

**62A-5-102 Division of Services for People with Disabilities -- Creation -- Authority -- Direction -- Provision of services.**

- (1) There is created within the department the Division of Services for People with Disabilities, under the administrative direction of the executive director of the department.
- (2) In accordance with this chapter, the division has the responsibility to plan and deliver an appropriate array of services and supports to persons with disabilities and their families in this state.
- (3) Within appropriations from the Legislature, the division shall provide services to any person with a disability who is eligible to receive division services.
- (4)
  - (a) Starting on July 1, 2013, any new appropriations designated to serve eligible persons waiting for services from the division shall be allocated as set forth in this section.
  - (b) Eighty-five percent of the money appropriated in Subsection (4)(a) shall be allocated, as determined by the division by rule based on the:
    - (i) severity of the disability;
    - (ii) urgency of the need for services;
    - (iii) ability of a parent or guardian to provide the person with appropriate care and supervision; and
    - (iv) length of time during which the person has not received services from the division.
  - (c) Fifteen percent of the money appropriated in Subsection (4)(a) shall be allocated for respite services, and the division shall:
    - (i) establish rules to identify a person whose only need is respite services;
    - (ii) allocate money under this Subsection (4)(c) to the people described in Subsection (4)(c)(i) based on random selection; and
    - (iii) if all persons described in Subsection (4)(c)(i) have been served and there is money remaining for respite care under this Subsection (4)(c), the division shall use the remaining money as described in Subsection (4)(b).
  - (d) Funds from Subsection (4)(b) that are not spent by the division at the end of the fiscal year may be used as set forth in Subsection (7).
- (5) The division:
  - (a) has the functions, powers, duties, rights, and responsibilities described in Section 62A-5-103; and
  - (b) is authorized to work in cooperation with other state, governmental, and private agencies to carry out the responsibilities described in Subsection (5)(a).
- (6) Within appropriations authorized by the Legislature, and to the extent allowed under Title XIX of the Social Security Act, the division shall ensure that the services and support that the division provides to any person with a disability:
  - (a) are provided in the least restrictive and most enabling environment;
  - (b) ensure opportunities to access employment; and
  - (c) enable reasonable personal choice in selecting services and support that:
    - (i) best meet individual needs; and
    - (ii) promote:
      - (A) independence;
      - (B) productivity; and
      - (C) integration in community life.
- (7)
  - (a) Appropriations to the division are nonlapsing.

- (b) If an individual receiving services under Subsection (4)(b) or (c) ceases to receive those services, the division shall use the funds that were allocated to that individual to provide services to another eligible individual waiting for services as described in Subsection (4)(b).
- (c) Funds unexpended by the division at the end of the fiscal year may be used only for one-time expenditures unless otherwise authorized by the Legislature.
- (d) A one-time expenditure under this section:
  - (i) is not an entitlement;
  - (ii) may be withdrawn at any time; and
  - (iii) may provide short-term, limited services, including:
    - (A) respite care;
    - (B) service brokering;
    - (C) family skill building and preservation classes;
    - (D) after school group services; and
    - (E) other professional services.

Amended by Chapter 172, 2013 General Session