

MEDICAID EXPANSION REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: Brian Zehnder

LONG TITLE

General Description:

This bill amends the state Medicaid program to permit an expansion of Medicaid eligibility under certain conditions.

Highlighted Provisions:

This bill:

- ▶ requires the Department of Health to submit a waiver request to the federal government by January 1, 2019, to:
 - provide Medicaid benefits to eligible individuals who are below 95% of the federal poverty level;
 - offer services to Medicaid enrollees through the Medicaid managed care organizations;
 - obtain maximum federal financial participation for the new Medicaid enrollees;
 - require certain qualified adults to meet a work activity requirement; and
 - obtain options for flexibility on enrollment;
- ▶ makes changes to the inpatient hospital assessment;
- ▶ creates a new Medicaid expansion hospital assessment;
- ▶ amends the sunset date for the inpatient hospital assessment and creates a sunset date for the Medicaid expansion hospital assessment; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

30 This bill provides coordination clauses.

31 **Utah Code Sections Affected:**

32 AMENDS:

- 33 **26-18-18**, as last amended by Laws of Utah 2017, Chapter 247
- 34 **26-36b-103**, as enacted by Laws of Utah 2016, Chapter 279
- 35 **26-36b-201**, as enacted by Laws of Utah 2016, Chapter 279
- 36 **26-36b-202**, as enacted by Laws of Utah 2016, Chapter 279
- 37 **26-36b-203**, as enacted by Laws of Utah 2016, Chapter 279
- 38 **26-36b-204**, as enacted by Laws of Utah 2016, Chapter 279
- 39 **26-36b-205**, as enacted by Laws of Utah 2016, Chapter 279
- 40 **26-36b-206**, as enacted by Laws of Utah 2016, Chapter 279
- 41 **26-36b-207**, as enacted by Laws of Utah 2016, Chapter 279
- 42 **26-36b-208**, as enacted by Laws of Utah 2016, Chapter 279
- 43 **26-36b-209**, as enacted by Laws of Utah 2016, Chapter 279
- 44 **26-36b-210**, as enacted by Laws of Utah 2016, Chapter 279
- 45 **26-36b-211**, as enacted by Laws of Utah 2016, Chapter 279
- 46 **63I-1-226**, as last amended by Laws of Utah 2017, Chapters 177 and 443

47 ENACTS:

- 48 **26-18-415**, Utah Code Annotated 1953
- 49 **26-36c-101**, Utah Code Annotated 1953
- 50 **26-36c-102**, Utah Code Annotated 1953
- 51 **26-36c-103**, Utah Code Annotated 1953
- 52 **26-36c-201**, Utah Code Annotated 1953
- 53 **26-36c-202**, Utah Code Annotated 1953
- 54 **26-36c-203**, Utah Code Annotated 1953
- 55 **26-36c-204**, Utah Code Annotated 1953
- 56 **26-36c-205**, Utah Code Annotated 1953
- 57 **26-36c-206**, Utah Code Annotated 1953

58 [26-36c-207](#), Utah Code Annotated 1953

59 [26-36c-208](#), Utah Code Annotated 1953

60 [26-36c-209](#), Utah Code Annotated 1953

61 [26-36c-210](#), Utah Code Annotated 1953

62 **Utah Code Sections Affected by Coordination Clause:**

63 [26-36b-103](#), as enacted by Laws of Utah 2016, Chapter 279



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

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

67 **26-18-18. Optional Medicaid expansion.**

68 (1) For purposes of this section~~[-];~~:

69 (a) "CMS" means the Centers for Medicare and Medicaid Services within the United
70 States Department of Health and Human Services.

71 (b) "PPACA" means the same as that term is defined in Section [31A-1-301](#).

72 (2) The department and the governor ~~[shall]~~ may not expand the state's Medicaid
73 program ~~[to the optional population]~~ under PPACA unless:

74 (a) the department expands Medicaid in accordance with Section [26-18-415](#); or

75 ~~[(a)]~~ (b) (i) the governor or the governor's designee has reported the intention to expand
76 the state Medicaid program under PPACA to the Legislature in compliance with the legislative
77 review process in Sections [63N-11-106](#) and [26-18-3](#); and

78 ~~[(b)]~~ (ii) the governor submits the request for expansion of the Medicaid program for
79 optional populations to the Legislature under the high impact federal funds request process
80 required by Section [63J-5-204](#)~~[-Legislative review and approval of certain federal funds~~
81 ~~request]~~.

82 (3) (a) The department shall request approval from ~~[the Centers for Medicare and~~
83 ~~Medicaid Services within the United States Department of Health and Human Services]~~ CMS
84 for waivers from federal statutory and regulatory law necessary to implement the health
85 coverage improvement program under Section [26-18-411](#).

86 (b) The health coverage improvement program under Section [26-18-411](#) is not
87 ~~[Medicaid expansion for purposes of this section]~~ subject to the requirements in Subsection (2).

88 Section 2. Section **26-18-415** is enacted to read:

89 **26-18-415. Medicaid waiver expansion.**

90 (1) As used in this section:

91 (a) "CMS" means the Centers for Medicare and Medicaid Services within the United
92 States Department of Health and Human Services.

93 (b) "Expansion population" means individuals:

94 (i) whose household income is less than 95% of the federal poverty level; and

95 (ii) who are not eligible for enrollment in the Medicaid program, with the exception of
96 the Primary Care Network program, on May 8, 2018.

97 (c) "Federal poverty level" means the same as that term is defined in Section
98 [26-18-411](#).

99 (d) "Medicaid waiver expansion" means a Medicaid expansion in accordance with this
100 section.

101 (2) (a) Before January 1, 2019, the department shall apply to CMS for approval of a
102 waiver or state plan amendment to implement the Medicaid waiver expansion.

103 (b) The Medicaid waiver expansion shall:

104 (i) expand Medicaid coverage to eligible individuals whose income is below 95% of
105 the federal poverty level;

106 (ii) obtain maximum federal financial participation under 42 U.S.C. Sec. 1396d(y) for
107 enrolling an individual in the Medicaid program;

108 (iii) provide Medicaid benefits through the state's Medicaid accountable care
109 organizations in areas where a Medicaid accountable care organization is implemented;

110 (iv) integrate the delivery of behavioral health services and physical health services
111 with Medicaid accountable care organizations in select geographic areas of the state that
112 choose an integrated model;

113 (v) include a path to self-sufficiency, including work activities as defined in 42 U.S.C.

114 Sec. 607(d), for qualified adults;

115 (vi) require an individual who is offered a private health benefit plan by an employer to
116 enroll in the employer's health plan;

117 (vii) sunset in accordance with Subsection (5)(a); and

118 (viii) permit the state to close enrollment in the Medicaid waiver expansion if the
119 department has insufficient funding to provide services to additional eligible individuals.

120 (3) If the Medicaid waiver described in Subsection (1) is approved, the department may
121 only pay the state portion of costs for the Medicaid waiver expansion with appropriations from:

122 (a) the Medicaid Expansion Fund, created in Section 26-36b-208;

123 (b) county contributions to the non-federal share of Medicaid expenditures; and

124 (c) any other contributions, funds, or transfers from a non-state agency for Medicaid
125 expenditures.

126 (4) Medicaid accountable care organizations and counties that elect to integrate care
127 under Subsection (2)(b)(iv) shall collaborate on enrollment, engagement of patients, and
128 coordination of services.

129 (5) (a) If federal financial participation for the Medicaid waiver expansion is reduced
130 below 90%, the authority of the department to implement the Medicaid waiver expansion shall
131 sunset no later than the next July 1 after the date on which the federal financial participation is
132 reduced.

133 (b) The department shall close the program to new enrollment if the cost of the
134 Medicaid waiver expansion is projected to exceed the appropriations for the fiscal year that are
135 authorized by the Legislature through an appropriations act adopted in accordance with Title
136 63J, Chapter 1, Budgetary Procedures Act.

137 (6) If the Medicaid waiver expansion is approved by CMS, the department shall report
138 to the Social Services Appropriations Subcommittee on or before November 1 of each year that
139 the Medicaid waiver expansion is operational:

140 (a) the number of individuals who enrolled in the Medicaid waiver program;

141 (b) costs to the state for the Medicaid waiver program;

142 (c) estimated costs for the current and following state fiscal year; and

143 (d) recommendations to control costs of the Medicaid waiver expansion.

144 Section 3. Section **26-36b-103** is amended to read:

145 **26-36b-103. Definitions.**

146 As used in this chapter:

147 (1) "Assessment" means the inpatient hospital assessment established by this chapter.

148 (2) "CMS" means the ~~[same as that term is defined in Section 26-18-411]~~ Centers for
149 Medicare and Medicaid Services within the United States Department of Health and Human
150 Services.

151 (3) "Discharges" means the number of total hospital discharges reported on:

152 (a) Worksheet S-3 Part I, column 15, lines 14, 16, and 17 of the 2552-10 Medicare cost
153 report for the applicable assessment year; or

154 (b) a similar report adopted by the department by administrative rule, if the report
155 under Subsection (3)(a) is no longer available.

156 (4) "Division" means the Division of Health Care Financing within the department.

157 (5) "Health coverage improvement program" means the health coverage improvement
158 program described in Section 26-18-411.

159 (6) "Hospital share" means the hospital share described in Section 26-36b-203.

160 (7) "Medicaid accountable care organization" means a managed care organization, as
161 defined in 42 C.F.R. Sec. 438, that contracts with the department under the provisions of
162 Section 26-18-405.

163 (8) "Medicaid waiver expansion" means a Medicaid expansion in accordance with
164 Section 26-18-415.

165 ~~[(5)]~~ (9) "Medicare cost report" means CMS-2552-10, the cost report for electronic
166 filing of hospitals.

167 ~~[(6)]~~ (10) (a) "Non-state government hospital"~~[(a)]~~ means a hospital owned by a
168 non-state government entity~~[-and]~~.

169 (b) "Non-state government hospital" does not include:

170 (i) the Utah State Hospital; or
171 (ii) a hospital owned by the federal government, including the Veterans Administration
172 Hospital.

173 ~~[(7)]~~ (11) (a) "Private hospital"~~[(a)]~~ means:

174 (i) a ~~[privately owned]~~ general acute hospital ~~[operating in the state]~~, as defined in
175 Section 26-21-2, that is privately owned and operating in the state; and

176 (ii) a privately owned specialty hospital operating in the state, ~~[which shall include]~~
177 including a privately owned hospital whose inpatient admissions are predominantly for:

178 (A) rehabilitation;

179 (B) psychiatric care;

180 (C) chemical dependency services; or

181 (D) long-term acute care services~~[-and]~~.

182 (b) "Private hospital" does not include a facility for residential ~~[care or]~~ treatment
183 ~~[facility]~~ as defined in Section 62A-2-101.

184 ~~[(8)]~~ (12) "State teaching hospital" means a state owned teaching hospital that is part of
185 an institution of higher education.

186 (13) "Upper payment limit gap" means the difference between the private hospital
187 outpatient upper payment limit and the private hospital Medicaid outpatient payments, as
188 determined in accordance with 42 C.F.R. Sec. 447.321.

189 Section 4. Section **26-36b-201** is amended to read:

190 **26-36b-201. Assessment.**

191 (1) An assessment is imposed on each private hospital:

192 (a) beginning upon the later of CMS approval of:

193 (i) the health coverage improvement program waiver under Section 26-18-411; and

194 (ii) the assessment under this chapter;

195 (b) in the amount designated in Sections 26-36b-204 and 26-36b-205; and

196 (c) in accordance with Section 26-36b-202.

197 (2) Subject to Section 26-36b-203, the assessment imposed by this chapter is due and

198 payable on a quarterly basis, after payment of the outpatient upper payment limit supplemental
199 payments under Section 26-36b-210 have been paid.

200 (3) The first quarterly payment [~~shall not be~~] is not due until at least three months after
201 the earlier of the effective [~~date~~] dates of the coverage provided through:

202 (a) the health coverage improvement program [~~waiver under Section 26-18-411.~~]; or

203 (b) the Medicaid waiver expansion.

204 Section 5. Section 26-36b-202 is amended to read:

205 **26-36b-202. Collection of assessment -- Deposit of revenue -- Rulemaking.**

206 (1) The collecting agent for the assessment imposed under Section 26-36b-201 is the
207 department.

208 (2) The department is vested with the administration and enforcement of this chapter,
209 [~~including the right to adopt administrative~~] and may make rules in accordance with Title 63G,
210 Chapter 3, Utah Administrative Rulemaking Act, necessary to:

211 [~~(a) implement and enforce the provisions of this chapter;~~]

212 (a) collect the assessment, intergovernmental transfers, and penalties imposed under
213 this chapter;

214 (b) audit records of a facility that:

215 (i) is subject to the assessment imposed by this chapter; and

216 (ii) does not file a Medicare cost report; and

217 (c) select a report similar to the Medicare cost report if Medicare no longer uses a
218 Medicare cost report.

219 (2) The department shall:

220 (a) administer the assessment in this [~~part separate~~] chapter separately from the
221 assessment in Chapter 36a, Hospital Provider Assessment Act; and

222 (b) deposit assessments collected under this chapter into the Medicaid Expansion Fund
223 created by Section 26-36b-208.

224 Section 6. Section 26-36b-203 is amended to read:

225 **26-36b-203. Quarterly notice.**

226 (1) Quarterly assessments imposed by this chapter shall be paid to the division within
227 15 business days after the original invoice date that appears on the invoice issued by the
228 division.

229 (2) The department may, by rule, extend the time for paying the assessment.

230 Section 7. Section 26-36b-204 is amended to read:

231 **26-36b-204. Hospital financing of health coverage improvement program**
232 **Medicaid waiver expansion -- Hospital share.**

233 [~~(1) For purposes of this section, "hospital share":~~]

234 (1) The hospital share is:

235 (a) [~~means~~] 45% of the state's net cost of[~~:(i)~~] the health coverage improvement
236 program [~~Medicaid waiver under Section 26-18-411;(ii)~~], including Medicaid coverage for
237 individuals with dependent children up to the federal poverty level designated under Section
238 26-18-411; [~~and~~]

239 [~~(iii) the UPL gap, as that term is defined in Section 26-36b-210;~~]

240 [~~(b) for the hospital share of the additional coverage under Section 26-18-411;~~]

241 (b) if the waiver for the Medicaid waiver expansion is approved, \$11,900,000; and

242 (c) 45% of the state's net cost of the upper payment limit gap.

243 (2) (a) The hospital share is capped at no more than \$13,600,000 annually, consisting
244 of:

245 (i) an \$11,900,000 cap [~~on the hospital's share~~] for the programs specified in
246 Subsections (1)(a)[~~(i) and (ii)~~] and (b); and

247 (ii) a \$1,700,000 cap for the program specified in Subsection (1)[~~(a)(iii);~~](c).

248 [~~(c) for the cap specified in Subsection (1)(b), shall be prorated]~~

249 (b) The department shall prorate the cap described in Subsection (2)(a) in any year in
250 which at least one of the programs specified in Subsection (1)[~~(a)~~] are not in effect for the full
251 fiscal year[; and].

252 [~~(d) if the Medicaid program expands in a manner that is greater than the expansion~~
253 ~~described in Section 26-18-411, is capped at 33% of the state's share of the cost of the~~

254 expansion that is in addition to the program described in Section ~~26-18-411~~.]

255 [~~(2)~~ The assessment for the private hospital share under Subsection (1) shall be:]

256 (3) Private hospitals shall be assessed under this chapter for:

257 (a) 69% of the portion of the hospital share specified in Subsections (1)(a)[~~(i) and (ii)~~]

258 and (b); and

259 (b) 100% of the portion of the hospital share specified in Subsection (1)[~~(a)(iii)~~](c).

260 [~~(3)~~] (4) (a) The department shall, on or before October 15, 2017, and on or before
 261 October 15 of each subsequent year [thereafter], produce a report that calculates the state's net
 262 cost of the programs described in Subsections (1)(a)[~~(i) and (ii)~~] and (b) that are in effect for
 263 that year.

264 (b) If the assessment collected in the previous fiscal year is above or below the [~~private~~
 265 ~~hospital's share of the state's net cost as specified in Subsection (2);] hospital share for private
 266 hospitals for the previous fiscal year, the underpayment or overpayment of the assessment by
 267 the private hospitals shall be applied to the fiscal year in which the report [~~was~~] is issued.~~

268 [~~(4)~~] (5) A Medicaid accountable care organization shall, on or before October 15 of
 269 each year, report to the department the following data from the prior state fiscal year for each
 270 private hospital, state teaching hospital, and non-state government hospital provider that the
 271 Medicaid accountable care organization contracts with:

272 (a) for the traditional Medicaid population[~~, for each private hospital, state teaching~~
 273 ~~hospital, and non-state government hospital provider]:~~

274 (i) hospital inpatient payments;

275 (ii) hospital inpatient discharges;

276 (iii) hospital inpatient days; and

277 (iv) hospital outpatient payments; and

278 [~~(b) for the Medicaid population newly eligible under Subsection 26-18-411, for each~~
 279 ~~private hospital, state teaching hospital, and non-state government hospital provider:]~~

280 (b) if the Medicaid accountable care organization enrolls any individuals in the health
 281 coverage improvement program or the Medicaid waiver expansion, for the population newly

282 eligible for either program:

- 283 (i) hospital inpatient payments;
- 284 (ii) hospital inpatient discharges;
- 285 (iii) hospital inpatient days; and
- 286 (iv) hospital outpatient payments.

287 (6) The department shall, by rule made in accordance with Title 63G, Chapter 3, Utah
288 Administrative Rulemaking Act, provide details surrounding specific content and format for
289 the reporting by the Medicaid accountable care organization.

290 Section 8. Section **26-36b-205** is amended to read:

291 **26-36b-205. Calculation of assessment.**

292 (1) (a) Except as provided in Subsection (1)(b), an annual assessment is payable on a
293 quarterly basis for each private hospital in an amount calculated by the division at a uniform
294 assessment rate for each hospital discharge, in accordance with this section.

295 (b) A private teaching hospital with more than 425 beds and 60 residents shall pay an
296 assessment rate [~~2.50~~] 2.5 times the uniform rate established under Subsection (1)(c).

297 (c) The division shall calculate the uniform assessment rate [~~shall be determined using~~
298 ~~the total number of hospital discharges for assessed private hospitals, the percentages in~~
299 ~~Subsection 26-36b-204(2), and rule adopted by the department.~~] described in Subsection (1)(a)
300 by dividing the hospital share for assessed private hospitals, described in Subsection
301 26-36b-204(1), by the sum of:

302 (i) the total number of discharges for assessed private hospitals that are not a private
303 teaching hospital; and

304 (ii) 2.5 times the number of discharges for a private teaching hospital, described in
305 Subsection (1)(b).

306 (d) The division may, by rule made in accordance with Title 63G, Chapter 3, Utah
307 Administrative Rulemaking Act, adjust the formula described in Subsection (1)(c) to address
308 unforeseen circumstances in the administration of the assessment under this chapter.

309 [~~(d)~~] (e) Any quarterly changes to the uniform assessment rate shall be applied

310 uniformly to all assessed private hospitals.

311 ~~[(2)(a) For each state fiscal year, discharges shall be determined using the data from~~
312 ~~each hospital's Medicare cost report contained in the Centers for Medicare and Medicaid~~
313 ~~Services' Healthcare Cost Report Information System file. The hospital's discharge data will be~~
314 ~~derived as follows:]~~

315 (2) Except as provided in Subsection (3), for each state fiscal year, the division shall
316 determine a hospital's discharges as follows:

317 ~~[(i)]~~ (a) for state fiscal year 2017, the hospital's cost report data for the hospital's fiscal
318 year ending between July 1, 2013, and June 30, 2014; and

319 ~~[(ii)]~~ (b) for each subsequent state fiscal year, the hospital's cost report data for the
320 hospital's fiscal year that ended in the state fiscal year two years before the assessment fiscal
321 year.

322 ~~[(b)]~~ (3)(a) If a hospital's fiscal year Medicare cost report is not contained in the
323 ~~[Centers for Medicare and Medicaid Services']~~ CMS Healthcare Cost Report Information
324 System file:

325 (i) the hospital shall submit to the division a copy of the hospital's Medicare cost report
326 applicable to the assessment year; and

327 (ii) the division shall determine the hospital's discharges.

328 ~~[(c)]~~ (b) If a hospital is not certified by the Medicare program and is not required to file
329 a Medicare cost report:

330 (i) the hospital shall submit to the division the hospital's applicable fiscal year
331 discharges with supporting documentation;

332 (ii) the division shall determine the hospital's discharges from the information
333 submitted under Subsection ~~[(2)(c)(i)]~~ (3)(b)(i); and

334 (iii) ~~[the]~~ failure to submit discharge information shall result in an audit of the
335 hospital's records and a penalty equal to 5% of the calculated assessment.

336 ~~[(3)]~~ (4) Except as provided in Subsection ~~[(4)]~~ (5), if a hospital is owned by an
337 organization that owns more than one hospital in the state:

338 (a) the assessment for each hospital shall be separately calculated by the department;

339 and

340 (b) each separate hospital shall pay the assessment imposed by this chapter.

341 [~~(4) Notwithstanding the requirement of Subsection (3), if]~~

342 (5) If multiple hospitals use the same Medicaid provider number:

343 (a) the department shall calculate the assessment in the aggregate for the hospitals

344 using the same Medicaid provider number; and

345 (b) the hospitals may pay the assessment in the aggregate.

346 Section 9. Section **26-36b-206** is amended to read:

347 **26-36b-206. State teaching hospital and non-state government hospital**

348 **mandatory intergovernmental transfer.**

349 (1) [~~A~~] The state teaching hospital and a non-state government hospital shall make an
 350 intergovernmental transfer to the Medicaid Expansion Fund created in Section 26-36b-208, in
 351 accordance with this section.

352 (2) The [~~intergovernmental transfer shall be paid]~~ hospitals described in Subsection (1)
 353 shall pay the intergovernmental transfer beginning on the later of CMS approval of:

354 (a) the health improvement program waiver under Section 26-18-411; or

355 (b) the assessment for private hospitals in this chapter[~~; and~~].

356 [~~(c) the intergovernmental transfer in this section.~~]

357 (3) The intergovernmental transfer [~~shall be paid in an amount divided]~~ is apportioned
 358 as follows:

359 (a) the state teaching hospital is responsible for:

360 (i) 30% of the portion of the hospital share specified in Subsections

361 26-36b-204(1)(a)[~~(i) and (ii)~~] and (b); and

362 (ii) 0% of the hospital share specified in Subsection 26-36b-204(1)[~~(a)(iii)~~](c); and

363 (b) non-state government hospitals are responsible for:

364 (i) 1% of the portion of the hospital share specified in Subsections 26-36b-204(1)(a)[~~(i)~~

365 and (ii)] and (b); and

366 (ii) 0% of the hospital share specified in Subsection 26-36b-204(1)(a)(iii)(c).

367 (4) The department shall, by rule made in accordance with Title 63G, Chapter 3, Utah
368 Administrative Rulemaking Act, designate:

369 (a) the method of calculating the ~~[percentages]~~ amounts designated in Subsection (3);

370 and

371 (b) the schedule for the intergovernmental transfers.

372 Section 10. Section 26-36b-207 is amended to read:

373 **26-36b-207. Penalties and interest.**

374 (1) A hospital that fails to pay ~~[any]~~ a quarterly assessment, make the mandated
375 intergovernmental transfer, or file a return as required under this chapter, within the time
376 required by this chapter, shall pay penalties described in this section, in addition to the
377 assessment or intergovernmental transfer~~[, and interest established by the department].~~

378 ~~[(2) (a) Consistent with Subsection (2)(b), the department shall adopt rules in
379 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish
380 reasonable penalties and interest for the violations described in Subsection (1).]~~

381 ~~[(b)]~~ (2) If a hospital fails to timely pay the full amount of a quarterly assessment or the
382 mandated intergovernmental transfer, the department shall add to the assessment or
383 intergovernmental transfer:

384 ~~[(i)]~~ (a) a penalty equal to 5% of the quarterly amount not paid on or before the due
385 date; and

386 ~~[(ii)]~~ (b) on the last day of each quarter after the due date until the assessed amount and
387 the penalty imposed under Subsection (2)~~[(b)(i)]~~(a) are paid in full, an additional 5% penalty
388 on:

389 ~~[(A)]~~ (i) any unpaid quarterly assessment or intergovernmental transfer; and

390 ~~[(B)]~~ (ii) any unpaid penalty assessment.

391 ~~[(c)]~~ (3) Upon making a record of the division's actions, and upon reasonable cause
392 shown, the division may waive, reduce, or compromise any of the penalties imposed under this
393 chapter.

394 Section 11. Section **26-36b-208** is amended to read:

395 **26-36b-208. Medicaid Expansion Fund.**

396 (1) There is created an expendable special revenue fund known as the Medicaid
397 Expansion Fund.

398 (2) The fund consists of:

399 (a) assessments collected under this chapter;

400 (b) intergovernmental transfers under Section [26-36b-206](#);

401 (c) savings attributable to the health coverage improvement program [~~under Section~~
402 [26-18-411](#)] as determined by the department;

403 (d) savings attributable to the Medicaid waiver expansion as determined by the
404 department;

405 [~~(d)~~] (e) savings attributable to the inclusion of psychotropic drugs on the preferred
406 drug list under Subsection [26-18-2.4\(3\)](#) as determined by the department;

407 [~~(e)~~] (f) savings attributable to the services provided by the Public Employees' Health
408 Plan under Subsection [49-20-401\(1\)\(u\)](#);

409 [~~(f)~~] (g) gifts, grants, donations, or any other conveyance of money that may be made to
410 the fund from private sources; [~~and~~]

411 (h) interest earned on money in the fund; and

412 [~~(g)~~] (i) additional amounts as appropriated by the Legislature.

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

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

415 (4) (a) A state agency administering the provisions of this chapter may use money from
416 the fund to pay the costs [~~of~~], not otherwise paid for with federal funds or other revenue
417 sources, of:

418 (i) the health coverage improvement [~~Medicaid waiver under Section [26-18-411](#), and~~
419 program;

420 (ii) the Medicaid waiver expansion; and

421 (iii) the outpatient [~~UPL~~] upper payment limit supplemental payments under Section

422 ~~26-36b-210~~[, not otherwise paid for with federal funds or other revenue sources, except that
423 no].

424 (b) A state agency administering the provisions of this chapter may not use:

425 (i) funds described in Subsection (2)(b) [~~may be used~~] to pay the cost of private
426 outpatient [~~UPL~~] upper payment limit supplemental payments[~~;~~]; or

427 [~~(b)~~] (ii) [~~Money~~] money in the fund [~~may not be used for any other~~] for any purpose
428 not described in Subsection (4)(a).

429 Section 12. Section ~~26-36b-209~~ is amended to read:

430 **26-36b-209. Hospital reimbursement.**

431 (1) [~~The~~] If the health coverage improvement program or the Medicaid waiver
432 expansion is implemented by contracting with a Medicaid accountable care organization, the
433 department shall, to the extent allowed by law, include, in a contract [~~with a Medicaid~~
434 ~~accountable care organization~~] to provide benefits under the health coverage improvement
435 program or the Medicaid waiver expansion, a requirement that the Medicaid accountable care
436 organization reimburse hospitals in the accountable care organization's provider network[~~;~~] at
437 no less than the Medicaid fee-for-service rate.

438 (2) If the health coverage improvement program or the Medicaid waiver expansion is
439 implemented by the department as a fee-for-service program, the department shall reimburse
440 hospitals at no less than the Medicaid fee-for-service rate.

441 (3) Nothing in this section prohibits a Medicaid accountable care organization from
442 paying a rate that exceeds the Medicaid fee-for-service [~~rates~~] rate.

443 Section 13. Section ~~26-36b-210~~ is amended to read:

444 **26-36b-210. Outpatient upper payment limit supplemental payments.**

445 [~~(1)~~] For purposes of this section, "UPL gap" means the difference between the private
446 hospital outpatient upper payment limit and the private hospital Medicaid outpatient payments,
447 as determined in accordance with 42 C.F.R. 447.321.]

448 [~~(2)~~] (1) Beginning on the effective date of the assessment imposed under this chapter,
449 and for each subsequent fiscal year [~~thereafter~~], the department shall implement an outpatient

450 upper payment limit program for private hospitals that shall supplement the reimbursement to
 451 private hospitals in accordance with Subsection ~~[(3)]~~ (2).

452 ~~[(3)]~~ (2) The division shall ensure that supplemental payment to Utah private hospitals
 453 under Subsection ~~[(2) shall]~~ (1):

454 (a) does not exceed the positive [UPL] upper payment limit gap; and

455 (b) ~~[be]~~ is allocated based on the Medicaid state plan.

456 ~~[(4)]~~ (3) The department shall use the same outpatient data ~~[used to calculate the UPL~~
 457 ~~gap under Subsection (1) shall be the same outpatient data used]~~ to allocate the payments under
 458 Subsection ~~[(3)]~~ (2) and to calculate the upper payment limit gap.

459 ~~[(5)]~~ (4) The supplemental payments to private hospitals under Subsection ~~[(2) shall~~
 460 ~~be]~~ (1) are payable for outpatient hospital services provided on or after the later of:

461 (a) July 1, 2016;

462 (b) the effective date of the Medicaid state plan amendment necessary to implement the
 463 payments under this section; or

464 (c) the effective date of the coverage provided through the health coverage
 465 improvement program waiver ~~[under Section 26-18-411]~~.

466 Section 14. Section **26-36b-211** is amended to read:

467 **26-36b-211. Suspension of assessment.**

468 (1) The ~~[repeal of the]~~ department shall suspend the assessment imposed by this
 469 chapter ~~[shall occur upon the certification by the executive director of the department that the~~
 470 ~~sooner of the following has occurred]~~ when the executive director certifies that:

471 ~~[(a) the effective date of any action by Congress that would disqualify]~~

472 (a) action by Congress is in effect that disqualifies the assessment imposed by this
 473 chapter from counting toward state Medicaid funds available to be used to determine the
 474 amount of federal financial participation;

475 (b) ~~[the effective date of any]~~ a decision, enactment, or other determination by the
 476 Legislature or by any court, officer, department, or agency of the state, or of the federal
 477 government, ~~[that has the effect of]~~ is in effect that:

478 (i) ~~[disqualifying]~~ disqualifies the assessment from counting toward state Medicaid
479 funds available to be used to determine federal financial participation for Medicaid matching
480 funds; or

481 (ii) ~~[creating]~~ creates for any reason a failure of the state to use the assessments for at
482 least one of the Medicaid [program as] programs described in this chapter; or

483 (c) ~~[the effective date of]~~ a change is in effect that reduces the aggregate hospital
484 inpatient and outpatient payment rate below the aggregate hospital inpatient and outpatient
485 payment rate for July 1, 2015~~[, and]~~.

486 ~~[(d) the sunset of this chapter in accordance with Section 631-1-226.]~~

487 ~~[(2) If the assessment is repealed under Subsection (1), money in the fund that was~~
488 ~~derived from assessments imposed by this chapter, before the determination made under~~
489 ~~Subsection (1), shall be disbursed under Section 26-36b-207 to the extent federal matching is~~
490 ~~not reduced due to the impermissibility of the assessments. Any funds remaining in the special~~
491 ~~revenue fund shall be refunded to the hospitals in proportion to the amount paid by each~~
492 ~~hospital.]~~

493 (2) If the assessment is suspended under Subsection (1):

494 (a) the division may not collect any assessment or intergovernmental transfer under this
495 chapter;

496 (b) the division shall disburse money in the Medicaid Expansion Fund in accordance
497 with the requirements in Subsection 26-36b-208(4), to the extent federal matching is not
498 reduced by CMS due to the repeal of the assessment;

499 (c) the division shall refund any money remaining in the Medicaid Expansion Fund
500 after the disbursement described in Subsection (2)(b) that was derived from assessments
501 imposed by this chapter to the hospitals in proportion to the amount paid by each hospital for
502 the last three fiscal years; and

503 (d) the division shall deposit any money remaining in the Medicaid Expansion Fund
504 after the disbursements described in Subsections (2)(b) and (c) into the General Fund by the
505 end of the fiscal year that the assessment is suspended.

506 Section 15. Section **26-36c-101** is enacted to read:

507 **CHAPTER 36c. MEDICAID EXPANSION HOSPITAL ASSESSMENT ACT**

508 **Part 1. General Provisions**

509 **26-36c-101. Title.**

510 This chapter is known as the "Medicaid Expansion Hospital Assessment Act."

511 Section 16. Section **26-36c-102** is enacted to read:

512 **26-36c-102. Definitions.**

513 As used in this chapter:

514 (1) "Assessment" means the Medicaid expansion hospital assessment established by
515 this chapter.

516 (2) "CMS" means the Centers for Medicare and Medicaid Services within the United
517 States Department of Health and Human Services.

518 (3) "Discharges" means the number of total hospital discharges reported on:

519 (a) Worksheet S-3 Part I, column 15, lines 14, 16, and 17 of the 2552-10 Medicare cost
520 report for the applicable assessment year; or

521 (b) a similar report adopted by the department by administrative rule, if the report
522 under Subsection (3)(a) is no longer available.

523 (4) "Division" means the Division of Health Care Financing within the department.

524 (5) "Hospital share" means the hospital share described in Section [26-36c-203](#).

525 (6) "Medicaid accountable care organization" means a managed care organization, as
526 defined in 42 C.F.R. Sec. 438, that contracts with the department under the provisions of
527 Section [26-18-405](#).

528 (7) "Medicaid Expansion Fund" means the Medicaid Expansion Fund created in
529 Section [26-36b-208](#).

530 (8) "Medicaid waiver expansion" means the same as that term is defined in Section
531 [26-18-415](#).

532 (9) "Medicare cost report" means CMS-2552-10, the cost report for electronic filing of
533 hospitals.

534 (10) (a) "Non-state government hospital" means a hospital owned by a non-state
535 government entity.

536 (b) "Non-state government hospital" does not include:

537 (i) the Utah State Hospital; or

538 (ii) a hospital owned by the federal government, including the Veterans Administration
539 Hospital.

540 (11) (a) "Private hospital" means:

541 (i) a privately owned general acute hospital operating in the state as defined in Section
542 26-21-2; or

543 (ii) a privately owned specialty hospital operating in the state, including a privately
544 owned hospital for which inpatient admissions are predominantly:

545 (A) rehabilitation;

546 (B) psychiatric;

547 (C) chemical dependency; or

548 (D) long-term acute care services.

549 (b) "Private hospital" does not include a facility for residential treatment as defined in
550 Section 62A-2-101.

551 (12) "State teaching hospital" means a state owned teaching hospital that is part of an
552 institution of higher education.

553 Section 17. Section **26-36c-103** is enacted to read:

554 **26-36c-103. Application.**

555 (1) Other than for the imposition of the assessment described in this chapter, nothing in
556 this chapter shall affect the nonprofit or tax exempt status of any nonprofit charitable, religious,
557 or educational health care provider under any:

558 (a) state law;

559 (b) ad valorem property tax requirement;

560 (c) sales or use tax requirement; or

561 (d) other requirements imposed by taxes, fees, or assessments, whether imposed or

562 sought to be imposed, by the state or any political subdivision of the state.

563 (2) A hospital paying an assessment under this chapter may include the assessment as
564 an allowable cost of a hospital for purposes of any applicable Medicaid reimbursement
565 formula.

566 (3) This chapter does not authorize a political subdivision of the state to:

567 (a) license a hospital for revenue;

568 (b) impose a tax or assessment upon a hospital; or

569 (c) impose a tax or assessment measured by the income or earnings of a hospital.

570 Section 18. Section **26-36c-201** is enacted to read:

571 **Part 2. Assessment and Collection**

572 **26-36c-201. Assessment.**

573 (1) An assessment is imposed on each private hospital:

574 (a) beginning upon the later of CMS approval of:

575 (i) the waiver for the Medicaid waiver expansion; and

576 (ii) the assessment under this chapter;

577 (b) in the amount designated in Sections [26-36c-204](#) and [26-36c-205](#); and

578 (c) in accordance with Section [26-36c-202](#).

579 (2) Subject to Subsection [26-36c-202](#)(4), the assessment imposed by this chapter is due
580 and payable on the last day of each quarter.

581 (3) The first quarterly payment is not due until at least three months after the effective
582 date of the coverage provided through the Medicaid waiver expansion.

583 Section 19. Section **26-36c-202** is enacted to read:

584 **26-36c-202. Collection of assessment -- Deposit of revenue -- Rulemaking.**

585 (1) The department shall act as the collecting agent for the assessment imposed under
586 Section [26-36c-201](#).

587 (2) The department shall administer and enforce the provisions of this chapter, and may
588 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
589 necessary to:

590 (a) collect the assessment, intergovernmental transfers, and penalties imposed under
591 this chapter;

592 (b) audit records of a facility that:

593 (i) is subject to the assessment imposed under this chapter; and

594 (ii) does not file a Medicare cost report; and

595 (c) select a report similar to the Medicare cost report if Medicare no longer uses a
596 Medicare cost report.

597 (3) The department shall:

598 (a) administer the assessment in this part separately from the assessments in Chapter
599 36a, Hospital Provider Assessment Act, and Chapter 36b, Inpatient Hospital Assessment Act;
600 and

601 (b) deposit assessments collected under this chapter into the Medicaid Expansion Fund.

602 (4) (a) Hospitals shall pay the quarterly assessments imposed by this chapter to the
603 division within 15 business days after the original invoice date that appears on the invoice
604 issued by the division.

605 (b) The department may make rules creating requirements to allow the time for paying
606 the assessment to be extended.

607 Section 20. Section **26-36c-203** is enacted to read:

608 **26-36c-203. Hospital share.**

609 (1) The hospital share is 100% of the state's net cost of the Medicaid waiver expansion,
610 after deducting appropriate offsets and savings expected as a result of implementing the
611 Medicaid waiver expansion, including savings from:

612 (a) the Primary Care Network program;

613 (b) the health coverage improvement program, as defined in Section [26-18-411](#);

614 (c) the state portion of inpatient prison medical coverage;

615 (d) behavioral health coverage; and

616 (e) county contributions to the non-federal share of Medicaid expenditures.

617 (2) (a) The hospital share is capped at no more than \$25,000,000 annually.

618 (b) The division shall prorate the cap specified in Subsection (2)(a) in any year in
619 which the Medicaid waiver expansion is not in effect for the full fiscal year.

620 Section 21. Section **26-36c-204** is enacted to read:

621 **26-36c-204. Hospital financing of Medicaid waiver expansion.**

622 (1) Private hospitals shall be assessed under this chapter for the portion of the hospital
623 share described in Section [26-36c-209](#).

624 (2) The department shall, on or before October 15, 2019, and on or before October 15
625 of each subsequent year, produce a report that calculates the state's net cost of the Medicaid
626 waiver expansion.

627 (3) If the assessment collected in the previous fiscal year is above or below the hospital
628 share for private hospitals for the previous fiscal year, the division shall apply the
629 underpayment or overpayment of the assessment by the private hospitals to the fiscal year in
630 which the report is issued.

631 Section 22. Section **26-36c-205** is enacted to read:

632 **26-36c-205. Calculation of assessment.**

633 (1) (a) Except as provided in Subsection (1)(b), each private hospital shall pay an
634 annual assessment due on the last day of each quarter in an amount calculated by the division at
635 a uniform assessment rate for each hospital discharge, in accordance with this section.

636 (b) A private teaching hospital with more than 425 beds and more than 60 residents
637 shall pay an assessment rate 2.5 times the uniform rate established under Subsection (1)(c).

638 (c) The division shall calculate the uniform assessment rate described in Subsection
639 (1)(a) by dividing the hospital share for assessed private hospitals, as described in Subsection
640 [26-36c-204](#)(1), by the sum of:

641 (i) the total number of discharges for assessed private hospitals that are not a private
642 teaching hospital; and

643 (ii) 2.5 times the number of discharges for a private teaching hospital, described in
644 Subsection (1)(b).

645 (d) The division may make rules in accordance with Title 63G, Chapter 3, Utah

646 Administrative Rulemaking Act, to adjust the formula described in Subsection (1)(c) to address
647 unforeseen circumstances in the administration of the assessment under this chapter.

648 (e) The division shall apply any quarterly changes to the uniform assessment rate
649 uniformly to all assessed private hospitals.

650 (2) Except as provided in Subsection (3), for each state fiscal year, the division shall
651 determine a hospital's discharges as follows:

652 (a) for state fiscal year 2019, the hospital's cost report data for the hospital's fiscal year
653 ending between July 1, 2015, and June 30, 2016; and

654 (b) for each subsequent state fiscal year, the hospital's cost report data for the hospital's
655 fiscal year that ended in the state fiscal year two years before the assessment fiscal year.

656 (3) (a) If a hospital's fiscal year Medicare cost report is not contained in the Centers for
657 Medicare and Medicaid Services' Healthcare Cost Report Information System file:

658 (i) the hospital shall submit to the division a copy of the hospital's Medicare cost report
659 applicable to the assessment year; and

660 (ii) the division shall determine the hospital's discharges.

661 (b) If a hospital is not certified by the Medicare program and is not required to file a
662 Medicare cost report:

663 (i) the hospital shall submit to the division the hospital's applicable fiscal year
664 discharges with supporting documentation;

665 (ii) the division shall determine the hospital's discharges from the information
666 submitted under Subsection (3)(c)(i); and

667 (iii) if the hospital fails to submit discharge information, the division shall audit the
668 hospital's records and may impose a penalty equal to 5% of the calculated assessment.

669 (4) Except as provided in Subsection (5), if a hospital is owned by an organization that
670 owns more than one hospital in the state:

671 (a) the division shall calculate the assessment for each hospital separately; and

672 (b) each separate hospital shall pay the assessment imposed by this chapter.

673 (5) If multiple hospitals use the same Medicaid provider number:

674 (a) the department shall calculate the assessment in the aggregate for the hospitals
675 using the same Medicaid provider number; and

676 (b) the hospitals may pay the assessment in the aggregate.

677 Section 23. Section **26-36c-206** is enacted to read:

678 **26-36c-206. State teaching hospital and non-state government hospital mandatory**
679 **intergovernmental transfer.**

680 (1) A state teaching hospital and a non-state government hospital shall make an
681 intergovernmental transfer to the Medicaid Expansion Fund, in accordance with this section.

682 (2) The hospitals described in Subsection (1) shall pay the intergovernmental transfer
683 beginning on the later of CMS approval of:

684 (a) the waiver for the Medicaid waiver expansion; or

685 (b) the assessment for private hospitals in this chapter.

686 (3) The intergovernmental transfer is apportioned between the non-state government
687 hospitals as follows:

688 (a) the state teaching hospital shall pay for the portion of the hospital share described in
689 Section [26-36c-209](#); and

690 (b) non-state government hospitals shall pay for the portion of the hospital share
691 described in Section [26-36c-209](#).

692 (4) The department shall, by rule made in accordance with Title 63G, Chapter 3, Utah
693 Administrative Rulemaking Act, designate:

694 (a) the method of calculating the amounts designated in Subsection (3); and

695 (b) the schedule for the intergovernmental transfers.

696 Section 24. Section **26-36c-207** is enacted to read:

697 **26-36c-207. Penalties.**

698 (1) A hospital that fails to pay a quarterly assessment, make the mandated
699 intergovernmental transfer, or file a return as required under this chapter, within the time
700 required by this chapter, shall pay penalties described in this section, in addition to the
701 assessment or intergovernmental transfer.

702 (2) If a hospital fails to timely pay the full amount of a quarterly assessment or the
703 mandated intergovernmental transfer, the department shall add to the assessment or
704 intergovernmental transfer:

705 (a) a penalty equal to 5% of the quarterly amount not paid on or before the due date;
706 and

707 (b) on the last day of each quarter after the due date until the assessed amount and the
708 penalty imposed under Subsection (2)(a) are paid in full, an additional 5% penalty on:

709 (i) any unpaid quarterly assessment or intergovernmental transfer; and

710 (ii) any unpaid penalty assessment.

711 (3) Upon making a record of the division's actions, and upon reasonable cause shown,
712 the division may waive or reduce any of the penalties imposed under this chapter.

713 Section 25. Section **26-36c-208** is enacted to read:

714 **26-36c-208. Hospital reimbursement.**

715 (1) If the Medicaid waiver expansion is implemented by contracting with a Medicaid
716 accountable care organization, the department shall, to the extent allowed by law, include in a
717 contract to provide benefits under the Medicaid waiver expansion a requirement that the
718 accountable care organization reimburse hospitals in the accountable care organization's
719 provider network at no less than the Medicaid fee-for-service rate.

720 (2) If the Medicaid waiver expansion is implemented by the department as a
721 fee-for-service program, the department shall reimburse hospitals at no less than the Medicaid
722 fee-for-service rate.

723 (3) Nothing in this section prohibits the department or a Medicaid accountable care
724 organization from paying a rate that exceeds the Medicaid fee-for-service rate.

725 Section 26. Section **26-36c-209** is enacted to read:

726 **26-36c-209. Hospital financing of the hospital share.**

727 (1) For the first two full fiscal years that the assessment is in effect, the department
728 shall:

729 (a) assess private hospitals under this chapter for 69% of the hospital share for the

730 Medicaid waiver expansion;

731 (b) require the state teaching hospital to make an intergovernmental transfer under this
732 chapter for 30% of the hospital share for the Medicaid waiver expansion; and

733 (c) require non-state government hospitals to make an intergovernmental transfer under
734 this chapter for 1% of the hospital share for the Medicaid waiver expansion.

735 (2) (a) At the beginning of the third full fiscal year that the assessment is in effect, and
736 at the beginning of each subsequent fiscal year, the department may set a different percentage
737 share for private hospitals, the state teaching hospital, and non-state government hospitals by
738 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with
739 input from private hospitals and private teaching hospitals.

740 (b) If the department does not set a different percentage share under Subsection (2)(a),
741 the percentage shares in Subsection (1) shall apply.

742 Section 27. Section **26-36c-210** is enacted to read:

743 **26-36c-210. Suspension of assessment.**

744 (1) The department shall suspend the assessment imposed by this chapter when the
745 executive director certifies that:

746 (a) action by Congress is in effect that disqualifies the assessment imposed by this
747 chapter from counting toward state Medicaid funds available to be used to determine the
748 amount of federal financial participation;

749 (b) a decision, enactment, or other determination by the Legislature or by any court,
750 officer, department, or agency of the state, or of the federal government, is in effect that:

751 (i) disqualifies the assessment from counting toward state Medicaid funds available to
752 be used to determine federal financial participation for Medicaid matching funds; or

753 (ii) creates for any reason a failure of the state to use the assessments for at least one of
754 the Medicaid programs described in this chapter; or

755 (c) a change is in effect that reduces the aggregate hospital inpatient and outpatient
756 payment rate below the aggregate hospital inpatient and outpatient payment rate for July 1,
757 2015.

758 (2) If the assessment is suspended under Subsection (1):

759 (a) the division may not collect any assessment or intergovernmental transfer under this
760 chapter;

761 (b) the division shall disburse money in the Medicaid Expansion Fund that was derived
762 from assessments imposed by this chapter in accordance with the requirements in Subsection
763 26-36b-208(4), to the extent federal matching is not reduced by CMS due to the repeal of the
764 assessment;

765 (c) the division shall refund any money remaining in the Medicaid Expansion Fund
766 after the disbursement described in Subsection (2)(b) that was derived from assessments
767 imposed by this chapter to the hospitals in proportion to the amount paid by each hospital for
768 the last three fiscal years.

769 Section 28. Section **63I-1-226** is amended to read:

770 **63I-1-226. Repeal dates, Title 26.**

771 (1) Section 26-1-40 is repealed July 1, 2019.

772 (2) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
773 1, 2025.

774 (3) Section 26-10-11 is repealed July 1, 2020.

775 (4) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

776 (5) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2019.

777 (6) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, [2021]
778 2024.

779 [~~7~~] Section ~~26-38-2.5~~ is repealed July 1, 2017.]

780 [~~8~~] Section ~~26-38-2.6~~ is repealed July 1, 2017.]

781 (7) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed
782 July 1, 2024.

783 [~~9~~] (8) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed July 1, 2021.

784 Section 29. **Coordinating H.B. 472 with H.B. 14 -- Superseding technical and**
785 **substantive amendments.**

786 If this H.B. 472 and H.B. 14, Substance Abuse Treatment Facility Patient Brokering,
787 both pass and become law, it is the intent of the Legislature that the amendments to Section
788 26-36b-103 in this bill supersede the amendments to Section 26-36b-103 in H.B. 14, when the
789 Office of Legislative Research and General Counsel prepares the Utah Code database for
790 publication.

791 Section 30. **Coordinating H.B. 472 with S.B. 125 -- Superseding technical and**
792 **substantive amendments.**

793 If this H.B. 472 and S.B. 125, Child Welfare Amendments, both pass and become law,
794 it is the intent of the Legislature that the amendments to Section 26-36b-103 in this bill
795 supersede the amendments to Section 26-36b-103 in S.B. 125, when the Office of Legislative
796 Research and General Counsel prepares the Utah Code database for publication.