

57 (3) If the General Fund growth factor is greater than or equal to 100%, but less than  
 58 102%, the next fiscal year base budget shall, subject to Subsection (5), include an appropriation  
 59 to the department in an amount necessary to ensure that the next fiscal year PMPM for ACOs  
 60 and behavioral health plans equals the current fiscal year PMPM for the ACOs and behavioral  
 61 health plans multiplied by the General Fund growth factor.

62 (4) If the General Fund growth factor is greater than or equal to 102%, the next fiscal  
 63 year base budget shall, subject to Subsection (5);

64 (a) ~~H~~ → **in fiscal years 2025 and 2026:**

64a (i) ~~H~~ include an appropriation to the department in an amount [~~necessary to ensure that~~  
 65 ~~the next fiscal year PMPM for ACOs and behavioral health plans is greater than or equal to the~~  
 66 ~~current fiscal year PMPM for the ACOs and behavioral health plans multiplied by 102% and~~  
 67 ~~less than or equal to the current fiscal year PMPM for the ACOs and behavioral health plans~~  
 68 ~~multiplied by the General Fund growth factor.] that would, prior to the application of  
 69 Subsection (4)(b), allow the department to ensure that the next fiscal year PMPMs for ACOs  
 70 and behavioral health plans is greater than or equal to the current fiscal year PMPMs for the  
 71 ACOs and behavioral health plans multiplied by 102%;~~

72 ~~H~~ → [~~(b)~~] (ii) ~~H~~ subject to Subsection ~~H~~ → [~~(4)(c)~~] **(4)(a)(iii) ~~H~~**, allocate the amount  
 72a appropriated under Subsection

73 (4)(a) to provide substantially the same year-over-year percentage point increase to:

74 ~~H~~ → [~~(i)~~] (A) ~~H~~ the PMPMs for ACOs and behavioral health plans; and

75 ~~H~~ → [~~(ii)~~] (B) ~~H~~ each ABA service reimbursement rate; and

76 ~~H~~ → [~~(c)~~] (iii) ~~H~~ for the initial appropriation under Subsection ~~H~~ → [~~(4)(b)~~] **(4)(a)(i) ~~H~~** .  
 76a prior to providing the

77 percentage point increases under Subsection ~~H~~ → [~~(4)(b)~~] **(4)(a)(ii) ~~H~~** , allocate from the total  
 77a amount appropriated

78 under Subsection ~~H~~ → [~~(4)(a)~~] **(4)(a)(i) ~~H~~** an amount necessary to increase and substantially  
 78a equalize each of the

79 ABA service reimbursement rates with a corresponding reimbursement rate paid for providing  
 80 the same or substantially similar service under an ACO or a behavioral health plan ~~H~~ → [:] ; and

80a **(b) beginning in fiscal year 2027, include an appropriation to the department in an**  
 80b **amount necessary to ensure that the next fiscal year PMPMs for ACOs and behavioral health**  
 80c **plans is greater than or equal to the current fiscal year PMPMs for the ACOs and the**  
 80d **behavioral health plans multiplied by 102%, and less than or equal to the current fiscal year**  
 80e **PMPMs for the ACOs and the behavioral health plans multiplied by the General Fund** ☒

80f **⊕growth factor. ←H**

81 (5) The appropriations provided to the department for behavioral health plans under  
82 this section shall be reduced by the amount contributed by counties in the current fiscal year for  
83 behavioral health plans in accordance with Subsections 17-43-201(5)(k) and  
84 17-43-301(6)(a)(x).

85 (6) In order for the department to estimate the impact of Subsections (2) through (4)  
86 before identification of the next fiscal year ongoing General Fund revenue estimate, the  
87 Governor's Office of Planning and Budget shall, in cooperation with the Office of the