

## H.B. 94

# WORKERS' COMPENSATION AND HOME AND COMMUNITY BASED SERVICES

HOUSE FLOOR AMENDMENTS

AMENDMENT 3

MARCH 4, 2014 8:14 AM

Representative **James A. Dunnigan** proposes the following amendments:

1. *Page Lines 255 through 267:*

255 (b) Notwithstanding Subsection (4) **and subject to Subsection (9)(c)**, an individual with a disability  
or designated

256 representative of the individual with a disability is considered an employer under this chapter  
257 and Chapter 3, Utah Occupational Disease Act, of an individual who provides home and  
258 community based services if the individual with a disability or designated representative of the  
259 individual with a disability:

260 (i) employs the individual to provide home and community based services for five  
261 hours per week or more; and

262 (ii) pays the individual providing the home and community based services from state or  
263 federal money received by the ~~{-person}~~ **the individual with a disability or designated representative**  
**of the individual with a disability** to fund home and community based services, including  
264 through a person designated by the Secretary of the Treasury in accordance with Section 3504,  
265 Internal Revenue Code, as a fiduciary, agent, or other person who has the control, receipt,  
266 custody, or disposal of, or pays the wages of, the individual providing the home and  
267 community based services.

**(c) The state and federal money received by an individual with a disability or designated representative of an individual with a disability shall include the cost of the workers' compensation coverage required by this Subsection (9) in addition to the money necessary to fund the home and community based services that the individual with a disability or family of the individual with a disability is eligible to receive so that the home and community based services are not reduced in order to pay for the workers' compensation coverage required by this Subsection (9).**