

GENETIC TESTING COVERAGE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Medical Assistance Act and the Public Employees' Benefit and Insurance Program Act.

Highlighted Provisions:

This bill:

- ▶ requires the Department of Health to apply for a Medicaid waiver or state plan amendment to allow the program to provide coverage for in vitro fertilization and genetic testing for certain individuals;
- ▶ requires the Public Employees' Health Benefit Program to provide coverage for in vitro fertilization and genetic testing for certain individuals; and
- ▶ creates reporting requirements.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-2-226, as last amended by Laws of Utah 2018, Chapters 38 and 281

63I-2-249, as last amended by Laws of Utah 2018, Chapters 38 and 281

ENACTS:



28 **26-18-419**, Utah Code Annotated 1953
29 **49-20-419**, Utah Code Annotated 1953



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

32 Section 1. Section **26-18-419** is enacted to read:

33 **26-18-419. Coverage for in vitro fertilization and genetic testing.**

34 (1) As used in this section, "qualified enrollee" means an individual who:

35 (a) is enrolled in the Medicaid program; and

36 (b) has been diagnosed by a physician with:

37 (i) cystic fibrosis;

38 (ii) spinal muscular atrophy; or

39 (iii) Morquio Syndrome.

40 (2) Before January 1, 2020, the department shall apply for a Medicaid waiver or a state
41 plan amendment with the Centers for Medicare and Medicaid Services within the United States
42 Department of Health and Human Services to implement the coverage described in Subsection
43 (3).

44 (3) If the waiver described in Subsection (2) is approved, the Medicaid program shall
45 provide coverage to a qualified enrollee for:

46 (a) in vitro fertilization;

47 (b) genetic testing of a qualified enrollee who receives in vitro fertilization under
48 Subsection (3)(a); and

49 (c) genetic testing of an embryo that results from the in vitro fertilization described in
50 Subsection (3)(a).

51 (4) Before November 1, 2021, and before November 1 of every third year thereafter,
52 the department shall:

53 (a) calculate the change in state spending attributable to the coverage under this
54 section; and

55 (b) report the amount described in Subsection (4)(a) to the Health and Human Services
56 Interim Committee and the Social Services Appropriations Subcommittee.

57 Section 2. Section **49-20-419** is enacted to read:

58 **49-20-419. Coverage for in vitro fertilization and genetic testing.**

- 59 (1) As used in this section, "qualified enrollee" means an individual who:
 60 (a) is a covered individual within the state risk pool; and
 61 (b) has been diagnosed by a physician with:
 62 (i) cystic fibrosis;
 63 (ii) spinal muscular atrophy; or
 64 (iii) Morquio Syndrome.
 65 (2) For a plan year that begins on or after July 1, 2019, the program shall provide
 66 coverage for a qualified enrollee for:
 67 (a) in vitro fertilization;
 68 (b) genetic testing of a qualified enrollee who receives in vitro fertilization under
 69 Subsection (2)(a); and
 70 (c) genetic testing of an embryo that results from the in vitro fertilization described in
 71 Subsection (2)(a).
 72 (3) Before November 1, 2021, and before November 1 of every third year thereafter,
 73 the program shall:
 74 (a) calculate the change in state spending attributable to the coverage under this
 75 section; and
 76 (b) report the amount described in Subsection (3)(a) to the Health and Human Services
 77 Interim Committee and the Social Services Appropriations Subcommittee.
- 78 Section 3. Section **63I-2-226** is amended to read:
 79 **63I-2-226. Repeal dates -- Title 26.**
 80 (1) Subsection ~~26-7-8~~(3) is repealed January 1, 2027.
 81 [~~(2) Subsection 26-7-9(5) is repealed January 1, 2019.~~]
 82 [~~(3)~~] (2) Section ~~26-8a-107~~ is repealed July 1, 2019.
 83 [~~(4)~~] (3) Subsection ~~26-8a-203~~(3)(a)(i) is repealed January 1, 2023.
 84 [~~(5)~~] (4) Subsection ~~26-18-2.3~~(5) is repealed January 1, 2020.
 85 [~~(6)~~] (5) Subsection ~~26-18-2.4~~(3)(e) is repealed January 1, 2023.
 86 [~~(7) Subsection 26-18-408(6) is repealed January 2, 2019.~~]
 87 [~~(8)~~] (6) Subsection ~~26-18-410~~(5) is repealed January 1, 2026.
 88 [~~(9)~~] (7) Subsection ~~26-18-411~~(5) is repealed January 1, 2023.
 89 (8) Subsection ~~26-18-419~~(4), regarding a requirement to report to the Legislature, is

90 repealed January 1, 2029.

91 [~~(10)~~] (9) Subsection [26-18-604\(2\)](#) is repealed January 1, 2020.

92 [~~(11)~~] (10) Subsection [26-21-28\(2\)\(b\)](#) is repealed January 1, 2021.

93 [~~(12)~~] (11) Subsection [26-33a-106.1\(2\)\(a\)](#) is repealed January 1, 2023.

94 [~~(13)~~] (12) Subsection [26-33a-106.5\(6\)\(c\)\(iii\)](#) is repealed January 1, 2020.

95 [~~(14)~~] (13) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
96 Program, is repealed July 1, 2027.

97 [~~(15)~~] (14) Subsection [26-50-202\(7\)\(b\)](#) is repealed January 1, 2020.

98 [~~(16)~~] (15) Subsections [26-54-103\(6\)\(d\)\(ii\)](#) and (iii) are repealed January 1, 2020.

99 [~~(17)~~] (16) Subsection [26-55-107\(8\)](#) is repealed January 1, 2021.

100 [~~(18)~~] (17) Subsection [26-56-103\(9\)\(d\)](#) is repealed January 1, 2020.

101 [~~(19)~~] (18) Title 26, Chapter 59, Telehealth Pilot Program, is repealed January 1, 2020.

102 [~~(20)~~] (19) Subsection [26-61-202\(4\)\(b\)](#) is repealed January 1, 2022.

103 [~~(21)~~] (20) Subsection [26-61-202\(5\)](#) is repealed January 1, 2022.

104 Section 4. Section **63I-2-249** is amended to read:

105 **63I-2-249. Repeal dates -- Title 49.**

106 (1) Section [49-20-106](#) is repealed January 1, 2021.

107 (2) Subsection [49-20-417\(5\)\(b\)](#) is repealed January 1, 2020.

108 (3) Subsection [49-20-419\(3\)](#), regarding a requirement to report to the Legislature, is
109 repealed January 1, 2029.