

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

HEALTH CARE REFORM AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to health care reform.

Highlighted Provisions:

This bill:

- ▶ requires the Department of Health and Human Services (department) to issue a request for information regarding lowering costs to the Medicaid program while maintaining or improving the level of services offered to Medicaid enrollees;
- ▶ authorizes the department to initiate request for proposals;
- ▶ authorizes the department to apply for Medicaid waivers if necessary to implement a proposal;
- ▶ authorizes the use of the Medicaid Expansion Fund to pay for certain programs;
- ▶ amends provisions related to the types of drugs a health care provider may dispense in the health care provider's office; and
- ▶ creates a sunset date.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:



28 **26B-1-315**, as last amended by Laws of Utah 2023, Chapter 471 and renumbered and
29 amended by Laws of Utah 2023, Chapter 305

30 **58-88-202**, as enacted by Laws of Utah 2022, Chapter 353

31 **63I-1-226 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters
32 249, 269, 270, 275, 332, 335, 420, and 495 and repealed and reenacted by Laws of
33 Utah 2023, Chapter 329

34 **63I-1-226 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249,
35 269, 270, 275, 310, 332, 335, 420, and 495 and repealed and reenacted by Laws of
36 Utah 2023, Chapter 329 and last amended by Coordination Clause, Laws of Utah
37 2023, Chapters 329, 332

38 ENACTS:

39 **26B-3-143**, Utah Code Annotated 1953



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

42 Section 1. Section **26B-1-315** is amended to read:

43 **26B-1-315. Medicaid Expansion Fund.**

44 (1) There is created an expendable special revenue fund known as the "Medicaid
45 Expansion Fund."

46 (2) The fund consists of:

47 (a) assessments collected under Chapter 3, Part 5, Inpatient Hospital Assessment;

48 (b) intergovernmental transfers under Section **26B-3-508**;

49 (c) savings attributable to the health coverage improvement program, as defined in
50 Section **26B-3-501**, as determined by the department;

51 (d) savings attributable to the enhancement waiver program, as defined in Section
52 **26B-3-501**, as determined by the department;

53 (e) savings attributable to the Medicaid waiver expansion, as defined in Section
54 **26B-3-501**, as determined by the department;

55 (f) savings attributable to the inclusion of psychotropic drugs on the preferred drug list
56 under Subsection **26B-3-105(3)** as determined by the department;

57 (g) revenues collected from the sales tax described in Subsection **59-12-103(11)**;

58 (h) gifts, grants, donations, or any other conveyance of money that may be made to the

59 fund from private sources;

60 (i) interest earned on money in the fund; and

61 (j) additional amounts as appropriated by the Legislature.

62 (3) (a) The fund shall earn interest.

63 (b) All interest earned on fund money shall be deposited into the fund.

64 (4) (a) A state agency administering the provisions of Chapter 3, Part 5, Inpatient
65 Hospital Assessment, may use money from the fund to pay the costs, not otherwise paid for
66 with federal funds or other revenue sources, of:

67 (i) the health coverage improvement program as defined in Section 26B-3-501;

68 (ii) the enhancement waiver program as defined in Section 26B-3-501;

69 (iii) a Medicaid waiver expansion as defined in Section 26B-3-501; [~~and~~]

70 (iv) the outpatient upper payment limit supplemental payments under Section

71 26B-3-511[:]; and

72 (v) administering and implementing a program or Medicaid waiver created under
73 Section 26B-3-143.

74 (b) A state agency administering the provisions of Chapter 3, Part 5, Inpatient Hospital
75 Assessment, may not use:

76 (i) funds described in Subsection (2)(b) to pay the cost of private outpatient upper
77 payment limit supplemental payments; or

78 (ii) money in the fund for any purpose not described in Subsection (4)(a).

79 Section 2. Section 26B-3-143 is enacted to read:

80 **26B-3-143. Medicaid improvement projects.**

81 (1) Before December 31, 2024, the department shall initiate a request for information
82 related to providing the same or improved services to enrollees at lower cost to the state.

83 (2) (a) After receiving responses under Subsection (1) and in accordance with Title
84 63G, Chapter 6a, Utah Procurement Code, the department may develop any number of request
85 for proposals that the department determines could result in the same or improved services to
86 enrollees at lower cost to the state.

87 (b) The department may determine the scope for a request for proposal described in
88 Subsection (2)(a).

89 (3) The department may apply for a Medicaid waiver to implement a program created

90 under this section.

91 Section 3. Section **58-88-202** is amended to read:

92 **58-88-202. Dispensing practice -- Drugs that may be dispensed -- Limitations and**
93 **exceptions.**

94 (1) Notwithstanding Section **58-17b-302**, a dispensing practitioner may dispense a drug
95 at a licensed dispensing practice if the drug is:

96 (a) packaged in a fixed quantity per package by:

97 (i) the drug manufacturer;

98 (ii) a pharmaceutical wholesaler or distributor; or

99 (iii) a pharmacy licensed under Chapter 17b, Pharmacy Practice Act; and

100 (b) dispensed:

101 (i) at a licensed dispensing practice at which the dispensing practitioner regularly
102 practices; and

103 (ii) under a prescription issued by the dispensing practitioner to the dispensing
104 practitioner's patient[;].

105 [~~(c) for a condition that is not expected to last longer than 30 days; and]~~

106 [~~(d) for a condition for which the patient has been evaluated by the dispensing
107 practitioner on the same day on which the dispensing practitioner dispenses the drug.]~~

108 (2) A dispensing practitioner may not dispense:

109 (a) a controlled substance as defined in Section **58-37-2**;

110 (b) a drug or class of drugs that is designated by the division under Subsection
111 **58-88-205(2)**; or

112 (c) gabapentin[; ~~or~~].

113 [~~(d) a supply of a drug under this part that exceeds a 30-day supply.]~~

114 (3) A dispensing practitioner may not make a claim against workers' compensation or
115 automobile insurance for a drug dispensed under this part for outpatient use unless the
116 dispensing practitioner is contracted with a pharmacy network established by the claim payor.

117 (4) When a dispensing practitioner dispenses a drug to the patient under this part, a
118 dispensing practitioner shall:

119 (a) disclose to the patient verbally and in writing that the patient is not required to fill
120 the prescription through the licensed dispensing practice and that the patient has a right to fill

121 the prescription through a pharmacy; and

122 (b) if the patient will be responsible to pay cash for the drug, disclose:

123 (i) that the patient will be responsible to pay cash for the drug; and

124 (ii) the amount that the patient will be charged by the licensed dispensing practice for
125 the drug.

126 (5) This part does not:

127 (a) require a dispensing practitioner to dispense a drug under this part;

128 (b) limit a health care prescriber from dispensing under Chapter 17b, Part 8,

129 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy; or

130 (c) apply to a physician who dispenses:

131 (i) a drug sample, as defined in Section 58-17b-102, to a patient in accordance with
132 Section 58-1-501.3 or Section 58-17b-610;

133 (ii) a prescription drug or device to a patient for a patient's immediate need in an
134 emergency department in accordance with Section 58-17b-610.5; or

135 (iii) a drug in an emergency situation as defined by the division in rule under Chapter
136 17b, Pharmacy Practice Act.

137 Section 4. Section 63I-1-226 (Superseded 07/01/24) is amended to read:

138 **63I-1-226 (Superseded 07/01/24). Repeal dates: Titles 26A through 26B.**

139 (1) Subsection 26B-1-204(2)(i), related to the Primary Care Grant Committee, is
140 repealed July 1, 2025.

141 (2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1,
142 2024.

143 (3) Subsection 26B-1-315(4)(a)(v), related to a program or Medicaid waiver created
144 under Section 26B-3-143, is repealed July 1, 2031.

145 [~~3~~] (4) Section 26B-1-319, which creates the Neuro-Rehabilitation Fund, is repealed
146 January 1, 2025.

147 [~~4~~] (5) Section 26B-1-320, which creates the Pediatric Neuro-Rehabilitation Fund, is
148 repealed January 1, 2025.

149 [~~5~~] (6) Subsection 26B-1-324(4), the language that states "the Behavioral Health
150 Crisis Response Commission, as defined in Section 63C-18-202," is repealed December 31,
151 2026.

152 ~~[(6)]~~ (7) Subsection [26B-1-329](#)(6), related to the Behavioral Health Crisis Response
153 Commission, is repealed December 31, 2026.

154 ~~[(7)]~~ (8) Section [26B-1-402](#), related to the Rare Disease Advisory Council Grant
155 Program, is repealed July 1, 2026.

156 ~~[(8)]~~ (9) Section [26B-1-409](#), which creates the Utah Digital Health Service
157 Commission, is repealed July 1, 2025.

158 ~~[(9)]~~ (10) Section [26B-1-410](#), which creates the Primary Care Grant Committee, is
159 repealed July 1, 2025.

160 ~~[(10)]~~ (11) Section [26B-1-416](#), which creates the Utah Children's Health Insurance
161 Program Advisory Council, is repealed July 1, 2025.

162 ~~[(11)]~~ (12) Section [26B-1-417](#), which creates the Brain Injury Advisory Committee, is
163 repealed July 1, 2025.

164 ~~[(12)]~~ (13) Section [26B-1-418](#), which creates the Neuro-Rehabilitation Fund and
165 Pediatric Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.

166 ~~[(13)]~~ (14) Section [26B-1-422](#), which creates the Early Childhood Utah Advisory
167 Council, is repealed July 1, 2029.

168 ~~[(14)]~~ (15) Section [26B-1-428](#), which creates the Youth Electronic Cigarette,
169 Marijuana, and Other Drug Prevention Program, is repealed July 1, 2025.

170 ~~[(15)]~~ (16) Section [26B-1-430](#), which creates the Coordinating Council for Persons
171 with Disabilities, is repealed July 1, 2027.

172 ~~[(16)]~~ (17) Section [26B-1-431](#), which creates the Forensic Mental Health Coordinating
173 Council, is repealed July 1, 2023.

174 ~~[(17)]~~ (18) Section [26B-1-432](#), which creates the Newborn Hearing Screening
175 Committee, is repealed July 1, 2026.

176 ~~[(18)]~~ (19) Section [26B-1-434](#), regarding the Correctional Postnatal and Early
177 Childhood Advisory Board, is repealed July 1, 2026.

178 ~~[(19)]~~ (20) Section [26B-2-407](#), related to drinking water quality in child care centers, is
179 repealed July 1, 2027.

180 ~~[(20)]~~ (21) Subsection [26B-3-107](#)(9), which addresses reimbursement for dental
181 hygienists, is repealed July 1, 2028.

182 ~~[(21)]~~ (22) Section [26B-3-136](#), which creates the Children's Health Care Coverage

183 Program, is repealed July 1, 2025.

184 ~~[(22)]~~ (23) Section [26B-3-137](#), related to reimbursement for the National Diabetes
185 Prevention Program, is repealed June 30, 2027.

186 ~~(24)~~ Section [26B-3-143](#) is repealed July 1, 2031.

187 ~~[(23)]~~ (25) Subsection [26B-3-213](#)(2), the language that states "and the Behavioral
188 Health Crisis Response Commission created in Section [63C-18-202](#)" is repealed December 31,
189 2026.

190 ~~[(24)]~~ (26) Sections [26B-3-302](#) through [26B-3-309](#), regarding the Drug Utilization
191 Review Board, are repealed July 1, 2027.

192 ~~[(25)]~~ (27) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July
193 1, 2024.

194 ~~[(26)]~~ (28) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
195 repealed July 1, 2024.

196 ~~[(27)]~~ (29) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July
197 1, 2028.

198 ~~[(28)]~~ (30) Section [26B-3-910](#), regarding alternative eligibility, is repealed July 1,
199 2028.

200 ~~[(29)]~~ (31) Section [26B-4-136](#), related to the Volunteer Emergency Medical Service
201 Personnel Health Insurance Program, is repealed July 1, 2027.

202 ~~[(30)]~~ (32) Section [26B-4-710](#), related to rural residency training programs, is repealed
203 July 1, 2025.

204 ~~[(31)]~~ (33) Subsections [26B-5-112](#)(1) and (5), the language that states "In consultation
205 with the Behavioral Health Crisis Response Commission, established in Section [63C-18-202](#),"
206 is repealed December 31, 2026.

207 ~~[(32)]~~ (34) Section [26B-5-112.5](#) is repealed December 31, 2026.

208 ~~[(33)]~~ (35) Section [26B-5-114](#), related to the Behavioral Health Receiving Center
209 Grant Program, is repealed December 31, 2026.

210 ~~[(34)]~~ (36) Section [26B-5-118](#), related to collaborative care grant programs, is repealed
211 December 31, 2024.

212 ~~[(35)]~~ (37) Section [26B-5-120](#) is repealed December 31, 2026.

213 ~~[(36)]~~ (38) In relation to the Utah Assertive Community Treatment Act, on July 1,

214 2024:

215 (a) Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and

216 (b) Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are
217 repealed.

218 [~~37~~] (39) In relation to the Behavioral Health Crisis Response Commission, on
219 December 31, 2026:

220 (a) Subsection 26B-5-609(1)(a) is repealed;

221 (b) Subsection 26B-5-609(3)(a), the language that states "With recommendations from
222 the commission," is repealed;

223 (c) Subsection 26B-5-610(1)(b) is repealed;

224 (d) Subsection 26B-5-610(2)(b), the language that states "and in consultation with the
225 commission," is repealed; and

226 (e) Subsection 26B-5-610(4), the language that states "In consultation with the
227 commission," is repealed.

228 [~~38~~] (40) Subsections 26B-5-611(1)(a) and (10), in relation to the Utah Substance
229 Use and Mental Health Advisory Council, are repealed January 1, 2033.

230 [~~39~~] (41) Section 26B-5-612, related to integrated behavioral health care grant
231 programs, is repealed December 31, 2025.

232 [~~40~~] (42) Subsection 26B-7-119(5), related to reports to the Legislature on the
233 outcomes of the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

234 [~~41~~] (43) Section 26B-7-224, related to reports to the Legislature on violent incidents
235 and fatalities involving substance abuse, is repealed December 31, 2027.

236 [~~42~~] (44) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
237 2024.

238 [~~43~~] (45) Section 26B-8-513, related to identifying overuse of non-evidence-based
239 health care, is repealed December 31, 2023.

240 Section 5. Section 63I-1-226 (Effective 07/01/24) is amended to read:

241 **63I-1-226 (Effective 07/01/24). Repeal dates: Titles 26A through 26B.**

242 (1) Subsection 26B-1-204(2)(i), related to the Primary Care Grant Committee, is
243 repealed July 1, 2025.

244 (2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1,

245 2024.

246 (3) Subsection [26B-1-315\(4\)\(a\)\(v\)](#), related to a program or Medicaid waiver created
247 under Section [26B-3-143](#), is repealed July 1, 2031.

248 [~~(3)~~] (4) Section [26B-1-319](#), which creates the Neuro-Rehabilitation Fund, is repealed
249 January 1, 2025.

250 [~~(4)~~] (5) Section [26B-1-320](#), which creates the Pediatric Neuro-Rehabilitation Fund, is
251 repealed January 1, 2025.

252 [~~(5)~~] (6) Subsection [26B-1-324\(4\)](#), the language that states "the Behavioral Health
253 Crisis Response Commission, as defined in Section [63C-18-202](#)," is repealed December 31,
254 2026.

255 [~~(6)~~] (7) Subsection [26B-1-329\(6\)](#), related to the Behavioral Health Crisis Response
256 Commission, is repealed December 31, 2026.

257 [~~(7)~~] (8) Section [26B-1-402](#), related to the Rare Disease Advisory Council Grant
258 Program, is repealed July 1, 2026.

259 [~~(8)~~] (9) Section [26B-1-409](#), which creates the Utah Digital Health Service
260 Commission, is repealed July 1, 2025.

261 [~~(9)~~] (10) Section [26B-1-410](#), which creates the Primary Care Grant Committee, is
262 repealed July 1, 2025.

263 [~~(10)~~] (11) Section [26B-1-416](#), which creates the Utah Children's Health Insurance
264 Program Advisory Council, is repealed July 1, 2025.

265 [~~(11)~~] (12) Section [26B-1-417](#), which creates the Brain Injury Advisory Committee, is
266 repealed July 1, 2025.

267 [~~(12)~~] (13) Section [26B-1-418](#), which creates the Neuro-Rehabilitation Fund and
268 Pediatric Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.

269 [~~(13)~~] (14) Section [26B-1-422](#), which creates the Early Childhood Utah Advisory
270 Council, is repealed July 1, 2029.

271 [~~(14)~~] (15) Section [26B-1-428](#), which creates the Youth Electronic Cigarette,
272 Marijuana, and Other Drug Prevention Program, is repealed July 1, 2025.

273 [~~(15)~~] (16) Section [26B-1-430](#), which creates the Coordinating Council for Persons
274 with Disabilities, is repealed July 1, 2027.

275 [~~(16)~~] (17) Section [26B-1-431](#), which creates the Forensic Mental Health Coordinating

276 Council, is repealed July 1, 2023.

277 ~~[(17)]~~ (18) Section [26B-1-432](#), which creates the Newborn Hearing Screening
278 Committee, is repealed July 1, 2026.

279 ~~[(18)]~~ (19) Section [26B-1-434](#), regarding the Correctional Postnatal and Early
280 Childhood Advisory Board, is repealed July 1, 2026.

281 ~~[(19)]~~ (20) Section [26B-2-407](#), related to drinking water quality in child care centers, is
282 repealed July 1, 2027.

283 ~~[(20)]~~ (21) Subsection [26B-3-107](#)(9), which addresses reimbursement for dental
284 hygienists, is repealed July 1, 2028.

285 ~~[(21)]~~ (22) Section [26B-3-136](#), which creates the Children's Health Care Coverage
286 Program, is repealed July 1, 2025.

287 ~~[(22)]~~ (23) Section [26B-3-137](#), related to reimbursement for the National Diabetes
288 Prevention Program, is repealed June 30, 2027.

289 (24) Section [26B-3-143](#) is repealed July 1, 2031.

290 ~~[(23)]~~ (25) Subsection [26B-3-213](#)(2), the language that states "and the Behavioral
291 Health Crisis Response Commission created in Section [63C-18-202](#)" is repealed December 31,
292 2026.

293 ~~[(24)]~~ (26) Sections [26B-3-302](#) through [26B-3-309](#), regarding the Drug Utilization
294 Review Board, are repealed July 1, 2027.

295 ~~[(25)]~~ (27) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July
296 1, 2024.

297 ~~[(26)]~~ (28) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
298 repealed July 1, 2024.

299 ~~[(27)]~~ (29) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July
300 1, 2028.

301 ~~[(28)]~~ (30) Section [26B-3-910](#), regarding alternative eligibility, is repealed July 1,
302 2028.

303 ~~[(29)]~~ (31) Section [26B-4-710](#), related to rural residency training programs, is repealed
304 July 1, 2025.

305 ~~[(30)]~~ (32) Subsections [26B-5-112](#)(1) and (5), the language that states "In consultation
306 with the Behavioral Health Crisis Response Commission, established in Section [63C-18-202](#),"

307 is repealed December 31, 2026.

308 [~~(31)~~] (33) Section 26B-5-112.5 is repealed December 31, 2026.

309 [~~(32)~~] (34) Section 26B-5-114, related to the Behavioral Health Receiving Center
310 Grant Program, is repealed December 31, 2026.

311 [~~(33)~~] (35) Section 26B-5-118, related to collaborative care grant programs, is repealed
312 December 31, 2024.

313 [~~(34)~~] (36) Section 26B-5-120 is repealed December 31, 2026.

314 [~~(35)~~] (37) In relation to the Utah Assertive Community Treatment Act, on July 1,
315 2024:

316 (a) Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and

317 (b) Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are
318 repealed.

319 [~~(36)~~] (38) In relation to the Behavioral Health Crisis Response Commission, on
320 December 31, 2026:

321 (a) Subsection 26B-5-609(1)(a) is repealed;

322 (b) Subsection 26B-5-609(3)(a), the language that states "With recommendations from
323 the commission," is repealed;

324 (c) Subsection 26B-5-610(1)(b) is repealed;

325 (d) Subsection 26B-5-610(2)(b), the language that states "and in consultation with the
326 commission," is repealed; and

327 (e) Subsection 26B-5-610(4), the language that states "In consultation with the
328 commission," is repealed.

329 [~~(37)~~] (39) Subsections 26B-5-611(1)(a) and (10), in relation to the Utah Substance
330 Use and Mental Health Advisory Council, are repealed January 1, 2033.

331 [~~(38)~~] (40) Section 26B-5-612, related to integrated behavioral health care grant
332 programs, is repealed December 31, 2025.

333 [~~(39)~~] (41) Subsection 26B-7-119(5), related to reports to the Legislature on the
334 outcomes of the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

335 [~~(40)~~] (42) Section 26B-7-224, related to reports to the Legislature on violent incidents
336 and fatalities involving substance abuse, is repealed December 31, 2027.

337 [~~(41)~~] (43) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,

338 2024.

339 ~~[(42)]~~ (44) Section [26B-8-513](#), related to identifying overuse of non-evidence-based
340 health care, is repealed December 31, 2023.

341 Section 6. **Effective date.**

342 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

343 (2) The actions affecting Section [63I-1-226](#) (Effective 07/01/24) take effect on July 1,
344 2024.