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

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

26-1-7. Committees within department.

(1) There are created within the department the following committees:
(a) Health Facility Committee;
(b) State Emergency Medical Services Committee;
(c) Air Ambulance Committee;
(d) Health Data Committee;
(e) Utah Health Care Workforce Financial Assistance Program Advisory Committee;
(f) Residential Child Care Licensing Advisory Committee;
(g) Child Care Center Licensing Committee; and
(h) Primary Care Grant Committee.

(2) The department shall:
(a) consolidate advisory groups and committees with other committees or advisory groups as appropriate to create greater efficiencies and budgetary savings for the department; and
(b) create in writing, time-limited and subject-limited duties for the advisory groups or committees as necessary to carry out the responsibilities of the department.

Section 2. Section 26-67-101 is enacted to read:

CHAPTER 67. ADULT AUTISM TREATMENT PROGRAM


26-67-101. Title.
This chapter is known as the "Adult Autism Treatment Program."

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

As used in this chapter:
(1) "Adult Autism Treatment Account" means the Adult Autism Treatment Account created in Section 26-67-204.

(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 26-67-201.

(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 26-67-202 to provide services for the program.

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

Part 2. Program


(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
advisory committee.

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

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

Subsection 26-67-204(5). *§

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

(c) A grant shall:

(i) be for a specific amount;

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

(iii) be disbursed incrementally, if appropriate.

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

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

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

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

(c) notify the department within seven days if:

(i) the qualified individual:

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

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

(C) is no longer a qualified individual; or

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

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

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

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

(c) the qualified provider does not provide services to a qualified individual.
Section 5. Section 26-67-202 is enacted to read:

26-67-202. 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) 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 the effects, diagnosis, treatment, and rehabilitation of autism spectrum disorders, 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; and


(d) one individual who is:

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

(ii) has a knowledge of autism benefits and therapy that are typically covered by the health insurance industry.

(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 advisory committee is appointed every year.

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

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

(b) A majority of the advisory 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 advisory committee.

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

(i) the executive director;
(ii) the Health and Human Services Interim Committee; and
(iii) the Social Services Appropriations Subcommittee.

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

(a) Title 52, Chapter 4, Open and Public Meetings Act; and
(b) Title 63G, Chapter 2, Government Records Access and Management Act.

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

(a) Section 63A-3-106;
(b) Section 63A-3-107; and
(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) (a) The department shall staff the advisory committee.
(b) Expenses of the advisory committee, including the cost of advisory committee staff if approved by the executive director, may be paid only with funds from the Adult Autism Treatment Account.

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

26-67-203. Provider qualifications.
The department shall designate a provider as a qualified provider if the provider:

(1) is able to treat a qualified individual's condition through:
(a) one or more evidence-based treatments, including applied behavior analysis;
(b) individualized, client-centered treatment;
(c) any method that engages the qualified individual's family members in the treatment process; and
(d) measured development of the qualified individual's pre-vocational, vocational, and daily-living skills; and

(2) provides treatment to a qualified individual through:
(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
determine the types of supports that a qualified individuals needs;
191 (2) define evidence-based treatments that a qualified individual may pay for with grant
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
individual is a qualified individual;
194 (5) specify the information a provider shall submit to demonstrate that the provider is a
qualified provider; and
195 (6) specify the content and timing of reports required from a qualified provider,
including a report on actual and projected treatment outcomes for a qualified individual.
197 Section 8. Section 26-67-205 is enacted to read:
199 (1) There is created within the General Fund a restricted account known as the "Adult
200 Autism Treatment Account."
201 (2) The account consists of:
202 (a) gifts, grants, donations, or any other conveyance of money that may be made to the
fund from private sources;
203 (b) interest earned on money in the account; and
204 (c) money appropriated to the account by the Legislature.
205 (3) Money from the fund shall be used only to:
206 (a) fund grants awarded by the department under Section 26-67-201; and
207 (b) pay the advisory committee's operating expenses, including the cost of advisory
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.