

**DIVISION OF SERVICES FOR PEOPLE
WITH DISABILITIES
2002 GENERAL SESSION
STATE OF UTAH**

Sponsor: Rebecca D. Lockhart

This act amends the Human Services code. This act modifies the criteria for prioritizing the delivery of services funded by the Division of Services for People with Disabilities. This act modifies the duties of the Board of Services for People with Disabilities.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

62A-5-102, as last amended by Chapter 2, Laws of Utah 1995, First Special Session

62A-5-105, as last amended by Chapter 179, Laws of Utah 1996

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

Section 1. Section **62A-5-102** is amended to read:

62A-5-102. Division of Services for People with Disabilities -- Creation -- Authority -- Duties -- Prioritization of services -- Delivery 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) (a) ~~[Within]~~ In determining who shall receive services from the division within annual appropriations from the Legislature, the division shall [provide services] give priority to persons [with disabilities who are waiting for services and support from the division, based on the following criteria:], regardless of whether those persons are already receiving services from the division, who:

(i) are eligible for Medicaid; and



28 (ii) have the highest ranking need, based on:
 29 ~~[(a)] (A) severity of disability, as determined by a comprehensive assessment which ranks~~
 30 ~~persons already receiving services from the division and persons waiting to receive services from~~
 31 ~~the division by level of need;~~

32 ~~[(b)] (B) urgency of need for services; and~~

33 ~~[(c)] length of time without services from the division, regardless of whether that person~~
 34 ~~has formally applied for services and support from the division; and]~~

35 ~~[(d)] (C) ability of parents or guardians to provide them with appropriate care and~~
 36 ~~supervision.~~

37 (b) As appropriations permit, the division may also provide services to persons, regardless
 38 of whether those persons are already receiving services from the division, who:

39 (i) are not eligible for Medicaid; and

40 (ii) have the highest ranking need, based on the criteria under Subsection (3)(a)(ii).

41 (4) The division has the functions, powers, duties, rights, and responsibilities described
 42 in Section 62A-5-103 and is authorized to work in cooperation with other state, governmental, and
 43 private agencies to carry out those responsibilities.

44 (5) Within appropriations authorized by the Legislature, and to the extent allowed under
 45 Title XIX of the Social Security Act, the division shall ensure that the services and support it
 46 provides to persons with disabilities:

47 (a) are provided in the least restrictive and most enabling environment;

48 (b) ensure opportunities to access employment; and

49 (c) enable reasonable personal choice in selecting services and support that best meet
 50 individual needs and promote independence, productivity, and integration in community life.

51 Section 2. Section **62A-5-105** is amended to read:

52 **62A-5-105. Board -- Membership -- Responsibilities.**

53 (1) The board is the policymaking body for the division and shall establish by rule the
 54 policy of the division in accordance with:

55 (a) the policy of the Legislature as set forth by this chapter; and

56 (b) Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

57 (2) The board shall:

58 (a) establish program policy for the division, the developmental center, and programs and

59 facilities operated by or under contract with the division;

60 (b) establish policies for the assessment and collection of fees for programs within the
61 division;

62 (c) establish procedures to ensure that private citizens, consumers, private contract
63 providers, allied state and local agencies, and others are provided with an opportunity to comment
64 and provide input regarding any new policy or proposed revision to an existing policy;

65 (d) provide a mechanism for systematic and regular review of existing policy and for
66 consideration of policy changes proposed by the persons and agencies described under Subsection
67 (2)(c);

68 (e) review implementation and compliance by the division with policies established by the
69 board to ensure that the policies established by the Legislature in this chapter are carried out; and

70 (f) annually report to the executive director.

71 ~~[(1)] (3) At least one member of the board[, established in accordance with Sections~~
72 ~~62A-1-105 and 62A-1-107,]~~ shall be a person whose life or family is directly affected by a
73 disability, and at least one other board member shall be a person with a physical disability.

74 ~~[(2) The board shall report annually to the governor.]~~

75 (4) The executive director shall mediate any differences which arise between the policies
76 of the board and those of any other policy board in the department.

77 ~~[(3) The board shall review rules necessary to carry out the purposes of this part, comment~~
78 ~~on existing programs and services to persons with disabilities, recommend new program areas to~~
79 ~~the director, and establish policies for the assessment and collection of fees.]~~

80 ~~[(4) The board has the power and responsibility to set policy for the division, the~~
81 ~~developmental center, and for other programs and facilities operated by or under contract with the~~
82 ~~division.]~~

Legislative Review Note
as of 2-15-02 2:21 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel