

Herbert, lawmakers head for showdown over Medicaid decision

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March 14, 2013

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SALT LAKE CITY — State lawmakers could be on a collision course with Gov. Gary Herbert over the potential expansion of Medicaid to 130,000 low-income Utahns.

Implementation of the Affordable Care Act — “Obamacare” — would expand Medicaid benefits to more low-income residents in the state. The state would potentially save money, short term, extending the program with the implementation of the new health care program. Utah is one of five states that hasn’t made a decision on Medicaid expansion.

Herbert has suggested he wants to take a slow, studied approach to the issue. However, some members of the Legislature have initiated legislation to make the decision for him.

Republicans on a House committee pushed through an amended bill that would prevent Utah from expanding Medicaid coverage. HB 391 seeks to nullify the Affordable Care Act and comes with a warning from legislative lawyers that it is likely unconstitutional. The House is expected to act on the measure today.

The bill originally was simply a statement opposing the Affordable Care Act.

Lawmakers defended their course at a news conference Friday. Rep. Dana Layton, R-Orem, said the decision shouldn’t be left to the executive branch.

“It’s not an executive decision, it’s a spending decision. We have a duty to weigh in on it,” Layton said.

Judi Hilman, director of the Utah Health Policy Project, called the move to amend HB 391 a hijacking and worried the legislation threatens to politicize the issue.

“We need to slow down and make sure we wait for the study. There’s so much at stake in a decision like this. We shouldn’t allow politics to stop it,” Hilman said.

Herbert has downplayed the potential confrontation HB391 would bring. He said he would counsel with lawmakers as part of a “thoughtful, methodical process.”

House Speaker Rebecca Lockhart, R-Provo, said Congress put the governor on a collision course with the Legislature in the way the decision has been outlined. Herbert has the power to make the decision, but he does not have the power to finance the program.

“The power of the purse is given to the Legislature. In many ways it’s a joint decision. The Legislature has to be involved, because it involves funding,” Lockhart said.

Senate President Wayne Niederhauser, R-Sandy, wonders how the federal government can ever back up its offer to fund the expansion initially.

“Why would you increase funding for something you don’t have any money for? Every dollar will either be borrowed or printed.”

The Senate leader admits it is hard to say no, but he made a simple prediction.

“Utah will not be the first to expand Medicaid, but my guess is we won’t be the last either.”

Even key Democrats have suggested Herbert should take his time in taking on an expanded program. Sen. Pat Jones, D-Salt Lake City, said lawmakers need to watch the process and look very carefully at whether they should support Medicaid expansion.

Medicaid is a growing encumbrance on the state budget. Herbert said the federal program was 8 to 9 percent of the state budget 10 years ago, and now it is closer to 20 percent of the budget. He predicted that will grow to 30 percent in the future.

The expansion could save the state some funding for the federal program, short term. A legislative fiscal analyst estimated the expansion could save the state \$6 million in the first year and nearly \$16 million in the second year.

Patrick Fleming, division director for Salt Lake County’s Division of Behavioral Health Services, said he sees Medicaid expansion as a way to cover more people and help people get back on their feet faster.

Fleming said:

“This is a no-brainer for us to do this. It’s not based on philosophical issues. What it does is improve the quality of life for people in Utah.”

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