

Representative Rebecca D. Lockhart proposes the following substitute bill:

**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 duties of the Board of Services for People with Disabilities.

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

AMENDS:

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-5-105** is amended to read:

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

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

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

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

(2) The board shall:

(a) establish program policy for the division, the developmental center, and programs and facilities operated by or under contract with the division;

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

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



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

29 (e) (i) periodically review the criteria used to determine who may receive services from
30 the division and how the delivery of those services is prioritized within available funding; and

31 (ii) make periodic recommendations based on the review conducted under Subsection
32 (2)(e)(i) to the Health and Human Services Interim Committee beginning at or before the
33 September 2002 meeting of the committee;

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

36 (g) annually report to the executive director.

37 ~~[(1)]~~ (3) At least one member of the board~~[- established in accordance with Sections~~
38 ~~62A-1-105 and 62A-1-107;]~~ shall be a person whose life or family is directly affected by a
39 disability, and at least one other board member shall be a person with a physical disability.

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

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

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

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