

1                   **STATE DEVELOPMENTAL CENTER DENTAL CLINIC**

2                                   2017 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Margaret Dayton**

5                                   House Sponsor: Michael S. Kennedy

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7 **LONG TITLE**

8 **General Description:**

9           This bill addresses dental care services provided to individuals with intellectual  
10 disabilities.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ requires the superintendent of the developmental center to report to the Health and  
14 Human Services Interim Committee on:

- 15           • the availability of dental services for individuals with intellectual disabilities;
- 16           • the use of funds appropriated for the dental care of individuals with intellectual  
17 disabilities; and

- 18           • the progress toward the establishment of a financially independent dental clinic  
19 for individuals with intellectual disabilities; and

20           ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22           This bill appropriates in fiscal year 2017:

23           ▶ to the Department of Human Services -- Services for People with Disabilities --  
24 Utah State Developmental Center as an ongoing appropriation:

- 25           • from the General Fund, \$500,000.

26 **Other Special Clauses:**

27           None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **62A-5-201**, as last amended by Laws of Utah 2011, Chapter 366

31 ENACTS:

32 **62A-5-211**, Utah Code Annotated 1953

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

35 Section 1. Section **62A-5-201** is amended to read:

36 **62A-5-201. Utah State Developmental Center.**

37 (1) The intermediate care facility for people with an intellectual disability located in  
38 American Fork City, Utah County, shall be known as the "Utah State Developmental Center."

39 (2) Within appropriations authorized by the Legislature, the role and function of the  
40 developmental center is to:

- 41 (a) provide care, services, and treatment to persons described in Subsection (3); and
- 42 (b) provide the following services and support to persons with disabilities who do not

43 reside at the developmental center:

- 44 (i) psychiatric testing;
- 45 (ii) specialized medical [~~and dental~~] treatment and evaluation;
- 46 (iii) specialized dental treatment and evaluation;
- 47 [~~(iii)~~] (iv) family and client special intervention;
- 48 [~~(iv)~~] (v) crisis management;
- 49 [~~(v)~~] (vi) occupational, physical, speech, and audiology services; and
- 50 [~~(vi)~~] (vii) professional services, such as education, evaluation, and consultation, for
- 51 families, public organizations, providers of community and family support services, and courts.

52 (3) Except as provided in Subsection (6), within appropriations authorized by the  
53 Legislature, and notwithstanding the provisions of Part 3, Admission to an Intermediate Care  
54 Facility for People with an Intellectual Disability, only the following persons may be residents  
55 of, be admitted to, or receive care, services, or treatment at the developmental center:

- 56 (a) persons with an intellectual disability;
- 57 (b) persons who receive services and supports under Subsection (2)(b); and

58 (c) persons who require at least one of the following services from the developmental  
59 center:

- 60 (i) continuous medical care;
- 61 (ii) intervention for conduct that is dangerous to self or others; or
- 62 (iii) temporary residential assessment and evaluation.

63 (4) (a) Except as provided in Subsection (6), the division shall, in the division's  
64 discretion:

- 65 (i) place residents from the developmental center into appropriate less restrictive  
66 placements; and
- 67 (ii) determine each year the number to be placed based upon the individual assessed  
68 needs of the residents.

69 (b) The division shall confer with parents and guardians to ensure the most appropriate  
70 placement for each resident.

71 (5) Except as provided in Subsection (7), within appropriations authorized by the  
72 Legislature, and notwithstanding the provisions of Subsection (3) and Part 3, Admission to an  
73 Intermediate Care Facility for People with an Intellectual Disability, a person who is under 18  
74 years of age may be a resident of, admitted to, or receive care, services, or treatment at the  
75 developmental center only if the director certifies in writing that the developmental center is  
76 the most appropriate placement for that person.

77 (6) (a) If the division determines, pursuant to Utah's Community Supports Waiver  
78 [~~CSW~~] for Individuals with Intellectual Disabilities and Other Related Conditions, that a  
79 person who otherwise qualifies for placement in an intermediate care facility for people with an  
80 intellectual disability should receive services in a home or community-based setting, the  
81 division shall:

- 82 (i) if the person does not have a legal representative or legal guardian:
  - 83 (A) inform the person of any feasible alternatives under the waiver; and
  - 84 (B) give the person the choice of being placed in an intermediate care facility for  
85 people with an intellectual disability or receiving services in a home or community-based

86 setting; or

87 (ii) if the person has a legal representative or legal guardian:

88 (A) inform the legal representative or legal guardian of any feasible alternatives under  
89 the waiver; and

90 (B) give the legal representative or legal guardian the choice of having the person  
91 placed in an intermediate care facility for people with an intellectual disability or receiving  
92 services in a home or community-based setting.

93 (b) If a person chooses, under Subsection (6)(a)(i), to be placed in an intermediate care  
94 facility for people with an intellectual disability instead of receiving services in a home or  
95 community-based setting, the division shall:

96 (i) ask the person whether the person prefers to be placed in the developmental center  
97 rather than a private intermediate care facility for people with an intellectual disability; and

98 (ii) if the person expresses a preference to be placed in the developmental center:

99 (A) place the person in the developmental center if the cost of placing the person in the  
100 developmental center is equal to, or less than, the cost of placing the person in a private  
101 intermediate care facility for people with an intellectual disability; or

102 (B) (I) strongly consider the person's preference to be placed in the developmental  
103 center if the cost of placing the person in the developmental center exceeds the cost of placing  
104 the person in a private intermediate care facility for people with an intellectual disability; and

105 (II) place the person in the developmental center or a private intermediate care facility  
106 for people with an intellectual disability.

107 (c) If a legal representative or legal guardian chooses, under Subsection (6)(a)(ii), to  
108 have the person placed in an intermediate care facility for people with an intellectual disability  
109 instead of receiving services in a home or community-based setting, the division shall:

110 (i) ask the legal representative or legal guardian whether the legal representative or  
111 legal guardian prefers to have the person placed in the developmental center rather than a  
112 private intermediate care facility for people with an intellectual disability; and

113 (ii) if the legal representative or legal guardian expresses a preference to have the

114 person placed in the developmental center:

115 (A) place the person in the developmental center if the cost of placing the person in the  
116 developmental center is equal to, or less than, the cost of placing the person in a private  
117 intermediate care facility for people with an intellectual disability; or

118 (B) (I) strongly consider the legal representative's or legal guardian's preference for the  
119 person's placement if the cost of placing the person in the developmental center exceeds the  
120 cost of placing the person in a private intermediate care facility for people with an intellectual  
121 disability; and

122 (II) place the person in the developmental center or a private intermediate care facility  
123 for people with an intellectual disability.

124 (7) The certification described in Subsection (5) is not required for a person who  
125 receives services and support under Subsection (2)(b).

126 Section 2. Section **62A-5-211** is enacted to read:

127 **62A-5-211. Dental services reporting.**

128 The superintendent of the developmental center shall provide to the Health and Human  
129 Services Interim Committee an annual report that contains:

130 (1) a statewide assessment of resources that provide dental services for individuals  
131 with intellectual disabilities;

132 (2) an accounting of the funds appropriated to provide specialized dental treatment and  
133 evaluation under Subsection [62A-5-201\(2\)\(b\)\(iii\)](#), including the number of individuals served  
134 and the services provided; and

135 (3) the progress toward the establishment of a financially independent dental clinic  
136 that:

137 (a) has a full-time dentist who has specialized training to treat an individual with an  
138 intellectual disability; and

139 (b) has the facility, equipment, and staff necessary to legally and safely perform dental  
140 procedures and examinations and to administer general anesthesia.

141 Section 3. **Appropriation.**

142           The following sums of money are appropriated for the fiscal year beginning July 1,  
143 2017, and ending June 30, 2018. These are additions to amounts previously appropriated for  
144 fiscal year 2018. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
145 Act, the Legislature appropriates the following sums of money from the funds or accounts  
146 indicated for the use and support of the government of the state of Utah.

147           ITEM 1

148                   To the Department of Human Services -- Services for People with Disabilities

149                   From General Fund

\$500,000

150                   Schedule of Programs:

151                           Utah State Developmental Center

\$500,000

152           The Legislature intends that:

153                   (1) this appropriation be used to provide specialized dental treatment and evaluation  
154 under Subsection [62A-5-201\(2\)\(b\)\(iii\)](#);

155                   (2) this appropriation be ongoing until the Health and Human Services Interim  
156 Committee certifies that a financially independent dental clinic described in Subsection  
157 [62A-5-211\(3\)](#) is established;

158                   (3) under Section [63J-1-603](#), appropriations provided under this section not lapse; and

159                   (4) the use of any nonlapsing funds be limited to the purpose described in Subsection  
160 (1).