

ADULT AUTISM TREATMENT PROGRAM

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates the Adult Autism Treatment Program.

Highlighted Provisions:

This bill:

- defines terms;
- creates the Adult Autism Treatment Program within the Department of Health;
- describes the operation of the program; and
- creates the Adult Autism Treatment Account.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-1-7, as last amended by Laws of Utah 2017, Chapter 419

ENACTS:

26-66-101, Utah Code Annotated 1953

26-66-102, Utah Code Annotated 1953

26-66-201, Utah Code Annotated 1953

26-66-202, Utah Code Annotated 1953



28 **26-66-203**, Utah Code Annotated 1953

29 **26-66-204**, Utah Code Annotated 1953

30 **26-66-205**, Utah Code Annotated 1953

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

33 Section 1. Section **26-1-7** is amended to read:

34 **26-1-7. Committees within department.**

35 (1) There are created within the department the following committees:

36 (a) Health Facility Committee;

37 (b) State Emergency Medical Services Committee;

38 (c) Air Ambulance Committee;

39 (d) Health Data Committee;

40 (e) Utah Health Care Workforce Financial Assistance Program Advisory Committee;

41 (f) Residential Child Care Licensing Advisory Committee;

42 (g) Child Care Center Licensing Committee; [~~and~~]

43 (h) Primary Care Grant Committee[~~;~~]; and

44 (i) Adult Autism Treatment Program Advisory Committee.

45 (2) The department shall:

46 (a) consolidate advisory groups and committees with other committees or advisory
47 groups as appropriate to create greater efficiencies and budgetary savings for the department;

48 and

49 (b) create in writing, time-limited and subject-limited duties for the advisory groups or
50 committees as necessary to carry out the responsibilities of the department.

51 Section 2. Section **26-66-101** is enacted to read:

52 **CHAPTER 66. ADULT AUTISM TREATMENT PROGRAM**

53 **Part 1. General Provisions**

54 **26-66-101. Title.**

55 This chapter is known as the "Adult Autism Treatment Program."

56 Section 3. Section **26-66-102** is enacted to read:

57 **26-66-102. Definitions.**

58 As used in this chapter:

(1) "Adult Autism Treatment Account" means the Adult Autism Treatment Account created in Section [26-66-204](#).

(2) "Advisory committee" means the Adult Autism Treatment Program Advisory Committee created in Section [26-1-7](#).

(3) "Applied behavior analysis" means the same as that term is defined in Section [31A-22-642](#).

(4) "Autism spectrum disorder" means the same as that term is defined in Section [31A-22-642](#).

(5) "Program" means the Adult Autism Treatment Program created in Section [26-66-201](#).

(6) "Qualified individual" means an individual who:

(a) is at least 22 years of age;

(b) is a resident of the state;

(c) has been diagnosed by a qualified professional as having:

(i) an autism spectrum disorder; or

(ii) another neurodevelopmental disorder requiring significant supports through treatment using applied behavior analysis; and

(d) needs significant supports for a condition described in Subsection (6)(c), as demonstrated by formal assessments of the individual's:

(i) cognitive ability;

(ii) adaptive ability;

(iii) behavior; and

(iv) communication ability.

(7) "Qualified provider" means a provider that is qualified under Section [26-66-202](#) to provide services for the program.

Section 4. Section **26-66-201** is enacted to read:

Part 2. Program

[26-66-201. Adult Autism Treatment Program -- Creation -- Requirements -- Reporting.](#)

(1) There is created within the department the Adult Autism Treatment Program.

(2) (a) The program shall be administered by the department in collaboration with the

90 advisory committee.

91 (b) The program shall be funded only with money from the Adult Autism Treatment
92 Account.

93 (3) (a) An individual may apply for a grant from the program by submitting to the
94 department information documenting to the satisfaction of the department that the individual is
95 a qualified individual.

96 (b) As funding permits, the department shall award a grant from the program on behalf
97 of an applicant in accordance with criteria established by the department, in collaboration with
98 the advisory committee, by rule made in accordance with Title 63G, Chapter 3, Utah
99 Administrative Rulemaking Act.

100 (c) A grant shall:

101 (i) be for a specific amount;

102 (ii) cover a specific period, not to exceed five years; and

103 (iii) be disbursed incrementally, if appropriate.

104 (d) The department shall transmit a grant awarded on behalf of an applicant to a
105 qualified provider designated by the applicant.

106 (4) A qualified provider that receives a grant for the treatment of a qualified individual
107 shall:

108 (a) use the grant only for treatment of the qualified individual;

109 (b) submit any reports that are required by the department; and

110 (c) notify the department within seven days if:

111 (i) the qualified individual:

112 (A) has not received treatment from the qualified provider for 10 consecutive days;

113 (B) is no longer receiving treatment from the qualified provider; or

114 (C) is no longer a qualified individual; or

115 (ii) the qualified provider is no longer a qualified provider.

116 (5) A qualified provider that receives a grant for the treatment of a qualified individual
117 shall refund any amount to the department on a prorated basis for each day that:

118 (a) the qualified provider is no longer a qualified provider;

119 (b) the individual is no longer a qualified individual; or

120 (c) the qualified provider does not provide services to a qualified individual.

Section 5. Section **26-66-202** is enacted to read:

26-66-202. Adult Autism Treatment Program Advisory Committee -- Membership
-- Procedures -- Compensation-- Duties -- Expenses.

(1) The Adult Autism Treatment Advisory Committee created in Section [26-1-7](#) shall consist of five members appointed by the governor to two-year terms as follows:

(a) one individual who:

(i) has a doctorate degree in psychology;

(ii) is a licensed behavior analyst practicing in the state; and

(iii) has treated adults with an autism spectrum disorder for at least three years;

(b) one individual who is:

(i) employed by the department; and

(ii) has professional experience with the treatment of autism spectrum disorder; and

(c) three individuals who have firsthand experience with autism spectrum disorders and their effects, diagnosis, treatment, and rehabilitation, including:

(i) family members of an adult with an autism spectrum disorder;

(ii) representatives of an association that advocates for adults with an autism spectrum disorder; and

(iii) specialists or professionals who work with adults with an autism spectrum disorder.

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

(b) If a vacancy occurs in the membership of the committee, the governor may appoint a replacement for the unexpired term.

(3) (a) The committee shall annually elect a chair from its membership.

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

(4) The committee shall meet as necessary to:

(a) advise the department regarding implementation of the program;

(b) make recommendations to the department and the Legislature for improving the program; and

152 (c) before October 1 each year, provide a written report of the committee's activities
153 and recommendations to:

154 (i) the executive director;

155 (ii) the Health and Human Services Interim Committee; and

156 (iii) the Social Services Appropriations Subcommittee.

157 (5) The committee shall comply with the procedures and requirements of:

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

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

160 (6) A member may not receive compensation or benefits for the member's service, but
161 may receive per diem and travel expenses in accordance with:

162 (a) Section [63A-3-106](#);

163 (b) Section [63A-3-107](#); and

164 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
165 [63A-3-107](#).

166 (7) (a) The department shall staff the committee.

167 (b) Expenses of the committee, including the cost of committee staff if approved by the
168 executive director, may be paid only with funds from the Adult Autism Treatment Account.

169 Section 6. Section **26-66-203** is enacted to read:

170 **26-66-203. Provider qualifications.**

171 The department shall designate a provider as a qualified provider if the provider:

172 (1) is able to treat a qualified individual's condition through:

173 (a) one or more evidence-based treatments, including applied behavior analysis;

174 (b) individualized, client-centered treatment;

175 (c) any method that engages the qualified individual's family members in the treatment
176 process; and

177 (d) measured development of the qualified individual's pre-vocational, vocational, and
178 daily-living skills; and

179 (2) provides treatment to a qualified individual through:

180 (a) a behavior analyst licensed under Title 58, Chapter 61, Part 7, Behavior Analyst
181 Licensing Act; or

182 (b) a psychologist who is licensed under Title 58, Chapter 61, Psychologist Licensing

183 Act.

184 Section 7. Section **26-66-204** is enacted to read:

185 **26-66-204. Department rulemaking.**

186 The department, in collaboration with the advisory committee, shall make rules in
187 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

188 (1) specify assessment tools and outcomes that a qualified provider may use to
189 determine the types of supports that a qualified individuals needs;

190 (2) define evidence-based treatments that a qualified individual may pay for with grant
191 funding;

192 (3) establish criteria for awarding a grant under this chapter;

193 (4) specify the information that an individual shall submit to demonstrate that the
194 individual is a qualified individual;

195 (5) specify the information a provider shall submit to demonstrate that the provider is a
196 qualified provider; and

197 (6) specify the content and timing of reports required from a qualified provider,
198 including a report on actual and projected treatment outcomes for a qualified individual.

199 Section 8. Section **26-66-205** is enacted to read:

200 **26-66-205. Adult Autism Treatment Account.**

201 (1) There is created within the General Fund a restricted account known as the "Adult
202 Autism Treatment Account."

203 (2) The account consists of:

204 (a) gifts, grants, donations, or any other conveyance of money that may be made to the
205 fund from private sources;

206 (b) interest earned on money in the account; and

207 (c) money appropriated to the account by the Legislature.

208 (3) Money from the fund shall be used only to:

209 (a) fund grants awarded by the department under Section [26-66-201](#); and

210 (b) pay the advisory committee's operating expenses, including the cost of committee
211 staff if approved by the executive director.

212 (4) The state treasurer shall invest the money in the account in accordance with Title
213 51, Chapter 7, State Money Management Act.

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