

CAREGIVER COMPENSATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Jennifer Dailey-Provost

LONG TITLE

Committee Note:

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 13 voting for 0 voting against 6 absent

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



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

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

30 **26B-3-222. Medicaid waiver expansion for extraordinary care reimbursement.**

31 (1) As used in this section:

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

34 (i) with an acquired brain injury;

35 (ii) with an intellectual or physical disability; or

36 (iii) who is 65 years old or older.

37 (b) "Guardian" means a person appointed by a court to manage the affairs of a living
38 individual.

39 (c) "Parent" means a biological [or] parent, adoptive parent, or step-parent of an
40 individual.^[m]

41 (d) "Personal care services" means a service that:

42 (i) is furnished to an individual who is not an inpatient nor a resident of a hospital,
43 nursing facility, intermediate care facility, or institution for mental diseases;

44 (ii) is authorized for an individual described in Subsection (1)(d)(i) in accordance with
45 a plan of treatment;

46 (iii) is provided by an individual who is qualified to provide the services; and

47 (iv) is furnished in a home or another community-based setting.

48 (e) "Waiver enrollee" means an individual who is enrolled in an existing home and
49 community-based services waiver.

50 (2) Before July 1, 2021, the department shall apply with CMS for an amendment to an
51 existing home and community-based services waiver to implement a program to offer
52 reimbursement to an individual who provides personal care services that constitute
53 extraordinary care to a waiver enrollee who is the individual's spouse.

54 (3) If CMS approves the amendment described in Subsection (2), the department shall
55 implement the program described in Subsection (2).

56 (4) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah
57 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection (2).

58 (5) Before July 1, 2023, the department shall apply with CMS for an amendment to an

59 existing home and community-based services waiver to implement a program to offer
60 reimbursement to an individual who provides personal care services that constitute
61 extraordinary care to a waiver enrollee to whom the individual is a parent or guardian.

62 (6) If CMS approves the amendment described in Subsection (5), the department shall
63 implement the program described in Subsection (5).

64 (7) The department shall by rule, made in accordance with Title 63G, Chapter 3, Utah
65 Administrative Rulemaking Act, define "extraordinary care" for purposes of Subsection (5).

66 Section 2. **Effective date.**

67 This bill takes effect on May 1, 2024.