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Bill calls for Utah to be exempt from expanding Medicaid

By Wendy Leonard , Deseret News
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Utah is one of five states that has not made a decision on the expansion of Medicaid to include more of the nation's uninsured population. (Lynne Sladky, AP)

SALT LAKE CITY — In an unexpected move late Wednesday, lawmakers voted on a bill that would exempt Utah from expanding Medicaid.

They hoped to send a message to the federal government that Utah does not support the Affordable Care Act.

The defiance came as a substitute motion to [HB391](#) that would have declared federal health care reform as null and void in Utah. The original bill, lawmakers decided, was not constitutional and likely would not pass.

“This substitute is my effort to catch

the next best thing that I know has a high likelihood of making it off the floor,” said Rep. Jacob Anderegg, R-Orem, who made the substitution during the House Business and Labor Committee meeting Wednesday. “I am trying to get what I knew we could get to keep ourselves from implementing this whole thing.”

Utah is one of five states that has not made a decision on the expansion of Medicaid to include more of the nation's uninsured population. It is a decision that lies solely with the governor of each state. However, Gov. Gary Herbert has said the decision won't be made while the Legislature is in session.

Herbert is awaiting results from a Utah Department of Health-commissioned study that would help identify some of the costs and benefits of expansion of the partially federally funded health care program intended for low-income families and individuals.

The federal government has said it would fully fund expansion for the first three years of implementation, beginning in January 2014. Federal reimbursement would decrease to about 90 percent over the course of the next 10 years, as projected in the act.

“Taking those handouts is like eating your foot because you think there is protein there,” Anderegg said. “At the end of the day, it's still your foot you're eating.”

He said the bill is the only opportunity to let the governor know what decision Utah lawmakers want.

The modified bill received nine yes votes and six no votes, passing to the full body of the House for further discussion.

Judi Hilman, director of the advocacy group Utah Health Policy Project, called the committee's action a “panic response” to the idea of Medicaid expansion. She said not having additional information on the matter only fueled lawmaker angst, making them feel like they needed to act.

The health department study, which she said could provide for an more informed decision, has been delayed several weeks beyond when it was expected prior to the session starting.

“The study needs to come out immediately,” Hilman said.

Rep. Dana Layton, R-Orem, said she received many emails from constituents expressing opposition to the Affordable Care Act, and she felt it was necessary to take a stand against it in any way she could.

“Sometimes there are deal-breaker pieces where you don’t need to study it further because you already know it is too expensive,” she said. “I see the price tag and know I don’t want to buy it.”

While the federal government has said it would help states fund the expansion, Anderegg said he doesn’t trust that the money will be there.

“The value of the dollar is weakening. The federal government is passing notes that it can’t guarantee forever,” he said, adding that Medicaid expansion would come at a cost to taxpayers “who have the ability to pay” for their own health care.

Following in the footsteps of other states, Anderegg said, is a “step toward socialized medicine” and would lead the state and nation into bankruptcy.

Several groups spoke to the committee in favor of Medicaid expansion, however, saying tens of thousands of working Utahns would gain coverage under revised rules.

Kris Fawson, of the Legislative Coalition for People With Disabilities, said a lot of people are “caught in the middle” of existing eligibility requirements.

“These are people trying to work, trying to support themselves,” she said. “The expansion would help them get the coverage they need.”

Rep. Rebecca Chavez-Houck, D-Salt Lake City, also proposed a bill in support of Medicaid expansion. [HB153](#), however, was held for further study, as committee members agreed information from the health department study would lead to better public policy.

She said Medicaid expansion would be a “game-changer to the criminal justice system in Utah,” as many inmates are uninsured and can’t get mental health counseling they need to be successful and stay out of jails.

HB153 proposes a savings to the state general and education funds of more than \$5.9 million in the first year and nearly triple that in 2015. Anderegg said the fiscal note on the bill represented “slight disingenuous accounting.”

Regardless of committee action, or the fact that many Utahns want out of the Affordable Care Act, Rep. Johnny Anderson, R-Taylorsville, said, “the Supreme Court has ruled it constitutional.”

“I hope folks recognize, the battle is lost. This is the law of the land. We need to figure out how to deal with it in our state,” he said.

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