

**26-40-103 Creation and administration of the Utah Children's Health Insurance Program.**

- (1) There is created the Utah Children's Health Insurance Program to be administered by the department in accordance with the provisions of:
  - (a) this chapter; and
  - (b) the State Children's Health Insurance Program, 42 U.S.C. Sec. 1397aa et seq.
- (2) The department shall:
  - (a) prepare and submit the state's children's health insurance plan before May 1, 1998, and any amendments to the federal Department of Health and Human Services in accordance with 42 U.S.C. Sec. 1397ff; and
  - (b) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act regarding:
    - (i) eligibility requirements consistent with Subsection 26-18-3(8);
    - (ii) program benefits;
    - (iii) the level of coverage for each program benefit;
    - (iv) cost-sharing requirements for enrollees, which may not:
      - (A) exceed the guidelines set forth in 42 U.S.C. Sec. 1397ee; or
      - (B) impose deductible, copayment, or coinsurance requirements on an enrollee for well-child, well-baby, and immunizations;
    - (v) the administration of the program; and
    - (vi) a requirement that:
      - (A) enrollees in the program shall participate in the electronic exchange of clinical health records established in accordance with Section 26-1-37 unless the enrollee opts out of participation;
      - (B) prior to enrollment in the electronic exchange of clinical health records the enrollee shall receive notice of the enrollment in the electronic exchange of clinical health records and the right to opt out of participation at any time; and
      - (C) beginning July 1, 2012, when the program sends enrollment or renewal information to the enrollee and when the enrollee logs onto the program's website, the enrollee shall receive notice of the right to opt out of the electronic exchange of clinical health records.

Amended by Chapter 167, 2013 General Session