

**Repealed 10/1/2016**

**53A-15-205 Disability Determination Services Advisory Council -- Membership -- Duties -- Requirements for DDDS.**

- (1) As used in this section, "council" means the Disability Determination Services Advisory Council created in Subsection (2).
- (2) There is created the Disability Determination Services Advisory Council to act as an advisory council to the State Board of Education regarding the Division of Disability Determination Services (DDDS) established under Chapter 24, Part 5, Division of Disability Determination Services.
- (3) The council is composed of the following members:
  - (a) the administrator of DDDS;
  - (b) a representative of the United States Department of Health and Human Services, Social Security Administration, appointed by the board; and
  - (c) nine persons, appointed by the board in accordance with Subsections (5) and (6), who represent a cross section of:
    - (i) persons with disabilities;
    - (ii) advocates for persons with disabilities;
    - (iii) health care providers;
    - (iv) representatives of allied state and local agencies; and
    - (v) representatives of the general public.
- (4) The members appointed under Subsections (3)(a) and (3)(b) serve as nonvoting members of the council.
- (5) In appointing the members described in Subsection (3)(c), the board shall:
  - (a) solicit nominations from organizations and agencies that represent the interests of members described in that subsection; and
  - (b) make every effort to create a balance in terms of geography, sex, race, ethnicity, and type of both mental and physical disabilities.
- (6)
  - (a) In making initial appointments of members described in Subsection (3)(c), the board shall appoint three members for two-year terms, three members for four-year terms, and three members for six-year terms. All subsequent appointments are for four years.
  - (b) The board shall fill any vacancy that occurs on the council for any reason by appointing a person for the unexpired term of the vacated member.
  - (c) Council members are eligible for one reappointment and serve until their successors are appointed.
- (7) Five voting members of the council constitute a quorum. The action of a majority of a quorum represents the action of the council.
- (8) Members of the council serve without compensation but may be reimbursed for expenses incurred in the performance of their official duties.
- (9)
  - (a) The council shall annually elect a chairperson from among the membership described, and shall adopt bylaws governing its activities.
  - (b) The chairperson shall set the meeting agenda.
- (10) The council shall:
  - (a) advise DDDS and the Social Security Administration regarding its practices and policies on the determination of claims for Social Security disability benefits;
  - (b) participate in the development of new internal practices and procedures of DDDS and policies of the Social Security Administration regarding the evaluation of disability claims;

- (c) recommend changes to practices and policies to ensure that DDDS is responsive to individuals with a disability;
  - (d) review the DDDS budget to ensure that it is adequate to effectively evaluate disability claims and to meet the needs of persons with disabilities who have claims pending with DDDS; and
  - (e) review and recommend changes to policies and practices of allied state and federal agencies, health care providers, and private community organizations.
- (11) The council shall annually report to the board regarding its activities.
- (12)
- (a) To assist the council in its duties, DDDS shall provide the necessary staff assistance to enable the council to make timely and effective recommendations.
  - (b) Staff assistance may include:
    - (i) distributing meeting agendas;
    - (ii) advising the chairpersons of the council regarding relevant items for council discussion; and
    - (iii) providing reports, documents, budgets, memorandums, statutes, and regulations regarding the management of DDDS.
  - (c) Staff assistance shall include maintaining minutes.