

1 **MEDICAID WAIVER FOR MEDICALLY COMPLEX**
2 **CHILDREN AMENDMENTS**

3 2022 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Steve Eliason**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Medical Assistance Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends application, eligibility, treatment, and evaluation provisions for the
14 Medicaid program for children with complex medical conditions; and
15 ▶ includes a child's behavioral health needs as a factor for prioritizing entrance into
16 the program.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **26-18-410**, as last amended by Laws of Utah 2019, Chapter 393

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

26 Section 1. Section **26-18-410** is amended to read:

27 **26-18-410. Medicaid waiver for children with disabilities and complex medical**



28 needs.

29 (1) As used in this section:

30 ~~[(a) "Additional eligibility criteria" means the additional eligibility criteria set by the~~
31 ~~department under Subsection (4)(c).]~~

32 ~~[(b)]~~ (a) "Complex medical condition" means a physical condition of an individual
33 that:

34 (i) results in severe functional limitations for the individual; and

35 (ii) is likely to:

36 (A) last at least 12 months; or

37 (B) result in death.

38 ~~[(c)]~~ (b) "Program" means the program for children with complex medical conditions
39 created in Subsection (3).

40 ~~[(d)]~~ (c) "Qualified child" means a child who:

41 (i) is less than 19 years old;

42 (ii) is diagnosed with a complex medical condition; and

43 (iii) has a condition that meets the definition of disability in 42 U.S.C. Sec. 12102[;

44 and].

45 ~~[(iv) meets the additional eligibility criteria.]~~

46 (2) The department shall apply for a Medicaid home and community-based waiver with
47 CMS to implement, within the state Medicaid program, the program described in Subsection
48 (3).

49 (3) If the waiver described in Subsection (2) is approved, the department shall offer a
50 program that:

51 (a) ~~[as funding permits;]~~ except as provided in Subsection (3)(b), provides treatment
52 for qualified children as funding permits;

53 (b) if approved by CMS, beginning in fiscal year 2023 provides on an ongoing basis
54 treatment for 300 more qualified children each fiscal year than the program provided treatment
55 for during fiscal year 2022; and

56 ~~[(b)]~~ (c) accepts applications for the program ~~[during periods of open enrollment; and]~~
57 on an ongoing basis.

58 ~~[(c) if approved by CMS:]~~

59 ~~[(i) requires periodic reevaluations of an enrolled child's eligibility based on the~~
60 ~~additional eligibility criteria; and]~~

61 ~~[(ii) at the time of reevaluation, allows the department to disenroll a child who does not~~
62 ~~meet the additional eligibility criteria.]~~

63 (4) The department shall:

64 ~~[(a) seek to prioritize, in the waiver described in Subsection (2), entrance into the~~
65 ~~program based on the:]~~

66 (a) establish by rule made in accordance with Title 63G, Chapter 3, Utah
67 Administrative Rulemaking Act, criteria to prioritize qualified children's entrance into the
68 program based on the following factors, in the following priority order:

69 (i) first, the complexity of a qualified child's medical condition; [and]
70 (ii) second, the financial needs of [a] the qualified child and the qualified child's
71 family; and

72 [(iii) third, the qualified child's behavioral health needs and the impact of those needs
73 on the qualified child's family;

74 (b) convene a public process to determine:

75 (i) the benefits and services to offer a qualified child under the program; and

76 [(ii) the entrance criteria described under Subsection (4)(a);
77 [(ii) additional eligibility criteria for a qualified child;]

78 ~~[(c) evaluate, on an ongoing basis, the cost and effectiveness of the program;]~~

79 ~~[(d)] (c) if funding for the program is reduced, develop an evaluation process to reduce~~
80 ~~the number of children served based on the entrance criteria [in] established under Subsection~~
81 ~~(4)(a); and~~

82 ~~[(e) establish, by rule made in accordance with Title 63G, Chapter 3, Utah~~
83 ~~Administrative Rulemaking Act, additional eligibility criteria based on the factors described in~~
84 ~~Subsections (4)(a)(i) and (ii).]~~

85 (d) evaluate at least annually the entrance criteria established by the department under
86 Subsection (4)(a).