

Representative Ken Ivory proposes the following substitute bill:

HEALTH CARE REFORM AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to health care reform.

Highlighted Provisions:

This bill:

- ▶ requires the Department of Health and Human Services (department) to issue a request for information regarding lowering costs to the Medicaid program while maintaining or improving the level of services offered to Medicaid enrollees;
- ▶ authorizes the department to initiate request for proposals;
- ▶ authorizes the department to apply for Medicaid waivers if necessary to implement a proposal;
- ▶ authorizes the use of the Medicaid Expansion Fund to pay for certain programs; and
- ▶ creates a sunset date.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:



26 **26B-1-315**, as last amended by Laws of Utah 2023, Chapter 471 and renumbered and
27 amended by Laws of Utah 2023, Chapter 305

28 **63I-1-226 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters
29 249, 269, 270, 275, 332, 335, 420, and 495 and repealed and reenacted by Laws of
30 Utah 2023, Chapter 329

31 **63I-1-226 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249,
32 269, 270, 275, 310, 332, 335, 420, and 495 and repealed and reenacted by Laws of
33 Utah 2023, Chapter 329 and last amended by Coordination Clause, Laws of Utah
34 2023, Chapters 329, 332

35 ENACTS:

36 **26B-3-143**, Utah Code Annotated 1953



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

39 Section 1. Section **26B-1-315** is amended to read:

40 **26B-1-315. Medicaid Expansion Fund.**

41 (1) There is created an expendable special revenue fund known as the "Medicaid
42 Expansion Fund."

43 (2) The fund consists of:

44 (a) assessments collected under Chapter 3, Part 5, Inpatient Hospital Assessment;

45 (b) intergovernmental transfers under Section **26B-3-508**;

46 (c) savings attributable to the health coverage improvement program, as defined in
47 Section **26B-3-501**, as determined by the department;

48 (d) savings attributable to the enhancement waiver program, as defined in Section
49 **26B-3-501**, as determined by the department;

50 (e) savings attributable to the Medicaid waiver expansion, as defined in Section
51 **26B-3-501**, as determined by the department;

52 (f) savings attributable to the inclusion of psychotropic drugs on the preferred drug list
53 under Subsection **26B-3-105(3)** as determined by the department;

54 (g) revenues collected from the sales tax described in Subsection **59-12-103(11)**;

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

57 (i) interest earned on money in the fund; and
58 (j) additional amounts as appropriated by the Legislature.
59 (3) (a) The fund shall earn interest.
60 (b) All interest earned on fund money shall be deposited into the fund.
61 (4) (a) A state agency administering the provisions of Chapter 3, Part 5, Inpatient
62 Hospital Assessment, may use money from the fund to pay the costs, not otherwise paid for
63 with federal funds or other revenue sources, of:
64 (i) the health coverage improvement program as defined in Section 26B-3-501;
65 (ii) the enhancement waiver program as defined in Section 26B-3-501;
66 (iii) a Medicaid waiver expansion as defined in Section 26B-3-501; [~~and~~]
67 (iv) the outpatient upper payment limit supplemental payments under Section
68 26B-3-511[-]; and
69 (v) administering and implementing a program or Medicaid waiver created under
70 Section 26B-3-143.
71 (b) A state agency administering the provisions of Chapter 3, Part 5, Inpatient Hospital
72 Assessment, may not use:
73 (i) funds described in Subsection (2)(b) to pay the cost of private outpatient upper
74 payment limit supplemental payments; or
75 (ii) money in the fund for any purpose not described in Subsection (4)(a).
76 Section 2. Section 26B-3-143 is enacted to read:
77 **26B-3-143. Medicaid improvement projects.**
78 (1) Before December 31, 2024, the department shall initiate a request for information
79 related to providing the same or improved services to enrollees at lower cost to the state.
80 (2) (a) After receiving responses under Subsection (1) and in accordance with Title
81 63G, Chapter 6a, Utah Procurement Code, the department may develop any number of request
82 for proposals that the department determines could result in the same or improved services to
83 enrollees at lower cost to the state.
84 (b) The department may determine the scope for a request for proposal described in
85 Subsection (2)(a).
86 (3) The department may apply for a Medicaid waiver to implement a program created
87 under this section.

88 Section 3. Section **63I-1-226 (Superseded 07/01/24)** is amended to read:

89 **63I-1-226 (Superseded 07/01/24). Repeal dates: Titles 26A through 26B.**

90 (1) Subsection **26B-1-204(2)(i)**, related to the Primary Care Grant Committee, is
91 repealed July 1, 2025.

92 (2) Section **26B-1-315**, which creates the Medicaid Expansion Fund, is repealed July 1,
93 2024.

94 (3) Subsection 26B-1-315(4)(a)(v), related to a program or Medicaid waiver created
95 under Section 26B-3-143, is repealed July 1, 2031.

96 [~~(3)~~] (4) Section **26B-1-319**, which creates the Neuro-Rehabilitation Fund, is repealed
97 January 1, 2025.

98 [~~(4)~~] (5) Section **26B-1-320**, which creates the Pediatric Neuro-Rehabilitation Fund, is
99 repealed January 1, 2025.

100 [~~(5)~~] (6) Subsection **26B-1-324(4)**, the language that states "the Behavioral Health
101 Crisis Response Commission, as defined in Section **63C-18-202**," is repealed December 31,
102 2026.

103 [~~(6)~~] (7) Subsection **26B-1-329(6)**, related to the Behavioral Health Crisis Response
104 Commission, is repealed December 31, 2026.

105 [~~(7)~~] (8) Section **26B-1-402**, related to the Rare Disease Advisory Council Grant
106 Program, is repealed July 1, 2026.

107 [~~(8)~~] (9) Section **26B-1-409**, which creates the Utah Digital Health Service
108 Commission, is repealed July 1, 2025.

109 [~~(9)~~] (10) Section **26B-1-410**, which creates the Primary Care Grant Committee, is
110 repealed July 1, 2025.

111 [~~(10)~~] (11) Section **26B-1-416**, which creates the Utah Children's Health Insurance
112 Program Advisory Council, is repealed July 1, 2025.

113 [~~(11)~~] (12) Section **26B-1-417**, which creates the Brain Injury Advisory Committee, is
114 repealed July 1, 2025.

115 [~~(12)~~] (13) Section **26B-1-418**, which creates the Neuro-Rehabilitation Fund and
116 Pediatric Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.

117 [~~(13)~~] (14) Section **26B-1-422**, which creates the Early Childhood Utah Advisory
118 Council, is repealed July 1, 2029.

- 119 [~~(14)~~] (15) Section [26B-1-428](#), which creates the Youth Electronic Cigarette,
120 Marijuana, and Other Drug Prevention Program, is repealed July 1, 2025.
- 121 [~~(15)~~] (16) Section [26B-1-430](#), which creates the Coordinating Council for Persons
122 with Disabilities, is repealed July 1, 2027.
- 123 [~~(16)~~] (17) Section [26B-1-431](#), which creates the Forensic Mental Health Coordinating
124 Council, is repealed July 1, 2023.
- 125 [~~(17)~~] (18) Section [26B-1-432](#), which creates the Newborn Hearing Screening
126 Committee, is repealed July 1, 2026.
- 127 [~~(18)~~] (19) Section [26B-1-434](#), regarding the Correctional Postnatal and Early
128 Childhood Advisory Board, is repealed July 1, 2026.
- 129 [~~(19)~~] (20) Section [26B-2-407](#), related to drinking water quality in child care centers, is
130 repealed July 1, 2027.
- 131 [~~(20)~~] (21) Subsection [26B-3-107](#)(9), which addresses reimbursement for dental
132 hygienists, is repealed July 1, 2028.
- 133 [~~(21)~~] (22) Section [26B-3-136](#), which creates the Children's Health Care Coverage
134 Program, is repealed July 1, 2025.
- 135 [~~(22)~~] (23) Section [26B-3-137](#), related to reimbursement for the National Diabetes
136 Prevention Program, is repealed June 30, 2027.
- 137 (24) Section [26B-3-143](#) is repealed July 1, 2031.
- 138 [~~(23)~~] (25) Subsection [26B-3-213](#)(2), the language that states "and the Behavioral
139 Health Crisis Response Commission created in Section [63C-18-202](#)" is repealed December 31,
140 2026.
- 141 [~~(24)~~] (26) Sections [26B-3-302](#) through [26B-3-309](#), regarding the Drug Utilization
142 Review Board, are repealed July 1, 2027.
- 143 [~~(25)~~] (27) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July
144 1, 2024.
- 145 [~~(26)~~] (28) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
146 repealed July 1, 2024.
- 147 [~~(27)~~] (29) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July
148 1, 2028.
- 149 [~~(28)~~] (30) Section [26B-3-910](#), regarding alternative eligibility, is repealed July 1,

150 2028.

151 ~~[(29)]~~ (31) Section 26B-4-136, related to the Volunteer Emergency Medical Service
152 Personnel Health Insurance Program, is repealed July 1, 2027.

153 ~~[(30)]~~ (32) Section 26B-4-710, related to rural residency training programs, is repealed
154 July 1, 2025.

155 ~~[(31)]~~ (33) Subsections 26B-5-112(1) and (5), the language that states "In consultation
156 with the Behavioral Health Crisis Response Commission, established in Section 63C-18-202,"
157 is repealed December 31, 2026.

158 ~~[(32)]~~ (34) Section 26B-5-112.5 is repealed December 31, 2026.

159 ~~[(33)]~~ (35) Section 26B-5-114, related to the Behavioral Health Receiving Center
160 Grant Program, is repealed December 31, 2026.

161 ~~[(34)]~~ (36) Section 26B-5-118, related to collaborative care grant programs, is repealed
162 December 31, 2024.

163 ~~[(35)]~~ (37) Section 26B-5-120 is repealed December 31, 2026.

164 ~~[(36)]~~ (38) In relation to the Utah Assertive Community Treatment Act, on July 1,
165 2024:

166 (a) Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and

167 (b) Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are
168 repealed.

169 ~~[(37)]~~ (39) In relation to the Behavioral Health Crisis Response Commission, on
170 December 31, 2026:

171 (a) Subsection 26B-5-609(1)(a) is repealed;

172 (b) Subsection 26B-5-609(3)(a), the language that states "With recommendations from
173 the commission," is repealed;

174 (c) Subsection 26B-5-610(1)(b) is repealed;

175 (d) Subsection 26B-5-610(2)(b), the language that states "and in consultation with the
176 commission," is repealed; and

177 (e) Subsection 26B-5-610(4), the language that states "In consultation with the
178 commission," is repealed.

179 ~~[(38)]~~ (40) Subsections 26B-5-611(1)(a) and (10), in relation to the Utah Substance
180 Use and Mental Health Advisory Council, are repealed January 1, 2033.

181 ~~[(39)]~~ (41) Section 26B-5-612, related to integrated behavioral health care grant
182 programs, is repealed December 31, 2025.

183 ~~[(40)]~~ (42) Subsection 26B-7-119(5), related to reports to the Legislature on the
184 outcomes of the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

185 ~~[(41)]~~ (43) Section 26B-7-224, related to reports to the Legislature on violent incidents
186 and fatalities involving substance abuse, is repealed December 31, 2027.

187 ~~[(42)]~~ (44) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
188 2024.

189 ~~[(43)]~~ (45) Section 26B-8-513, related to identifying overuse of non-evidence-based
190 health care, is repealed December 31, 2023.

191 Section 4. Section 63I-1-226 (Effective 07/01/24) is amended to read:

192 **63I-1-226 (Effective 07/01/24). Repeal dates: Titles 26A through 26B.**

193 (1) Subsection 26B-1-204(2)(i), related to the Primary Care Grant Committee, is
194 repealed July 1, 2025.

195 (2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1,
196 2024.

197 (3) Subsection 26B-1-315(4)(a)(v), related to a program or Medicaid waiver created
198 under Section 26B-3-143, is repealed July 1, 2031.

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200 January 1, 2025.

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229 Committee, is repealed July 1, 2026.

230 ~~[(18)]~~ (19) Section [26B-1-434](#), regarding the Correctional Postnatal and Early
231 Childhood Advisory Board, is repealed July 1, 2026.

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234 ~~[(20)]~~ (21) Subsection [26B-3-107](#)(9), which addresses reimbursement for dental
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240 (24) Section [26B-3-143](#) is repealed July 1, 2031.

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242 Health Crisis Response Commission created in Section [63C-18-202](#)" is repealed December 31,

243 2026.

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245 Review Board, are repealed July 1, 2027.

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247 1, 2024.

248 [~~(26)~~] (28) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
249 repealed July 1, 2024.

250 [~~(27)~~] (29) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July
251 1, 2028.

252 [~~(28)~~] (30) Section 26B-3-910, regarding alternative eligibility, is repealed July 1,
253 2028.

254 [~~(29)~~] (31) Section 26B-4-710, related to rural residency training programs, is repealed
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256 [~~(30)~~] (32) Subsections 26B-5-112(1) and (5), the language that states "In consultation
257 with the Behavioral Health Crisis Response Commission, established in Section 63C-18-202,"
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261 Grant Program, is repealed December 31, 2026.

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263 December 31, 2024.

264 [~~(34)~~] (36) Section 26B-5-120 is repealed December 31, 2026.

265 [~~(35)~~] (37) In relation to the Utah Assertive Community Treatment Act, on July 1,
266 2024:

267 (a) Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and

268 (b) Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are
269 repealed.

270 [~~(36)~~] (38) In relation to the Behavioral Health Crisis Response Commission, on
271 December 31, 2026:

272 (a) Subsection 26B-5-609(1)(a) is repealed;

273 (b) Subsection 26B-5-609(3)(a), the language that states "With recommendations from

274 the commission," is repealed;

275 (c) Subsection [26B-5-610](#)(1)(b) is repealed;

276 (d) Subsection [26B-5-610](#)(2)(b), the language that states "and in consultation with the
277 commission," is repealed; and

278 (e) Subsection [26B-5-610](#)(4), the language that states "In consultation with the
279 commission," is repealed.

280 [~~37~~] (39) Subsections [26B-5-611](#)(1)(a) and (10), in relation to the Utah Substance
281 Use and Mental Health Advisory Council, are repealed January 1, 2033.

282 [~~38~~] (40) Section [26B-5-612](#), related to integrated behavioral health care grant
283 programs, is repealed December 31, 2025.

284 [~~39~~] (41) Subsection [26B-7-119](#)(5), related to reports to the Legislature on the
285 outcomes of the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

286 [~~40~~] (42) Section [26B-7-224](#), related to reports to the Legislature on violent incidents
287 and fatalities involving substance abuse, is repealed December 31, 2027.

288 [~~41~~] (43) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
289 2024.

290 [~~42~~] (44) Section [26B-8-513](#), related to identifying overuse of non-evidence-based
291 health care, is repealed December 31, 2023.

292 Section 5. **Effective date.**

293 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

294 (2) The actions affecting Section [63I-1-226](#) (Effective 07/01/24) take effect on July 1,
295 2024.