

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CAREGIVER COMPENSATION AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Jennifer Dailey-Provost

---

---

**LONG TITLE**

**General Description:**

This bill amends a definition related to reimbursement for certain personal care services under Medicaid.

**Highlighted Provisions:**

This bill:

- provides that, if approved by CMS, a step-parent may be reimbursed for providing certain personal care services to an individual who is enrolled in a specific Medicaid waiver.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26B-3-222**, as last amended by Laws of Utah 2023, Chapter 315 and renumbered and amended by Laws of Utah 2023, Chapter 306

---

---

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

Section 1. Section **26B-3-222** is amended to read:

**26B-3-222 . Medicaid waiver expansion for extraordinary care reimbursement.**

(1) As used in this section:

(a) "Existing home and community-based services waiver" means an existing home and community-based services waiver in the state that serves an individual:

- (i) with an acquired brain injury;
- (ii) with an intellectual or physical disability; or
- (iii) who is 65 years old or older.

- 29 (b) "Guardian" means a person appointed by a court to manage the affairs of a living  
30 individual.
- 31 (c) "Parent" means a biological [øŕ] parent, adoptive parent, or step-parent of an  
32 individual.["]
- 33 (d) "Personal care services" means a service that:
- 34 (i) is furnished to an individual who is not an inpatient nor a resident of a hospital,  
35 nursing facility, intermediate care facility, or institution for mental diseases;
- 36 (ii) is authorized for an individual described in Subsection (1)(d)(i) in accordance  
37 with a plan of treatment;
- 38 (iii) is provided by an individual who is qualified to provide the services; and  
39 (iv) is furnished in a home or another community-based setting.
- 40 (e) "Waiver enrollee" means an individual who is enrolled in an existing home and  
41 community-based services waiver.
- 42 (2) Before July 1, 2021, the department shall apply with CMS for an amendment to an  
43 existing home and community-based services waiver to implement a program to offer  
44 reimbursement to an individual who provides personal care services that constitute  
45 extraordinary care to a waiver enrollee who is the individual's spouse.
- 46 (3) If CMS approves the amendment described in Subsection (2), the department shall  
47 implement the program described in Subsection (2).
- 48 (4) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah  
49 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection  
50 (2).
- 51 (5) Before July 1, 2023, the department shall apply with CMS for an amendment to an  
52 existing home and community-based services waiver to implement a program to offer  
53 reimbursement to an individual who provides personal care services that constitute  
54 extraordinary care to a waiver enrollee to whom the individual is a parent or guardian.
- 55 (6) If CMS approves the amendment described in Subsection (5), the department shall  
56 implement the program described in Subsection (5).
- 57 (7) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah  
58 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection  
59 (5).

60 Section 2. **Effective date.**

61 This bill takes effect on May 1, 2024.