

LONG-TERM CARE AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Medical Assistance Act by directing the Department of Health to apply for an amendment to the New Choices Waiver.

Highlighted Provisions:

This bill:

- ▶ directs the Department of Health to apply for, on or before July 1, 2011, an amendment to the New Choices Waiver so an individual being evaluated for Medicaid benefits will not have to move from the individual's place of residence;
- and
- ▶ prohibits the department from requiring an individual to change residences in order to be evaluated for Medicaid benefits.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-18-3.4, Utah Code Annotated 1953

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



28 Section 1. Section **26-18-3.4** is enacted to read:

29 **26-18-3.4. Evaluating an individual for Medicaid benefits.**

30 (1) The department shall, on or before July 1, 2011, apply for an amendment to the
31 New Choices Waiver that will not require an individual to move to a nursing home, assisted
32 living facility, or to otherwise change the individual's current residence in order to be evaluated
33 for the receipt of benefits under the waiver.

34 (2) Except as provided in Subsection (3), the department may not require an individual
35 to change residences in order to be evaluated for the receipt of Medicaid benefits.

36 (3) Subsection (2) does not apply:

37 (a) to the New Choices Waiver, until the amendment described in Subsection (1) is
38 approved by the centers for Medicare and Medicaid services; or

39 (b) to the extent that it conflicts with federal law.

40 (4) The department shall allow an individual seeking Medicaid benefits to be evaluated
41 by any physician who is trained to evaluate a person's eligibility to receive Medicaid benefits.

Legislative Review Note
as of 2-25-11 7:36 AM

Office of Legislative Research and General Counsel