42 U.S.C. Sec. 1397cc, as follows:~~

~~— (a) medical program benefits, including behavioral health care benefits, shall be benchmarked effective July 1, 2019, and on July 1 every third year thereafter, to:~~

~~— (i) be substantially equal to a health benefit plan with the largest insured commercial enrollment offered by a health maintenance organization in the state; and~~

~~— (ii) comply with the Mental Health Parity and Addiction Equity Act, Pub. L. No.~~

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~~110-343; and~~

~~— (b) dental program benefits shall be benchmarked effective July 1, 2019, and on July 1 every third year thereafter in accordance with the Children's Health Insurance Program Reauthorization Act of 2009, to be substantially equal to a dental benefit plan that has the largest insured, commercial, non-Medicaid enrollment of covered lives that is offered in the state, except that the utilization review mechanism for orthodontia shall be based on medical necessity;~~

~~— (2) On or before July 1 of each year, the department shall publish the benchmark for dental program benefits established under Subsection (1)(b);~~

~~— (3) The program benefits:~~

~~— (a) for enrollees who are at or below 100% of the federal poverty level are exempt from the benchmark requirements of Subsections (1) and (2); and~~

~~— (b) shall include treatment for autism spectrum disorder as defined in Section 31A-22-642, which:~~

~~— (i) shall include coverage for applied behavioral analysis; and~~

~~— (ii) if the benchmark}~~ **26-40-117. Alternative eligibility -- Report -- Alternative Eligibility Expendable Revenue Fund.**

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

(a) the child:

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

(ii) meets the requirements described in ~~{Subsection (1)(a) does not include the coverage described in this Subsection (3)(b), the department shall exclude from the benchmark described in Subsection (1)(a) for any purpose other than providing benefits under the program.~~

~~— (4) Subsections 26-40-105(1)(a) through (e); and~~

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

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

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

(3) Notwithstanding {any other provision of this section} Section 26-40-106, the

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program benefits, coverage, and cost sharing for a child enrolled under ~~Subsection 26-40-105(1)(b)~~; this section shall be equal to the benefits, coverage, and cost sharing provided to a child who:

- (a) is eligible under Subsection 26-40-105(1)~~(a)~~; and
- (b) resides in a household that has a gross family income equal to 200% of the federal poverty level.

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

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

- (a) the number of individuals served under the program;
- (b) average duration of coverage for individuals served under the program;
- (c) the cost of the program; and
- (d) any benefits of the program, including data showing:
 - (i) percentage of enrolled individuals who had well-child visits with a primary care practitioner at recommended ages;
 - (ii) percentage of enrolled individuals who received a comprehensive or periodic oral evaluation;
 - (iii) percentage of enrolled individuals who received recommended immunizations at recommended ages;
 - (iv) rate of emergency department visits per 1,000 member months;
 - (v) rate of medication adherence to treat chronic conditions; and
 - (vi) a comparison of utilization patterns before and after enrollment.
- (6) (a) There is created an expendable special revenue fund known as the "Alternative Eligibility Expendable Revenue Fund."
 - (b) The Alternative Eligibility Expendable Revenue Fund shall consist of:
 - (i) appropriations by the Legislature;
 - (ii) any other funds received as donations for the fund; and
 - (iii) interest earned on the account.
 - (c) If the balance of the Alternative Eligibility Expendable Revenue Fund exceeds

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

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

Section 4. Section ~~{26-40-108}~~63I-1-226 is amended to read:

~~{26-40-108. Funding:~~

~~—— (1) [The] Except as provided in Subsection (3), the program shall be funded by federal matching funds received under, together with state matching funds required by, 42 U.S.C. Sec. 1397ee.~~

~~—— (2) Program expenditures in the following categories may not exceed 10% in the aggregate of all federal payments pursuant to 42 U.S.C. Sec. 1397ee:~~

~~—— (a) other forms of child health assistance for children with gross family incomes below 200% of the federal poverty level;~~

~~—— (b) other health services initiatives to improve low-income children's health;~~

~~—— (c) outreach program expenditures; and~~

~~—— (d) administrative costs.~~

~~—— (3) If the state is unable to obtain federal matching funds for a child eligible through Subsection 26-40-105(1)(b), the program services provided to the child shall be funded by the state.}~~63I-1-226. Repeal dates: Title 26 through 26B.

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

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

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

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

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

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

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

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

(9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July

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1, 2025.

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

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

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

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

(14) Section 26-18-27 is repealed July 1, 2025.

(15) Section 26-18-28 is repealed June 30, 2027.

(16) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1, 2027.

(17) Subsection 26-18-418(2), the language that states "and the Behavioral Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.

(18) Section 26-33a-117 is repealed December 31, 2023.

(19) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

(20) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.

(21) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed July 1, 2024.

(22) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.

(23) Section 26-39-201, which creates the Residential Child Care Licensing Advisory Committee, is repealed July 1, 2024.

(24) Section 26-39-405, Drinking water quality in child care centers, is repealed July 1, 2027.

(25) Section 26-40-104, which creates the Utah Children's Health Insurance Program Advisory Council, is repealed July 1, 2025.

(26) Section 26-40-117, regarding alternative eligibility, is repealed July 1, 2028.

~~(26)~~ (27) Section 26-50-202, which creates the Traumatic Brain Injury Advisory Committee, is repealed July 1, 2025.

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~~[(27)]~~ (28) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

~~[(28)]~~ (29) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1, 2026.

~~[(29)]~~ (30) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July 1, 2024.

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

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

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

Section 5. 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.

ITEM 1

To Department of Health and Human Services ~~{-- Integrated Health Care Services--}~~

Alternative Eligibility Expendable Revenue Fund

From General Fund 4,500,000

Schedule of Programs:

~~{~~ ~~—————~~ Children's Health Insurance Program Services ~~—————~~ 4,500,000

~~—————~~ ~~The Legislature intends that the Department of Health and Human Services use the appropriation under this item to enroll children described in Subsection 26-40-105(1)(b) in the Utah Children's Health Insurance Program.~~ Alternative Eligibility Expendable Revenue Fund

4,500,000

Section 6. Effective date.

This bill takes effect on January 1, 2024.

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

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

(1) the amendments to Section 63I-1-226 in S.B. 208 supersede the amendments to Section 63I-1-226 in this bill; and

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