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GOP lawmakers jump to reject Medicaid expansion

Health care • Advocates and many lawmakers blindsided by abrupt bill switch.

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In a surprise move Wednesday, Republicans on a House committee pushed through a bill that would prevent Utah from expanding Medicaid coverage to more than 130,000 low-income Utahns under Obamacare.

“No one saw this coming,” said Judi Hilman, executive director of the Utah Health Policy Project, a group that supports the expansion.

The bill on the agenda, HB391, would have sought to nullify the Affordable Care Act and carried a warning from legislative lawyers that it was likely unconstitutional.

But Rep. Jake Anderegg, R-Lehi, said he was concerned that bill would not pass and instead swapped it for language prohibiting Utah from participating in the Medicaid expansion.

Anderegg argued that taking the federal money is “like eating your foot because you think there’s protein there.”

“At the end of the day, it’s still your foot you’re eating,” he said.

The bill was approved by the Business and Labor Committee by a 9-6 vote, but not without some testy exchanges among committee members and efforts by advocates who scrambled to stop what they viewed as a blindside.

Rep. Jim Bird, R-West Jordan, said he saw the substitute bill just three minutes before it was voted on and was taken aback by the process, saying Rep. Lee Perry’s nullification bill “has, in essence, been hijacked.”

And Rep. Johnny Anderson, R-Taylorsville, argued that Utah fought Obamacare, including challenging it in court, but it is now the law and if the state rejects the Medicaid expansion Utah taxpayers will be paying to cover those in other states.

“At some point we’ve got to ... say, ‘Yeah, we really did lose,’” said Rep. Dixon Pitcher, R-Ogden.

The state has commissioned a cost-benefit analysis on the Medicaid expansion — which would cover 131,000 Utahns who make up to 138 percent of the poverty level — and Gov. Gary Herbert has said he plans to make a decision on whether to take the federal money sometime this summer.

Herbert has expressed concerns about the costs, both to the state and whether the federal government can afford the expanded program. But Republican governors in other states, notably New Jersey and Florida, recently opted into the program.

Twenty-eight states have opted into the expanded coverage or are leaning toward it; 17 states have rejected it. Utah is one of five that is undecided.

The federal government has committed to paying all the costs of the expansion in the first years, phasing down to 90 percent of the expense over time.

Hilman urged members not to tie the state’s hands before the data is in.

“I think what you’re deciding now is: Do you want to make a decision without information and based on pure ideology?” she said. “Do you want to make a blind decision or not? And I don’t think you do.”

And Rep. Dana Layton, R-Orem, said it is “presumptuous” to think lawmakers don’t understand the Medicaid issue and the choice is simple.

“Sometimes there are deal-breaker pieces of information where you don’t need to study further because it’s just too expensive,” she said.

The Legislative Fiscal Analyst has estimated that the Medicaid expansion would save the state about \$6 million in the first year and nearly \$16 million in the second year.

That’s largely because the federal government would pay the \$248 million price tag and the expanded program would cover the prison population, youth in state custody and those with mental-health and addiction issues.

“This gives us an opportunity to leverage federal funding that is our own taxpayer money to provide these services,” said Rep. Rebecca Chavez-Houck, D-Salt Lake City, who asked the committee to study the expansion over the summer — which the committee agreed to do before the vote on Anderegg’s bill.

“The final decision is the governor’s, but we do need to have a public policy discussion here.”

But Anderegg said the cost estimate relied on “slightly disingenuous accounting,” since the federal dollars cannot last, given the national debt burden.

“I think this is a bad check in bad faith that we’re being expected to follow,” he said. “This is a step forward toward socialized medicine.”

Rep. Jon Stanard, R-St. George, supported Anderegg’s bill rejecting the Medicaid dollars, because he said the Legislature needs to make its wishes known.

“If we do not pass this bill out tonight, as a Legislature, we are completely delegating to the governor,” he said. “This is our only ability, as a Legislature, to assert our views.”



Al Hartmann | The Salt Lake Tribune Andrew Riggle, advocate for the Disability Law Center, left, waits in line to testify after Louis Fazio, an advocate for the Coalition for People with Disabilities, at a Social Services Appropriations hearing Friday. The committee was hearing testimony on whether to expand the low-income health program Medicaid.

Hilman said her group and others will fight Anderegg's bill with everything they have as it goes to the House floor.

"I'm confident we can fight this in the House and what we're going to lean on are the same arguments we tried to make here," she said. "We need to slow down and look at the [data] and we need a deliberate process."

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