

ADULT AUTISM TREATMENT PROGRAM

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: Curtis S. Bramble

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:

26-67-101, Utah Code Annotated 1953

26-67-102, Utah Code Annotated 1953

26-67-201, Utah Code Annotated 1953

26-67-202, Utah Code Annotated 1953



28 [26-67-203](#), Utah Code Annotated 1953
 29 [26-67-204](#), Utah Code Annotated 1953
 30 [26-67-205](#), Utah Code Annotated 1953



31
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 **26-67-101** is enacted to read:

52 **CHAPTER 67. ADULT AUTISM TREATMENT PROGRAM**

53 **Part 1. General Provisions**

54 **26-67-101. Title.**

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

56 Section 3. Section **26-67-102** is enacted to read:

57 **26-67-102. Definitions.**

58 As used in this chapter:

59 (1) "Adult Autism Treatment Account" means the Adult Autism Treatment Account
60 created in Section 26-67-204.

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

63 (3) "Applied behavior analysis" means the same as that term is defined in Section
64 31A-22-642.

65 (4) "Autism spectrum disorder" means the same as that term is defined in Section
66 31A-22-642.

67 (5) "Program" means the Adult Autism Treatment Program created in Section
68 26-67-201.

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

70 (a) is at least 22 years of age;

71 (b) is a resident of the state;

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

73 (i) an autism spectrum disorder; or

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

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

78 (i) cognitive ability;

79 (ii) adaptive ability;

80 (iii) behavior; and

81 (iv) communication ability.

82 (7) "Qualified provider" means a provider that is qualified under Section 26-67-202 to
83 provide services for the program.

84 Section 4. Section 26-67-201 is enacted to read:

85 **Part 2. Program**

86 **26-67-201. Adult Autism Treatment Program -- Creation -- Requirements --**

87 **Reporting.**

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

89 (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 ~~Ŝ~~ **→ [the**
94 **department information documenting to the satisfaction of the department that the individual is**
95 **a qualified individual.] a qualified provider the information specified by the department under**
95a **Subsection 26-67-204(5).** ~~←Ŝ~~

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.

121 Section 5. Section **26-67-202** is enacted to read:

122 **26-67-202. Adult Autism Treatment Program Advisory Committee -- Membership**
 123 **-- Procedures -- Compensation-- Duties -- Expenses.**

124 (1) The Adult Autism Treatment Advisory Committee created in Section 26-1-7 shall
 125 consist of ~~five~~ **six** members appointed by the governor to two-year terms as follows:

126 (a) one individual who:

127 (i) has a doctorate degree in psychology;

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

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

130 (b) one individual who is:

131 (i) employed by the department; and

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

132a ~~and~~

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

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

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

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

139 disorder ~~and~~ ; and

139a (d) one individual who is :

139a1 (i) ~~a health insurance professional~~ **and**

139a2 (ii) holds a Doctor of Medicine or Doctor of Philosophy degree, with professional
 139a3 experience relating to the treatment of autism spectrum disorder; and

139af (iii) ~~has a knowledge of autism~~

139b benefits and therapy that are typically covered by the health insurance industry. ~~and~~

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

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

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

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

149 (4) The advisory committee shall meet as necessary to:

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

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

152 program; and

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

155 (i) the executive director;

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

157 (iii) the Social Services Appropriations Subcommittee.

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

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

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

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

163 (a) Section 63A-3-106;

164 (b) Section 63A-3-107; and

165 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
166 63A-3-107.

167 (7) (a) The department shall staff the advisory committee.

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

171 Section 6. Section **26-67-203** is enacted to read:

172 **26-67-203. Provider qualifications.**

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

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

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

176 (b) individualized, client-centered treatment;

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

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

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

182 (a) a behavior analyst licensed under Title 58, Chapter 61, Part 7, Behavior Analyst

183 Licensing Act; or

184 (b) a psychologist who is licensed under Title 58, Chapter 61, Psychologist Licensing
185 Act.

186 Section 7. Section **26-67-204** is enacted to read:

187 **26-67-204. Department rulemaking.**

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

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

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

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

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

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

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

201 Section 8. Section **26-67-205** is enacted to read:

202 **26-67-205. Adult Autism Treatment Account.**

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

205 (2) The account consists of:

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

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

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

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

211 (a) fund grants awarded by the department under Section [26-67-201](#); and

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

214 (4) The state treasurer shall invest the money in the account in accordance with Title
215 51, Chapter 7, State Money Management Act.