

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: Curtis S. Bramble

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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.

15   **Money Appropriated in this Bill:**

16           None

17   **Other Special Clauses:**

18           None

19   **Utah Code Sections Affected:**

20   AMENDS:

21           **26-18-410**, as last amended by Laws of Utah 2019, Chapter 393

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

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

25           **26-18-410. Medicaid waiver for children with disabilities and complex medical**  
26 **needs.**

27           (1) As used in this section:

28           (a) "Additional eligibility criteria" means the additional eligibility criteria set by the  
29 department under Subsection (4)(e).

30 (b) "Complex medical condition" means a physical condition of an individual that:

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

32 (ii) is likely to:

33 (A) last at least 12 months; or

34 (B) result in death.

35 (c) "Program" means the program for children with complex medical conditions

36 created in Subsection (3).

37 (d) "Qualified child" means a child who:

38 (i) is less than 19 years old;

39 (ii) is diagnosed with a complex medical condition;

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

41 (iv) meets the additional eligibility criteria.

42 (2) The department shall apply for a Medicaid home and community-based waiver with

43 CMS to implement, within the state Medicaid program, the program described in Subsection

44 (3).

45 (3) If the waiver described in Subsection (2) is approved, the department shall offer a

46 program that:

47 (a) as funding permits, provides treatment for qualified children;

48 (b) if approved by CMS and as funding permits, beginning in fiscal year 2023 provides

49 on an ongoing basis treatment for 130 more qualified children than the program provided

50 treatment for during fiscal year 2022; and

51 ~~[(b)] (c) accepts applications for the program [during periods of open enrollment; and]~~

52 on an ongoing basis.

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

54 (i) requires periodic reevaluations of an enrolled child's eligibility and other applicants

55 or eligible children waiting for services in the program based on the additional eligibility

56 criteria; and

57 (ii) at the time of reevaluation, allows the department to disenroll a child ~~[who does not~~

58 ~~meet the]~~ based on the prioritization described in Subsection (4)(a) and additional eligibility  
59 criteria.

60 (4) The department shall:

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

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

66 (i) the complexity of a qualified child's medical condition; and

67 (ii) the financial needs of ~~[a]~~ the qualified child and the qualified child's family;

68 (b) convene a public process to determine~~[(i)]~~ the benefits and services to offer a  
69 qualified child under the program; ~~[and]~~

70 ~~[(ii) additional eligibility criteria for a qualified child;]~~

71 (c) evaluate, on an ongoing basis, the cost and effectiveness of the program;

72 (d) if funding for the program is reduced, develop an evaluation process to reduce the  
73 number of children served based on the participation criteria ~~[in]~~ established under Subsection  
74 (4)(a); and

75 (e) establish, by rule made in accordance with Title 63G, Chapter 3, Utah  
76 Administrative Rulemaking Act, additional eligibility criteria based on the factors described in  
77 Subsections (4)(a)(i) and (ii).