

AUTISM TREATMENT FUND

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca D. Lockhart

Senate Sponsor: Curtis S. Bramble

Cosponsors:

Roger E. Barrus

Susan Duckworth

LONG TITLE

General Description:

This bill creates a restricted account within the General Fund to be administered by 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 account within the General Fund to be known as the Autism Treatment Account 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 account.

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

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

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

32 **CHAPTER 52. AUTISM TREATMENT ACCOUNT**

33 **Part 1. General Provisions**

34 **26-52-101. Title.**

35 This chapter is known as the "Autism Treatment Account."

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

37 **26-52-102. Definitions.**

38 As used in this chapter:

39 (1) "Account" means the Autism Treatment Account created in Section 26-52-201.

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

43 (a) Autistic disorder;

44 (b) Asperger's disorder; and

45 (c) pervasive developmental disorder not otherwise specified.

46 (3) "Committee" means the Autism Treatment Account Advisory Committee created
47 under Section 26-52-202.

48 (4) "Early intensive behavior therapy" means therapy that:

49 (a) involves intensive behavioral intervention over an extended period of time;

50 (b) is evidence-based; and

51 (c) is generally accepted by the medical community or the American Academy of
52 Pediatrics as an effective treatment for young children with an autism spectrum disorder.

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

54 **Part 2. Autism Treatment Account and Advisory Committee**

55 **26-52-201. Autism Treatment Account.**

56 (1) There is created within the General Fund a restricted account known as the Autism
57 Treatment Account.

58 (2) The account shall consist of:

59 (a) gifts, grants, devises, donations, and bequests of real property, personal property,
60 or services, from any source, or any other conveyance that may be made to the account from
61 private sources;

62 (b) interest and other earnings derived from the account monies; and

63 (c) any additional amounts as appropriated by the Legislature.

64 (3) (a) Except as provided under Subsection (3)(b), the executive director shall be
65 responsible for administering the account.

66 (b) The committee shall be responsible for the following actions in relation to the
67 account, consistent with the requirements of this title:

68 (i) prioritizing and allocating uses for account monies, as permitted under Subsection
69 (4);

70 (ii) determining what providers or organizations qualify for disbursements from the
71 account for services rendered; and

72 (iii) authorization of all other distributions from the account, except that
73 disbursements for expenses authorized under Subsection (6) shall also require the approval of
74 the executive director.

75 (4) Account monies may be used to:

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

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

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

82 (5) An individual who receives services that are paid for from the account or who
83 receives services through an organization or provider that receives payment from the account
84 shall:

85 (a) be a resident of Utah;

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

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

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

90 (6) All actual and necessary operating expenses for the committee and staff shall be
91 paid by the account.

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

94 (8) All interest and other earnings derived from the account monies shall be deposited
95 into the account.

96 (9) The state treasurer shall invest the monies in the account under Title 51, Chapter 7,
97 State Money Management Act.

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

99 **26-52-202. Autism Treatment Account Advisory Committee -- Membership --**
100 **Time limit.**

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

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

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

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

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

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

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

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

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

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

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

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

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

125 (c) The executive director may remove a committee member:

126 (i) if the member is unable or unwilling to carry out the member's assigned
127 responsibilities; or

128 (ii) for good cause.

129 (4) The committee may, in accordance with Title 63G, Chapter 3, Utah Administrative
130 Rulemaking Act, make rules governing the committee's activities, which rules shall:

131 (a) comply with the requirements of this title; and

132 (b) include:

133 (i) qualification criteria and procedures for selecting service and treatment providers
134 that receive disbursements from the account, which criteria shall give additional consideration
135 to providers that are willing to use low interest loans when providing services to individuals;
136 and

137 (ii) provisions to address and avoid conflicts of interest that may arise in relation to:

138 (A) the committee's selection of providers and persons that receive referrals,

139 disbursements, or assistance from the account; and

140 (B) other matters that may constitute a conflict of interest.

141 (5) The committee shall meet as necessary to carry out its duties and shall meet upon a

142 call of the committee chair or a call of a majority of the committee members, but no more than
143 four times per year.

144 (6) The committee shall comply with the procedures and requirements of:

145 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

146 (b) Title 63G, Chapter 2, Government Records Access and Management Act.

147 (7) Committee members shall receive no compensation or per diem allowance for their
148 services.

149 (8) Not later than November 30 of each year, the committee shall provide a written
150 report summarizing the activities of the committee to:

151 (a) the executive director of the department;

152 (b) the Health and Human Services Interim Committee; and

153 (c) the Health and Human Services Appropriations Subcommittee.