

HB0340S01 compared with HB0340

~~{deleted text}~~ shows text that was in HB0340 but was deleted in HB0340S01.

inserted text shows text that was not in HB0340 but was inserted into HB0340S01.

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.

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;{

~~→ amends provisions related to the types of drugs a health care provider may dispense~~

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~~in the health care provider's office;~~ 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:

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

~~{ **58-88-202**, as enacted by Laws of Utah 2022, Chapter 353~~

{ **63I-1-226 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249, 269, 270, 275, 332, 335, 420, and 495 and repealed and reenacted by Laws of Utah 2023, Chapter 329

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07/01/24), as last amended by Laws of Utah 2023, Chapters 249, 269, 270, 275, 310, 332, 335, 420, and 495 and repealed and reenacted by Laws of Utah 2023, Chapter 329 and last amended by Coordination Clause, Laws of Utah 2023, Chapters 329, 332

ENACTS:

26B-3-143, Utah Code Annotated 1953

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

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

26B-1-315. Medicaid Expansion Fund.

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

(2) The fund consists of:

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

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

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

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

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

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

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

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

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

(j) additional amounts as appropriated by the Legislature.

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

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

(4) (a) A state agency administering the provisions of Chapter 3, Part 5, Inpatient Hospital Assessment, may use money from the fund to pay the costs, not otherwise paid for with federal funds or other revenue sources, of:

(i) the health coverage improvement program as defined in Section 26B-3-501;

(ii) the enhancement waiver program as defined in Section 26B-3-501;

(iii) a Medicaid waiver expansion as defined in Section 26B-3-501; ~~and~~

(iv) the outpatient upper payment limit supplemental payments under Section 26B-3-511~~[-]; and~~

(v) administering and implementing a program or Medicaid waiver created under Section 26B-3-143.

(b) A state agency administering the provisions of Chapter 3, Part 5, Inpatient Hospital Assessment, may not use:

(i) funds described in Subsection (2)(b) to pay the cost of private outpatient upper payment limit supplemental payments; or

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

Section 2. Section **26B-3-143** is enacted to read:

26B-3-143. Medicaid improvement projects.

(1) Before December 31, 2024, the department shall initiate a request for information

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related to providing the same or improved services to enrollees at lower cost to the state.

(2) (a) After receiving responses under Subsection (1) and in accordance with Title 63G, Chapter 6a, Utah Procurement Code, the department may develop any number of request for proposals that the department determines could result in the same or improved services to enrollees at lower cost to the state.

(b) The department may determine the scope for a request for proposal described in Subsection (2)(a).

(3) The department may apply for a Medicaid waiver to implement a program created under this section.

~~{ Section 3. Section 58-88-202 is amended to read:~~

~~58-88-202. Dispensing practice -- Drugs that may be dispensed -- Limitations and exceptions:~~

~~(1) Notwithstanding Section 58-17b-302, a dispensing practitioner may dispense a drug at a licensed dispensing practice if the drug is:~~

~~(a) packaged in a fixed quantity per package by:~~

~~(i) the drug manufacturer;~~

~~(ii) a pharmaceutical wholesaler or distributor; or~~

~~(iii) a pharmacy licensed under Chapter 17b, Pharmacy Practice Act, and~~

~~(b) dispensed:~~

~~(i) at a licensed dispensing practice at which the dispensing practitioner regularly practices; and~~

~~(ii) under a prescription issued by the dispensing practitioner to the dispensing practitioner's patient[;];~~

~~[(c) for a condition that is not expected to last longer than 30 days; and]~~

~~[(d) for a condition for which the patient has been evaluated by the dispensing practitioner on the same day on which the dispensing practitioner dispenses the drug.]~~

~~(2) A dispensing practitioner may not dispense:~~

~~(a) a controlled substance as defined in Section 58-37-2;~~

~~(b) a drug or class of drugs that is designated by the division under Subsection 58-88-205(2); or~~

~~(c) gabapentin[; or];~~

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- ~~— (d) a supply of a drug under this part that exceeds a 30-day supply.]~~
- ~~— (3) A dispensing practitioner may not make a claim against workers' compensation or automobile insurance for a drug dispensed under this part for outpatient use unless the dispensing practitioner is contracted with a pharmacy network established by the claim payor.~~
- ~~— (4) When a dispensing practitioner dispenses a drug to the patient under this part, a dispensing practitioner shall:~~
- ~~— (a) disclose to the patient verbally and in writing that the patient is not required to fill the prescription through the licensed dispensing practice and that the patient has a right to fill the prescription through a pharmacy; and~~
- ~~— (b) if the patient will be responsible to pay cash for the drug, disclose:~~
- ~~— (i) that the patient will be responsible to pay cash for the drug; and~~
- ~~— (ii) the amount that the patient will be charged by the licensed dispensing practice for the drug.~~
- ~~— (5) This part does not:~~
- ~~— (a) require a dispensing practitioner to dispense a drug under this part;~~
- ~~— (b) limit a health care prescriber from dispensing under Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner-Clinic Pharmacy; or~~
- ~~— (c) apply to a physician who dispenses:~~
- ~~— (i) a drug sample, as defined in Section 58-17b-102, to a patient in accordance with Section 58-1-501.3 or Section 58-17b-610;~~
- ~~— (ii) a prescription drug or device to a patient for a patient's immediate need in an emergency department in accordance with Section 58-17b-610.5; or~~
- ~~— (iii) a drug in an emergency situation as defined by the division in rule under Chapter 17b, Pharmacy Practice Act.~~

‡ Section ~~{4}~~3. Section **63I-1-226 (Superseded 07/01/24)** is amended to read:

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

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

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

(3) Subsection 26B-1-315(4)(a)(v), related to a program or Medicaid waiver created

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under Section 26B-3-143, is repealed July 1, 2031.

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

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

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

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

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

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

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

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

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

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

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

~~[(14)]~~ (15) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program, is repealed July 1, 2025.

~~[(15)]~~ (16) Section 26B-1-430, which creates the Coordinating Council for Persons with Disabilities, is repealed July 1, 2027.

~~[(16)]~~ (17) Section 26B-1-431, which creates the Forensic Mental Health Coordinating Council, is repealed July 1, 2023.

~~[(17)]~~ (18) Section 26B-1-432, which creates the Newborn Hearing Screening

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Committee, is repealed July 1, 2026.

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

~~[(19)]~~ (20) Section 26B-2-407, related to drinking water quality in child care centers, is repealed July 1, 2027.

~~[(20)]~~ (21) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists, is repealed July 1, 2028.

~~[(21)]~~ (22) Section 26B-3-136, which creates the Children's Health Care Coverage Program, is repealed July 1, 2025.

~~[(22)]~~ (23) Section 26B-3-137, related to reimbursement for the National Diabetes Prevention Program, is repealed June 30, 2027.

(24) Section 26B-3-143 is repealed July 1, 2031.

~~[(23)]~~ (25) Subsection 26B-3-213(2), the language that states "and the Behavioral Health Crisis Response Commission created in Section 63C-18-202" is repealed December 31, 2026.

~~[(24)]~~ (26) Sections 26B-3-302 through 26B-3-309, regarding the Drug Utilization Review Board, are repealed July 1, 2027.

~~[(25)]~~ (27) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1, 2024.

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

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

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

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

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

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

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is repealed December 31, 2026.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2024.

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

Section ~~(5)~~4. Section **63I-1-226 (Effective 07/01/24)** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(12)]~~ (13) Section 26B-1-418, which creates the Neuro-Rehabilitation Fund and

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Pediatric Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.

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

~~[(14)]~~ (15) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program, is repealed July 1, 2025.

~~[(15)]~~ (16) Section 26B-1-430, which creates the Coordinating Council for Persons with Disabilities, is repealed July 1, 2027.

~~[(16)]~~ (17) Section 26B-1-431, which creates the Forensic Mental Health Coordinating Council, is repealed July 1, 2023.

~~[(17)]~~ (18) Section 26B-1-432, which creates the Newborn Hearing Screening Committee, is repealed July 1, 2026.

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

~~[(19)]~~ (20) Section 26B-2-407, related to drinking water quality in child care centers, is repealed July 1, 2027.

~~[(20)]~~ (21) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists, is repealed July 1, 2028.

~~[(21)]~~ (22) Section 26B-3-136, which creates the Children's Health Care Coverage Program, is repealed July 1, 2025.

~~[(22)]~~ (23) Section 26B-3-137, related to reimbursement for the National Diabetes Prevention Program, is repealed June 30, 2027.

(24) Section 26B-3-143 is repealed July 1, 2031.

~~[(23)]~~ (25) Subsection 26B-3-213(2), the language that states "and the Behavioral Health Crisis Response Commission created in Section 63C-18-202" is repealed December 31, 2026.

~~[(24)]~~ (26) Sections 26B-3-302 through 26B-3-309, regarding the Drug Utilization Review Board, are repealed July 1, 2027.

~~[(25)]~~ (27) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1, 2024.

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

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

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

~~[(29)]~~ (31) Section 26B-4-710, related to rural residency training programs, is repealed July 1, 2025.

~~[(30)]~~ (32) Subsections 26B-5-112(1) and (5), the language that states "In consultation with the Behavioral Health Crisis Response Commission, established in Section 63C-18-202," is repealed December 31, 2026.

~~[(31)]~~ (33) Section 26B-5-112.5 is repealed December 31, 2026.

~~[(32)]~~ (34) Section 26B-5-114, related to the Behavioral Health Receiving Center Grant Program, is repealed December 31, 2026.

~~[(33)]~~ (35) Section 26B-5-118, related to collaborative care grant programs, is repealed December 31, 2024.

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

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

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

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

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

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

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

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

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

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

~~[(37)]~~ (39) Subsections 26B-5-611(1)(a) and (10), in relation to the Utah Substance

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Use and Mental Health Advisory Council, are repealed January 1, 2033.

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

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

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

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

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

Section ~~6~~5. **Effective date.**

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

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