

AUTISM TREATMENT FUND

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca D. Lockhart

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates a restricted special revenue fund at the Department of Health for the receipt and expenditure of certain gifts, donations, and appropriations to be used for providing services relating to autism.

Highlighted Provisions:

This bill:

- ▶ creates a restricted special revenue fund known as the Autism Treatment Fund for the receipt and expenditure of certain gifts, donations, and appropriations to be used for services relating to autism; and
- ▶ provides for the administration and use of the fund.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-52-101, Utah Code Annotated 1953

26-52-102, Utah Code Annotated 1953

26-52-201, Utah Code Annotated 1953

26-52-202, Utah Code Annotated 1953



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-52-101** is enacted to read:

CHAPTER 52. AUTISM TREATMENT FUND

Part 1. General Provisions

26-52-101. Title.

This chapter is known as the "Autism Treatment Fund."

Section 2. Section **26-52-102** is enacted to read:

26-52-102. Definitions.

As used in this chapter:

(1) "Autism spectrum disorder" means a pervasive developmental disorder as defined by the most recent edition of the Diagnostic and Statistical Manual on Mental Disorders, including:

- (a) Autistic Disorder;
- (b) Asperger's Disorder; and
- (c) Pervasive Developmental Disorder Not Otherwise Specified.

(2) "Committee" means the Autism Treatment Fund Advisory Committee created under Section 26-52-202.

(3) "Early intensive behavior therapy" means therapy that:

- (a) involves intensive behavioral intervention over an extended period of time;
- (b) is evidence-based; and
- (c) is generally accepted by the medical community or the American Academy of Pediatrics as an effective treatment for young children with an autism spectrum disorder.

(4) "Fund" means the Autism Treatment Fund created in Section 26-52-201.

Section 3. Section **26-52-201** is enacted to read:

Part 2. Autism Treatment Fund and Advisory Committee

26-52-201. Autism Treatment Fund.

(1) There is created a restricted special revenue fund entitled the Autism Treatment Fund.

(2) The fund shall consist of:

- (a) gifts, grants, devises, donations, and bequests of real property, personal property, or

59 services, from any source, or any other conveyance that may be made to the fund from private
60 sources; and

61 (b) any additional amounts as appropriated by the Legislature.

62 (3) (a) Except as provided under Subsection (3)(b), the executive director shall be
63 responsible for administering the fund.

64 (b) The committee shall be responsible for the following actions in relation to the fund,
65 consistent with the requirements of this title:

66 (i) prioritizing and allocating uses for fund monies, as permitted under Subsection (4);

67 (ii) determining what providers or organizations qualify for disbursements from the
68 fund for services rendered; and

69 (iii) authorization of all other distributions from the fund, except that disbursements for
70 expenses authorized under Subsection (6) shall also require the approval of the executive
71 director.

72 (4) Fund monies may be used to:

73 (a) assist with the cost of evaluating and treating persons with an autism spectrum
74 disorder;

75 (b) provide persons with an autism spectrum disorder with treatments that utilize early
76 intensive behavior therapy; and

77 (c) provide grants to persons or organizations for providing the services described in
78 Subsection (4)(a) or (b).

79 (5) An individual who receives services that are paid for from the fund or who receives
80 services through an organization or provider that receives payment from the fund shall:

81 (a) be a resident of Utah;

82 (b) have been diagnosed by a qualified professional as having an autism spectrum
83 disorder;

84 (c) be younger than eight years of age; and

85 (d) have a need that can be met within the requirements of this title.

86 (6) All actual and necessary operating expenses for the committee and staff shall be
87 paid by the fund.

88 (7) Fund monies may not be used for administrative or other expenses of the
89 Department of Health that are not normally provided for by legislative appropriation.

90 (8) All interest and other earnings derived from the fund monies shall be deposited into
91 the fund.

92 (9) The state treasurer shall invest the monies in the fund under Title 51, Chapter 7,
93 State Money Management Act.

94 Section 4. Section **26-52-202** is enacted to read:

95 **26-52-202. Autism Treatment Fund Advisory Committee -- Membership -- Time**
96 **limit.**

97 (1) (a) There is created an Autism Treatment Fund Advisory Committee consisting of
98 five members appointed by the governor to two-year terms of office as follows:

99 (i) one person holding a doctorate degree who has experience in treating persons with
100 an autism spectrum disorder;

101 (ii) one person who is a physician licensed under Title 58, Chapter 67, Utah Medical
102 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, who has
103 completed a residency program in pediatrics;

104 (iii) one person who is employed in the Department of Health; and

105 (iv) two persons from the community who are familiar with autism spectrum disorders
106 and their effects, diagnosis, treatment, rehabilitation, and support needs, including:

107 (A) family members of a person with an autism spectrum disorder;

108 (B) representatives of an association which advocates for persons with an autism
109 spectrum disorder; and

110 (C) specialists or professionals that work with persons with autism spectrum disorders.

111 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the
112 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
113 committee members are staggered so that approximately half of the committee is appointed
114 every year.

115 (c) If a vacancy occurs in the committee membership for any reason, a replacement
116 may be appointed for the unexpired term.

117 (2) The department shall provide staff support to the committee.

118 (3) (a) The committee shall elect a chair from the membership on an annual basis.

119 (b) A majority of the committee constitutes a quorum at any meeting, and, if a quorum
120 exists, the action of the majority of members present shall be the action of the committee.

- 121 (c) The executive director may remove a committee member:
122 (i) if the member is unable or unwilling to carry out the member's assigned
123 responsibilities; or
124 (ii) for good cause.
- 125 (4) The committee may, in accordance with Title 63G, Chapter 3, Utah Administrative
126 Rulemaking Act, make rules governing the committee's activities, which rules shall:
127 (a) comply with the requirements of this title; and
128 (b) include:
129 (i) qualification criteria and procedures for selecting service and treatment providers
130 that receive disbursements from the fund, which criteria shall give additional consideration to
131 providers that are willing to use low interest loans when providing services to individuals; and
132 (ii) provisions to address and avoid conflicts of interest that may arise in relation to:
133 (A) the committee's selection of providers and persons that receive referrals,
134 disbursements, or assistance from the fund; and
135 (B) other matters that may constitute a conflict of interest.
- 136 (5) The committee shall meet as necessary to carry out its duties and shall meet upon a
137 call of the committee chair or a call of a majority of the committee members, but no more than
138 four times per year.
- 139 (6) The committee shall comply with the procedures and requirements of:
140 (a) Title 52, Chapter 4, Open and Public Meetings Act; and
141 (b) Title 63G, Chapter 2, Government Records Access and Management Act.
- 142 (7) Committee members shall receive no compensation or per diem allowance for their
143 services.
- 144 (8) Not later than November 30 of each year, the committee shall provide a written
145 report summarizing the activities of the committee to:
146 (a) the executive director of the department;
147 (b) the Health and Human Services Interim Committee; and
148 (c) the Health and Human Services Appropriations Subcommittee.

Legislative Review Note
as of 2-1-10 3:47 PM

Office of Legislative Research and General Counsel

H.B. 311 - Autism Treatment Fund

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
