

**AMENDMENTS TO DISABILITY WAITING LIST**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Allen M. Christensen**

House Sponsor: Ronda Rudd Menlove

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**LONG TITLE**

**General Description:**

This bill modifies Title 62A, Chapter 5, Services for People With Disabilities.

**Highlighted Provisions:**

This bill:

▶ states that, beginning July 1, 2013, the Division of Services for People With Disabilities shall spend:

- 85% of new appropriations to serve individuals based on the severity of their disability, urgency of their need, ability of a parent or guardian to provide the person with disability with adequate care and supervision, and length of time waiting for services; and

- 15% of new appropriations for respite care; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**62A-5-102**, as last amended by Laws of Utah 2005, Chapter 61

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

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

30 **62A-5-102. Division of Services for People with Disabilities -- Creation --**  
31 **Authority -- Direction -- Provision of services.**

32 (1) There is created within the department the Division of Services for People with  
33 Disabilities, under the administrative direction of the executive director of the department.

34 (2) In accordance with this chapter, the division has the responsibility to plan and  
35 deliver an appropriate array of services and supports to persons with disabilities and their  
36 families in this state.

37 (3) Within appropriations from the Legislature, the division shall provide services to  
38 any person with a disability who is eligible to receive division services.

39 (4) (a) [The needs of a person described in Subsection (3) shall be evaluated] Starting  
40 on July 1, 2013, any new appropriations designated to serve eligible persons waiting for  
41 services from the division shall be allocated as set forth in this section.

42 (b) Eighty-five percent of the money appropriated in Subsection (4)(a) shall be  
43 allocated, as determined by the division by rule based on the:

44 ~~[(a)]~~ (i) severity of the disability;

45 ~~[(b)]~~ (ii) urgency of the need for services;

46 ~~[(c)]~~ (iii) ability of a parent or guardian to provide the person with appropriate care and  
47 supervision; and

48 ~~[(d)]~~ (iv) length of time during which the person has not received services from the  
49 division.

50 (c) Fifteen percent of the money appropriated in Subsection (4)(a) shall be allocated for  
51 respite services, and the division shall:

52 (i) establish rules to identify a person whose only need is respite services;

53 (ii) allocate money under this Subsection (4)(c) to the people described in Subsection  
54 (4)(c)(i) based on random selection; and

55 (iii) if all persons described in Subsection (4)(c)(i) have been served and there is  
56 money remaining for respite care under this Subsection (4)(c), the division shall use the  
57 remaining money as described in Subsection (4)(b).

58 (d) Funds from Subsection (4)(b) that are not spent by the division at the end of the

59 fiscal year may be used as set forth in Subsection (7).

60 (5) The division:

61 (a) has the functions, powers, duties, rights, and responsibilities described in Section  
62 62A-5-103; and

63 (b) is authorized to work in cooperation with other state, governmental, and private  
64 agencies to carry out the responsibilities described in Subsection (5)(a).

65 (6) Within appropriations authorized by the Legislature, and to the extent allowed  
66 under Title XIX of the Social Security Act, the division shall ensure that the services and  
67 support that the division provides to any person with a disability:

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

69 (b) ensure opportunities to access employment; and

70 (c) enable reasonable personal choice in selecting services and support that:

71 (i) best meet individual needs; and

72 (ii) promote:

73 (A) independence;

74 (B) productivity; and

75 (C) integration in community life.

76 (7) (a) Appropriations to the division are nonlapsing.

76a **H→ (b) If an individual receiving services under Subsection (4)(b) or (c) ceases to receive**  
76b **those services, the division shall use the funds that were allocated to that individual to provide**  
76c **services to another eligible individual waiting for services as described in Subsection (4)(b).**

77 ~~[(b)]~~ (c) ~~←H~~ Funds unexpended by the division at the end of the fiscal year may be used  
77a only for  
78 one-time expenditures unless otherwise authorized by the Legislature.

79 **H→ [(c)] (d) ←H** A one-time expenditure under this section:

80 (i) is not an entitlement;

81 (ii) may be withdrawn at any time; and

82 (iii) may provide short-term, limited services, including:

83 (A) respite care;

84 (B) service brokering;

85 (C) family skill building and preservation classes;

86 (D) after school group services; and

87 (E) other professional services.

**Legislative Review Note**  
**as of 2-27-13 3:43 PM**

**Office of Legislative Research and General Counsel**