

Deseret News

Lawmakers halt prohibition of Medicaid expansion in late move to restore public policy

By Wendy Leonard , Deseret News

Published: Wednesday, March 13 2013 10:29 p.m. MDT

SALT LAKE CITY — Lawmakers on Wednesday made "substantial improvements" to a bill that would have prohibited Medicaid expansion in Utah.

The substitute motion made in the Senate and concurred in the House puts the decision-making power on the matter in the hands of the governor, as was intended by the Patient Protection and Affordable Care Act, and provides also for legislative input following the governor's decision.

"We have three years to make this decision," said Sen. Todd Weiler, R-Woods Cross. "We do not have to make it in the last three days of the session."

Weiler was referring to hurried actions made Monday in the Utah House of Representatives, which passed an original substitute of [HB391](#) with limited debate on the floor. He said he hoped lawmakers have learned that important issues such as Medicaid expansion shouldn't be decided in haste.

"We need to step back and slow down," Weiler said, adding that by substituting the bill, he is not advocating for Medicaid expansion but protecting the public process that was already in motion prior to action by Rep. Jacob Anderegg, R-Orem, to alter the bill in a committee meeting last week.

Anderegg said the substitute was the result of a compromise between lawmakers. It earned unanimous support in the Senate, but 23 representatives — mostly Democrats and some Republicans — voted against the bill in the House late Wednesday.

The latest substitute to the bill states that Gov. Gary Herbert will await and make public the results of a Utah Department of Health-commissioned cost analysis and consider the opinion of the Health Systems Reform Task Force before making a decision on Medicaid expansion for Utah.

Utah is one of five states yet to decide on the optional provision of nationwide health care reform. The federal government has said it would provide 100 percent of the cost of expansion for the first three years of implementation, beginning in January 2014. Reimbursement rates would decrease to 90 percent in the years following.

Rep. Rebecca Chavez-Houck, D-Salt Lake City, said she appreciates the chance for continued dialog on the issue, but reminded her colleagues that "the clock is ticking." Every year a decision is delayed, she said, means missing out on federal money coming to the state.

Utah could technically make the changes prior to a January implementation date if a decision is made this summer.

The bill also proposes that the task force, to be convened in the interim, might also obtain further public input and assess whether the state is capable of providing charity care to those in need — something proponents of prohibiting Medicaid expansion believed was possible in Utah due to the state's propensity for volunteering.

An amendment to Weiler's version of [HB391](#) also makes the new bill effective immediately.

Sen. Brian Shiozawa, R-Cottonwood Heights, said Weiler's move substantially improved the bill, which addresses what he called "the biggest health care decision we're going to be making in years."

"What way we take on this really is going to shape health care in Utah for years," Shiozawa said. "I think this is the biggest deal in health care for a long time."

Sen. Luz Robles, D-Salt Lake City, said the "evidence-based, educated approach to the controversial issue of Medicaid expansion ... is the right way to do things."

Judi Hilman, director of Utah Health Policy Project, which has been advocating for the expansion, said the move "reinforces what we knew was supposed to happen."

Hilman said she's optimistic because lawmakers seemed interested in public input and that nearly all of the input gathered so far has been in favor of expansion.

"This is a no-brainer," she said. "This is something we need to do."

Weiler said 95 percent of communication from constituents and those who have testified in numerous past public hearings on the matter has been in favor of Medicaid expansion.

"This is a very important decision," he said. "If the state of Utah expands Medicaid, we are going to upset tens of thousands of people. And if we don't expand Medicaid, we are going to upset tens of thousands of people."

Weiler worked with other lawmakers to craft the substitute bill, as well as representatives within the governor's office. He said Utah shouldn't tie its hands "while the landscape is still shifting" on health care reform.

States are still working deals and making compromises with the U.S. Department of Health and Human Services on various aspects of the health care law.

When Senate President Wayne Neiderhauser, R-Sandy, sent the bill to the House, he said, "Congratulations, Rep. Anderegg. You are now the proud sponsor of one of the most important bills of the session."

The House passed the bill back to the Senate for a signature of approval. Anderegg said he thinks it is a good compromise.

E-mail: wleonard@deseretnews.com

Twitter: [wendyleonards](#)

Copyright 2013, Deseret News Publishing Company