## H.B. 79

## PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES

SENATE	FLOOR	AMENDMENTS

AMENDMENT 4

FEBRUARY 23, 2005

2:45 PM

Senator Sheldon L Killpack proposes the following amendments:

- 1. Page 2, Lines 29 through 31c House Floor Amendments 2-14-2005:
  - 29 **<u>subject to certain exceptions,</u>** prohibits the Division of Services for People with Disabilities from disbursing
  - 30 public funds to pay for the services of a direct service worker, unless the direct
  - 31 service worker successfully completes a background check  $\{\hat{H} \rightarrow \underline{\text{or, after submitting the}}\}$
  - 31a required information for a background check, and before a determination on the background
  - 31b check is made, the direct service worker is directly supervised by a direct service worker who
  - 31c <u>successfully completes a background check</u> ←Ĥ }
- 2. Page 12, Line 360 through Page 13, Line 369

House Committee Amendments

2-1-2005:

- 360 (2) Subject to Subsection (4), public funds may not be disbursed to pay a direct service 361 worker for personal services rendered to a person, unless Ĥ→:
- 361a (a) ←Ĥ the direct service worker is approved
- 362 by the office to have direct access and provide services to children or vulnerable adults
- pursuant to Section 62A-2-120  $\hat{H} \rightarrow [-]$ ;  $\{-\text{or}\}$
- 363a (b) (i) during the time that the direct service worker renders the services
- described in this Subsection (2), the direct service worker who renders the services is directly
- 363c supervised by a direct service worker who is approved by the office to have direct access and
- provide services to children or vulnerable adults pursuant to Section 62A-2-120;
- 363e (ii) the direct service worker who renders the services described in this
- 363f Subsection (2) has submitted the information required for a background check pursuant to
- 363g Section 62A-2-120; and
- 363h (iii) the office has not determined whether to approve the direct service
- 363i worker described in Subsection (2)(b)(ii) to have direct access and provide services to children
- 363j <u>or vulnerable adults</u> {→} ←Ĥ ; or
  - (c) the direct service worker:
    - (i) (A) is a direct ancestor or descendent of the person to whom the services are rendered, but is not the person's parent;

- (B) is the aunt, uncle, or sibling of the person to whom the services are rendered; or
- (C) (I) has submitted the information required for a background check pursuant to Section 62A-2-120; and
  - (II) the office has not determined whether to approve the direct service worker to have direct access and provide services to children or vulnerable adults; and
- (ii) is not listed in:
  - (A) the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-116.2;
  - (B) the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1 as having a substantiated finding of abuse, neglect, or exploitation; or
  - (C) juvenile court records as having a substantiated finding under Section

    78-3a-320 that the direct service worker committed a severe type of child abuse or neglect.
- 364 (3) For purposes of Subsection (2), the office shall conduct a background check of a direct service worker:
- 366 (a) Ĥ→, except as provided in Subsection (2)(b) or (c), ←Ĥ before public funds are disbursed
  366a to pay the direct service worker for the personal
- 367 services described in Subsection (2); and
- 368 (b) using the same procedures established for a background check of an applicant for an initial license under Section 62A-2-120.