

**62A-5-201 Utah State Developmental Center.**

- (1) The intermediate care facility for people with an intellectual disability located in American Fork City, Utah County, shall be known as the "Utah State Developmental Center."
- (2) Within appropriations authorized by the Legislature, the role and function of the developmental center is to:
  - (a) provide care, services, and treatment to persons described in Subsection (3); and
  - (b) provide the following services and support to persons with disabilities who do not reside at the developmental center:
    - (i) psychiatric testing;
    - (ii) specialized medical and dental treatment and evaluation;
    - (iii) family and client special intervention;
    - (iv) crisis management;
    - (v) occupational, physical, speech, and audiology services; and
    - (vi) professional services, such as education, evaluation, and consultation, for families, public organizations, providers of community and family support services, and courts.
- (3) Except as provided in Subsection (6), within appropriations authorized by the Legislature, and notwithstanding the provisions of Part 3, Admission to an Intermediate Care Facility for People with an Intellectual Disability, only the following persons may be residents of, be admitted to, or receive care, services, or treatment at the developmental center:
  - (a) persons with an intellectual disability;
  - (b) persons who receive services and supports under Subsection (2)(b); and
  - (c) persons who require at least one of the following services from the developmental center:
    - (i) continuous medical care;
    - (ii) intervention for conduct that is dangerous to self or others; or
    - (iii) temporary residential assessment and evaluation.
- (4)
  - (a) Except as provided in Subsection (6), the division shall, in the division's discretion:
    - (i) place residents from the developmental center into appropriate less restrictive placements; and
    - (ii) determine each year the number to be placed based upon the individual assessed needs of the residents.
  - (b) The division shall confer with parents and guardians to ensure the most appropriate placement for each resident.
- (5) Except as provided in Subsection (7), within appropriations authorized by the Legislature, and notwithstanding the provisions of Subsection (3) and Part 3, Admission to an Intermediate Care Facility for People with an Intellectual Disability, a person who is under 18 years of age may be a resident of, admitted to, or receive care, services, or treatment at the developmental center only if the director certifies in writing that the developmental center is the most appropriate placement for that person.
- (6)
  - (a) If the division determines, pursuant to Utah's Community Supports Waiver (CSW) for Individuals with Intellectual Disabilities and Other Related Conditions, that a person who otherwise qualifies for placement in an intermediate care facility for people with an intellectual disability should receive services in a home or community-based setting, the division shall:
    - (i) if the person does not have a legal representative or legal guardian:
      - (A) inform the person of any feasible alternatives under the waiver; and
      - (B) give the person the choice of being placed in an intermediate care facility for people with an intellectual disability or receiving services in a home or community-based setting; or

- (ii) if the person has a legal representative or legal guardian:
  - (A) inform the legal representative or legal guardian of any feasible alternatives under the waiver; and
  - (B) give the legal representative or legal guardian the choice of having the person placed in an intermediate care facility for people with an intellectual disability or receiving services in a home or community-based setting.
- (b) If a person chooses, under Subsection (6)(a)(i), to be placed in an intermediate care facility for people with an intellectual disability instead of receiving services in a home or community-based setting, the division shall:
  - (i) ask the person whether the person prefers to be placed in the developmental center rather than a private intermediate care facility for people with an intellectual disability; and
  - (ii) if the person expresses a preference to be placed in the developmental center:
    - (A) place the person in the developmental center if the cost of placing the person in the developmental center is equal to, or less than, the cost of placing the person in a private intermediate care facility for people with an intellectual disability; or
    - (B)
      - (I) strongly consider the person's preference to be placed in the developmental center if the cost of placing the person in the developmental center exceeds the cost of placing the person in a private intermediate care facility for people with an intellectual disability; and
      - (II) place the person in the developmental center or a private intermediate care facility for people with an intellectual disability.
- (c) If a legal representative or legal guardian chooses, under Subsection (6)(a)(ii), to have the person placed in an intermediate care facility for people with an intellectual disability instead of receiving services in a home or community-based setting, the division shall:
  - (i) ask the legal representative or legal guardian whether the legal representative or legal guardian prefers to have the person placed in the developmental center rather than a private intermediate care facility for people with an intellectual disability; and
  - (ii) if the legal representative or legal guardian expresses a preference to have the person placed in the developmental center:
    - (A) place the person in the developmental center if the cost of placing the person in the developmental center is equal to, or less than, the cost of placing the person in a private intermediate care facility for people with an intellectual disability; or
    - (B)
      - (I) strongly consider the legal representative's or legal guardian's preference for the person's placement if the cost of placing the person in the developmental center exceeds the cost of placing the person in a private intermediate care facility for people with an intellectual disability; and
      - (II) place the person in the developmental center or a private intermediate care facility for people with an intellectual disability.
- (7) The certification described in Subsection (5) is not required for a person who receives services and support under Subsection (2)(b).

Amended by Chapter 366, 2011 General Session